

Federal Register

WEDNESDAY, JANUARY 10, 1979



highlights

TREASURY BONDS

Treasury/Sec'y announces interest rate of 9 percent on Bonds of 1994..... 2218

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

FHLBB publishes revised bulletin concerning audits of insured associations; effective 1-1-79 2188

LENDING INSTITUTIONS

FHLBB proposes to amend price list for copies of financial and statistical data reported and broaden description of types of information to which price list applies; comments by 1-31-79... 2178

MAIL CLASSIFICATION SCHEDULE, 1978

PRC institutes proceeding examining possible surcharge for red-tag second-class service; petitions for leave to Intervene by 1-20-79; hearings on 3-15, 6-1, 6-15 and 6-25-79 2211

FEDERAL COAL MANAGEMENT PROGRAM

Interior/BLM issues memorandum regarding application of coal unsuitability criteria in ongoing and future MFPs and land use analyses 2201

PUBLIC RANGELANDS

Interior/BLM establishes formula for computing grazing fees; effective 3-1-79..... 2172

FISHERY CONSERVATION AND MANAGEMENT ACT

State summarizes Individual vessel applications to fish off U.S. coasts during 1979 received from Japanese and Korean Governments (Part III of this issue)..... 2350

NATURAL GAS POLICY ACT OF 1978

DOE/FERC issues notice of receipt of reports by certain jurisdictional agencies of determination process 2188

HIGHWAYS

DOT/FHWA simplifies existing policy and procedures on construction inspection and approval regarding sampling and testing of materials; effective 1-11-79; comments by 4-10-79 2171

RAILROADS

DOT/FRA amends requirements for blue signal protection to be afforded workmen engaged in inspection, repair, testing and servicing of rolling equipment; effective 1-31-79 2174

ICC revises regulations regarding consolidation procedures; effective 1-10-79 2177

MILITARY TRANSPORTATION

CAB proposes to eliminate minimum rate provisions applicable to domestic and international charter service and international individually ticketed or waybilled scheduled service; comments by 3-12-79 2179

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

federal register

Phone 523-5240

Area Code 202



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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202-523-5240**.

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	202-783-3238
Subscription problems (GPO).....	202-275-3054
"Dial - a - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C.	202-523-5022
Chicago, Ill	312-663-0884
Los Angeles, Calif	213-688-6694
Scheduling of documents for publication.	202-523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk.....	523-5215
Finding Aids.....	523-5227
Public Briefings: "How To Use the Federal Register."	523-5235
Code of Federal Regulations (CFR)..	523-3419
	523-3517
Finding Aids.....	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents.....	523-5235
Index.....	523-5235

PUBLIC LAWS:

Public Law numbers and dates.....	523-5266
	523-5282
Slip Law orders (GPO)	275-3030
U.S. Statutes at Large.....	523-5266
	523-5282
Index.....	523-5266
	523-5282

U.S. Government Manual 523-5230

Automation 523-3408

Special Projects 523-4534

HIGHLIGHTS—Continued

FOREIGN AIR CARRIERS

CAB amends denied boarding compensation rules regarding disclosure compliance on inbound flights; effective 2-5-79 2165

IMPROVING GOVERNMENT REGULATIONS

RRB issues final report; effective 10-11-78 2214

TOXIC SUBSTANCES CONTROL ACT

EPA proposes rules and notice forms implementing requirements to be adhered to by manufacturers or importers of new chemical substances; comments by 3-26-79 (Part II of this issue)..... 2242

PENTAZOCINE AND ITS SALTS

Justice/DEA issues rule requiring that manufacture, distribution, dispensing, importation and exportation be subject to Schedule IV controls; effective 2-9-79 2169

CARPETS AND RUGS

CPSC issues statement of enforcement policy concerning recall; effective 1-10-79..... 2168

CERTAIN ROTARY SCRAPING TOOLS

ITC issues notice of investigation into effect of importation on U.S. industry 2206

CERTAIN CATTLE WHIPS

ITC announces prehearing conference on 2-13-79 and hearing on 2-20-79 2206

VISCOSE RAYON STAPLE FIBER FROM FINLAND AND FRANCE

Treasury/Sec'y amends determination that commodity is being sold at less than fair value within the meaning of the Antidumping Act; effective 1-10-79 (2 documents) 2218, 2219

MEETINGS—

DOE/ERO: Energy Research Advisory Board, 2-1 and 2-2-79	2187
National Commission on Neighborhoods: Final report, 1-18-79.....	2207
NFAH: Advisory Committee Humanities Panel, 1-26, 1-29 and 1-30-79 (2 documents).....	2207
Justice: U.S. Circuit Judge Nominating Commission, Northern Ninth Circuit Panel, 1-30-79	2207
State: Study Group 2 of the U.S. Organization for the International Radio Consultative Committee, 1-31-79	2216

SEPARATE PARTS OF THIS ISSUE

Part II, EPA	2242
Part III, State	2350

contents

AGRICULTURAL MARKETING SERVICE					
Rules					
Lettuce grown in Texas.....	2165				
AGRICULTURE DEPARTMENT					
See Agricultural Marketing Service.					
ARTS AND HUMANITIES, NATIONAL FOUNDATION					
Notices					
Meetings:					
Humanities Panel (2 documents).....	2207				
CIVIL AERONAUTICS BOARD					
Rules					
Oversales, advertising disclosure of noncompliance by foreign air carriers	2165				
Proposed Rules					
Military transportation, air carriers exemption; elimination of minimum rate provisions ...	2179				
Notices					
Hearings, etc.:					
Eastern Air Lines, Inc	2186				
Frontier Airlines, Inc. et al	2186				
Louisville-Kansas City non-stop route investigation; correction	2187				
Pacific Southwest Airlines	2187				
Supplemental air transportation investigation	2186				
Tiger International-Seaboard acquisition case	2187				
Tariff observance requirements, U.S. and foreign air carrier's exemption from; correction	2186				
Meetings; Sunshine Act	2237				
CIVIL RIGHTS COMMISSION					
Notices					
Meetings, State advisory committees:					
Michigan	2187				
COMMODITY FUTURES TRADING COMMISSION					
Notices					
Meetings; Sunshine Act (2 documents)	2238				
CONSUMER PRODUCT SAFETY COMMISSION					
Rules					
Flammable fabrics:					
Carpets and rugs; enforcement policy statement	2168				
CUSTOMS SERVICE					
Notices					
Authority delegations:					
Assistant Commissioner (Investigations) et al.; summons, etc	2217				
		Tariff reclassification petitions:			
		2216			
		2217			
		2217			
		2169			
		2187			
		2242			
		2238			
		2188			
		2170			
		2178			
		2188			
		2184			
		2185			
		2191, 2192			
		2193			
		2193			
		2174			
		2182			
		2193			
		2194			
		2194			
		2203			
		2203			
		2204			
		2194			

CONTENTS

INTERNATIONAL TRADE COMMISSION	Applications, etc.:		POSTAL RATE COMMISSION	
Notices	New Mexico.....	2203	Notices	
Import investigations:	Utah	2203	Mail classification schedule,	
Cattle whips	Coal Management Program:		1978; prehearing confer-	
Rotary scraping tools	Coal unsuitability criteria, ap-	2201	ference:	
	Management framework		Red-tag second-class service;	2211
INTERSTATE COMMERCE COMMISSION	plans; coal resources on Fed-		surcharge, inquiry	
Rules	eral lands, policy statement;	2201		
Practice rules:	inquiry; extension of time....		RAILROAD RETIREMENT BOARD	
Railroad consolidation proce-			Notices	
dures; applications for merg-	MANAGEMENT AND BUDGET OFFICE		Improving Government regula-	2214
ers, consolidation, etc	Notices		tions.....	
	Clearance of reports; list of re-	2211		
Notices	quests		RENEGOTIATION BOARD	
Motor carriers:	NATIONAL TRANSPORTATION SAFETY		Notices	
Irregular route property carri-	BOARD		Meetings; Sunshine Act	2239
ers; gateway eliminations	Notices			
Meat packaging industry; sup-	Meetings; Sunshine Act	2238	STATE DEPARTMENT	
plemental transportation			Notices	
Temporary authority applica-	NEIGHBORHOODS NATIONAL		Fishing permits, applications:	
tions	COMMISSION		Japan and Korea	2350
Railroad car service rules,	Notices		Meetings:	
mandatory; exemptions (2	Meetings	2207	International Radio Consulta-	
documents)			tive Committee.....	2216
Railroad operation, acquisition,	NUCLEAR REGULATORY COMMISSION			
construction, etc.:	Notices		TRANSPORTATION DEPARTMENT	
Chicago, Rock Island & Pacif-	Applications, etc.:		See Federal Highway Adminis-	
ic Railroad Co	Combustion Engineering, Inc	2208	tration; Federal Railroad Ad-	
St. Louis Southwestern Rail-	General Electric Co. (2 docu-	2209	ministration.	
way Co	ments).....	2210	TREASURY DEPARTMENT	
	Minerals Exportation Co.....	2210	See also Customs Service.	
JUSTICE DEPARTMENT	Northeast Nuclear Energy	2210	Notices	
	Co., et al	2210	Antidumping:	
See also Drug Enforcement Ad-	Power Authority of State of	2210	Viscose rayon staple fiber	
ministration	New York	2208	from Finland	2219
Notices	Transnuclear, Inc.....	2210	Viscose rayon staple fiber	
Meetings:	Westinghouse Electric Corp ...	2210	from France	2218
Circuit Judge Nominating	Meetings:		Bonds, Treasury:	
Commission, U.S	Reactor Safeguards Advisory	2208	31-78 series.....	2218
Pollution control; consent judg-	Committee; postponed.....			
ments; U.S. versus listed	OCCUPATIONAL SAFETY AND HEALTH		VETERANS ADMINISTRATION	
companies, etc.:	REVIEW COMMISSION		Notices	
Republic Steel Corp	Notices		Environmental statements;	
	Meetings; Sunshine Act	2238	availability, etc.:	
LAND MANAGEMENT BUREAU	PAROLE COMMISSION		Veterans Administration Medi-	
Rules	Notices		cal Center, Atlanta, Ga.;	
Grazing administration:	Meetings; Sunshine Act	2238	nursing home care unit	2219
Public rangelands; grazing fee				
computation formula				
Notices				
Alaska native selections; appli-				
cations, etc.:				
Cape Fox Corp				

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
 A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR		16 CFR		40 CFR	
971	2165	1630	2168	PROPOSED RULES:	
12 CFR		PROPOSED RULES:		720	2242
PROPOSED RULES:		13	2182		
505	2178	21 CFR		43 CFR	
14 CFR		1308	2169	4100	2172
250	2165	23 CFR		49 CFR	
PROPOSED RULES:		637	2170	218	2174
208	2179	24 CFR		1111	2177
288	2179	PROPOSED RULES:			
399	2179	1917 (2 documents)	2184, 2185		

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

1 CFR		3 CFR—Continued		7 CFR	
Ch. I.....	5	11480 (Amended by EO 12106) ..	1053	15.....	1362
305.....	1357	11482 (Revoked by EO 12110)....	1069	210.....	1362
3 CFR		11490 (Amended by EO 12107) ..	1055	225.....	8
MEMORANDUMS:		11491 (Amended by EO 12107) ..	1055	245.....	1363
December 30, 1978.....	1075	11512 (Amended by EO 12107) ..	1055	354.....	1364
January 4, 1979.....	1697	11521 (Amended by EO 12107) ..	1055	401.....	29, 749
PROCLAMATIONS:		11534 (Revoked by EO 12110)....	1069	402.....	1963
4547 (See Proc. 4631)	1	11552 (Amended by EO 12107) ..	1055	403.....	1964
4631.....	1	11561 (Amended by EO 12107) ..	1055	404.....	1964
4632.....	1933	11570 (Amended by EO 12107) ..	1055	406.....	1965
EXECUTIVE ORDERS:		11579 (Amended by EO 12107) ..	1055	408.....	1965
November 12, 1838 (Revoked in		11589 (Amended by EO 12107) ..	1055	409.....	1966
part by PLO 5655)	1980	11603 (Amended by EO 12107) ..	1055	410.....	1967
8743 (Amended by EO 12107)	1055	11609 (Amended by EO 12107) ..	1055	411.....	1967
8744 (Amended by EO 12107)	1055	11636 (Amended by EO 12107) ..	1055	412.....	1365
9230 (Amended by EO 12107)	1055	11639 (Amended by EO 12107) ..	1055	413.....	1968
9384 (Revoked by EO 12113).....	1953	11648 (Amended by EO 12107) ..	1055	414.....	1968
9712 (Amended by EO 12107)	1055	11721 (Amended by EO 12107) ..	1055	417.....	1969
9830 (Amended by EO 12107)	1055	11744 (Amended by EO 12107) ..	1055	907.....	1077
9932 (Amended by EO 12107)	1055	11787 (Amended by EO 12107) ..	1055	910.....	30, 1366
9961 (Amended by EO 12107)	1055	11817 (Amended by EO 12107) ..	1055	928.....	30
10000 (Amended by EO 12107) ..	1055	11830 (Amended by EO 12106) ..	1055	971.....	2165
10242 (Amended by EO 12107) ..	1055	11849 (Revoked by EO 12110)....	1069	1701.....	1366
10422 (Amended by EO 12107) ..	1055	11890 (Amended by EO 12107) ..	1055	1804.....	1701
10450 (Amended by EO 12107) ..	1055	11895 (Amended by EO 12107) ..	1055	1809.....	1701
10459 (Amended by EO 12107) ..	1055	11899 (Amended by EO 12107) ..	1055	1822.....	1701
10530 (Amended by EO 12107) ..	1055	11935 (Amended by EO 12107) ..	1055	1861.....	1702
10540 (Amended by EO 12107) ..	1055	11938 (Amended by EO 12107) ..	1055	1872.....	1702
10549 (Revoked by EO 12107)....	1055	11935 (Amended by EO 12107) ..	1055	1904.....	1701
10550 (Amended by EO 12107) ..	1055	11938 (Amended by EO 12107) ..	1055	1945.....	1702
10552 (Amended by EO 12107) ..	1055	11948 (Superseded by EO 12110) ..	1069	1980.....	1720
10556 (Amended by EO 12107) ..	1055	11955 (Amended by EO 12107) ..	1055	2024.....	1721
10561 (Revoked by EO 12107)....	1055	11971 (Revoked by EO 12110)....	1069	PROPOSED RULES:	
10577 (Amended by EO 12107) ..	1055	11973 (Revoked by EO 12110)....	1069	Ch. IX	1750
10641 (Amended by EO 12107) ..	1055	11998 (Revoked by EO 12110)....	1069	210.....	1379
10647 (Amended by EO 12107) ..	1055	12004 (Amended by EO 12107) ..	1055	246.....	2114
10717 (Amended by EO 12107) ..	1055	12008 (Amended by EO 12107) ..	1055	989.....	47
10763 (Amended by EO 12107) ..	1055	12014 (Amended by EO 12107) ..	1055	1062.....	1741
10774 (Amended by EO 12107) ..	1055	12015 (Amended by EO 12107) ..	1055	1421.....	1116, 1380
10804 (Amended by EO 12107) ..	1055	12027 (Amended by EO 12107) ..	1055	1446.....	1380
10826 (Amended by EO 12107) ..	1055	12043 (Amended by EO 12107) ..	1055	1701.....	1381
10880 (Amended by EO 12107) ..	1055	12049 (Amended by EO 12107) ..	1055	9 CFR	
10903 (Amended by EO 12107) ..	1055	12067 (Amended by EO 12107) ..	1055	11.....	1558
10927 (Amended by EO 12107) ..	1055	12070 (Amended by EO 12107) ..	1055	73.....	1368
10973 (Amended by EO 12107) ..	1055	12076 (Amended by EO 12111) ..	1071	79.....	1368
10982 (Amended by EO 12107) ..	1055	12089 (Amended by EO 12107) ..	1055	PROPOSED RULES:	
11022 (Amended by EO 12106) ..	1053	12105 (Amended by EO 12107) ..	1055	92.....	1552
11103 (Amended by EO 12107) ..	1055	12106.....	1053	10 CFR	
11171 (Amended by EO 12107) ..	1055	12107.....	1055	35.....	1722
11183 (Amended by EO 12107) ..	1055	12108.....	1065	430.....	1970
11203 (Amended by EO 12107) ..	1055	12109.....	1067	440.....	31
11219 (Amended by EO 12107) ..	1055	12110.....	1069	515.....	761
11222 (Amended by EO 12107) ..	1055	12111.....	1071	1004.....	1908
11228 (Amended by EO 12107) ..	1055	12112.....	1073	PROPOSED RULES:	
11264 (Amended by EO 12107) ..	1055	12113.....	1955	Ch. I.....	2158
11315 (Amended by EO 12107) ..	1055	12114.....	1957	140.....	1751
11348 (Amended by EO 12107) ..	1055	5 CFR		211.....	892
11355 (Amended by EO 12107) ..	1055	213.....	1359-1362, 1963	212.....	892, 1888
11422 (Amended by EO 12107) ..	1055	2400.....	5	213.....	1896
11434 (Amended by EO 12107) ..	1055	6 CFR		430.....	49
11438 (Amended by EO 12107) ..	1055	705.....	1077	455.....	1580
11451 (Amended by EO 12107) ..	1055	706.....	1346, 1963	508.....	1694
11478 (Amended by EO 12106) ..	1053			790.....	1568

FEDERAL REGISTER

12 CFR

1..... 762
 226..... 767
 265..... 1725

PROPOSED RULES:

215..... 893
 226..... 1116
 505..... 2178
 701..... 60, 63, 895

13 CFR

121..... 34, 1725
 130..... 1369

14 CFR

39..... 36, 37, 1078-1082, 1726
 47..... 38, 1726
 71..... 39, 40, 300, 1085-1087, 1726
 73..... 1088
 75..... 40, 300
 97..... 41
 241..... 1970
 250..... 2165
 1216..... 1089

PROPOSED RULES:

1..... 1322
 39..... 1120, 1741
 47..... 63
 71..... 68, 1120-1122, 1322
 73..... 68
 91..... 1322
 105..... 1322
 208..... 2179
 221..... 1381
 239..... 896
 288..... 2179
 302..... 1381
 399..... 1381, 2179

15 CFR

30..... 1971
 371..... 43, 1093
 373..... 1095, 1971
 374..... 44
 376..... 1099
 377..... 44, 1973

PROPOSED RULES:

Subtitle A..... 896

16 CFR

1302..... 792
 1303..... 792
 1630..... 2168

PROPOSED RULES:

1..... 1753
 13..... 899, 2182
 419..... 69
 450..... 1123
 455..... 914
 1608..... 1981
 1610..... 1981
 1611..... 1981

17 CFR

1..... 1918
 4..... 1918
 240..... 1727, 1973, 1974, 2144

PROPOSED RULES:

240..... 1754, 1981

18 CFR

154..... 1100

19 CFR

159..... 1372, 1728

20 CFR

651..... 1688
 654..... 1688

21 CFR

14..... 1975
 81..... 45
 436..... 1374
 455..... 1374
 520..... 1375
 546..... 1976
 601..... 1544
 610..... 1544
 1308..... 2169

PROPOSED RULES:

145..... 1983
 175..... 69
 510..... 1983
 522..... 1381
 556..... 1381

22 CFR

42..... 1730

PROPOSED RULES:

211..... 1123

23 CFR

637..... 2170

PROPOSED RULES:

635..... 69

24 CFR

10..... 1606
 203..... 1336
 886..... 1731
 1914..... 792
 1915..... 794, 801, 815
 1917..... 841-870, 1976, 1977, 2184, 2185

PROPOSED RULES:

865..... 1600
 1917..... 1134-1177, 1382-1411, 1985

25 CFR

251..... 46

26 CFR

1..... 870, 1102, 1104, 1376
 5..... 871, 1106
 31..... 1109
 37..... 1110
 54..... 1978
 141..... 1978

PROPOSED RULES:

1..... 1178, 1180, 1412, 1985
 7..... 1985
 31..... 1181

29 CFR

PROPOSED RULES:

1202..... 1181
 1206..... 1181
 2200..... 1762
 2201..... 1762

30 CFR

48..... 1979

PROPOSED RULES:

Ch. VII..... 1355, 1989
 49..... 1536

31 CFR

PROPOSED RULES:

1..... 1414

33 CFR

117..... 1112

35 CFR

253..... 1731

36 CFR

PROPOSED RULES:

222..... 914
 231..... 914

38 CFR

PROPOSED RULES:

21..... 1181

39 CFR

PROPOSED RULES:

310..... 915, 1762
 320..... 915, 1762

40 CFR

65..... 1377, 1731, 1732
 1500..... 873
 1501..... 873
 1504..... 873
 1506..... 874
 1508..... 874

PROPOSED RULES:

52..... 1189, 1989, 1990
 65..... 1193-
 1199, 1415, 1416, 1762, 1764
 162..... 1991
 180..... 1764
 720..... 2242

41 CFR

Ch. 101..... 1378
 101-38..... 874
 109-1..... 986
 109-14..... 995
 109-25..... 995
 109-26..... 997
 109-27..... 997
 109-28..... 997
 109-29..... 1002
 109-30..... 1002
 109-36..... 1002
 109-38..... 1003
 109-39..... 1016
 109-42..... 1017
 109-43..... 1018
 109-44..... 1021
 109-45..... 1022
 109-46..... 1026
 109-48..... 1026
 109-50..... 1026
 109-51..... 1029

PROPOSED RULES:

101-47..... 70

FEDERAL REGISTER

43 CFR		47 CFR—Continued		49 CFR—Continued	
PUBLIC LAND ORDERS:		PROPOSED RULES—Continued		PROPOSED RULES—Continued	
2720.....	1340	63.....	1764	127.....	1856
4100.....	2172	64.....	1764	171.....	1879
5655.....	1980	73.....	1765	172.....	1767, 1852
45 CFR		48 CFR		173.....	1767, 1852
2012.....	1980	PROPOSED RULES:		174.....	1883
PROPOSED RULES:		2.....	70	175.....	1883
162.....	1994	8.....	70	176.....	1883
1067.....	1200	17.....	70	177.....	1886
46 CFR		49 CFR		178.....	1767
PROPOSED RULES:		178.....	1739	215.....	1419
510.....	1418	218.....	2174	1201.....	1995
531.....	1418	1033.....	874-879, 1739	50 CFR	
544.....	915	1056.....	879	Ch. II.....	1113
47 CFR		1111.....	883, 2177	611.....	1115
13.....	1733	1249.....	1740	651.....	885
73.....	1733, 1737, 1738	PROPOSED RULES:		671.....	1115
PROPOSED RULES:		Ch. II.....	925	PROPOSED RULES:	
15.....	924	Ch. X.....	1994	26.....	1433
		29.....	1765	285.....	1201
				662.....	1434

FEDERAL REGISTER PAGES AND DATES—JANUARY

<i>Pages</i>	<i>Date</i>
1-748.....	Jan. 2
749-1070.....	3
1071-1355.....	4
1357-1696.....	5
1697-1954.....	8
1955-2163.....	9
2165-2351.....	10

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

CSA—Community action programs; grantee personnel management; \$18,000 per year salary limit; policy and procedures 57890; 12-11-78
Provisions for allowances and reimbursements for members of policy making bodies 57888; 12-11-78

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—

Burley tobacco; 1979 national marketing quotas; comments by 1-15-79 ... 58093; 12-12-78

Tobacco (fire cured, etc.); marketing quotas and acreage allotments; comments by 1-15-79 59847; 12-22-78

Food and Nutrition Service—

Eligibility determination for free and reduced price meals and free milk in schools; racial identification; comments by 1-15-79 37980; 8-25-78

Soil Conservation Service—

Land rights, water rights, and construction permits; policy on requirements for projects receiving Federal financial assistance; comments by 1-15-79 53443; 11-16-78

COMMERCE DEPARTMENT

Industry and Trade Administration—

Uganda; embargo on exports and reexports; comments by 1-15-79 58571; 12-15-78

National Oceanic and Atmospheric Administration—

Trawl fisheries of Washington, Oregon, and California; second supplement to final environmental impact statement/preliminary fishery management plan; comments by 1-17-79 54964; 11-24-78

COMMUNITY SERVICES ADMINISTRATION

Funding of grantees, due process rights for applicants denied benefits under CSA-funded programs; comments by 1-15-79 58393; 12-14-78

Grantee personnel management, E.O. 12044 on improving government regulations; comments by 1-15-79 53474; 11-16-78

DEFENSE DEPARTMENT

Army Department—

Junior ROTC and National Defense Cadet Corps programs; comments by 1-19-79 58832; 12-18-78

Reserve Officers Training Corps, Senior ROTC program; organization, administration; and training; comments by 1-19-79 59519; 12-21-78

ENERGY DEPARTMENT

Economic Regulatory Administration—

Transitional facilities; interim rule to permit classification of certain power plants and installations as existing facilities; comments by 1-15-79 54912; 11-22-78

Federal Energy Regulatory Commission—

Natural gas, priority for essential agricultural uses; comments by 1-19-79 59091; 12-19-78

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control; revision of District of Columbia plan; comment by 1-15-79 58593; 12-15-78

Electric utility steam generating units; additional information on proposed rule; comments by 1-15-79 57834; 12-8-78

Electric utility steam generating units; standards of performance for new stationary sources; comments by 1-15-79 ... 55258; 11-27-78

FEDERAL COMMUNICATIONS COMMISSION

Children's programming and advertising practices; comments by 1-15-79 46048; 10-5-78

FM broadcast stations; table of assignments: Gouverneur and Ogdensburg, N.Y.; reply comments by 1-16-79 51655; 11-6-78

New Hampshire, Vermont, and Maine; reply comments by 1-16-79 51652; 11-6-78

Network nonduplication rules; programs less than 30 minutes; reply comments by 1-17-79 48667; 10-19-78

Personal attack rules; amendments and applicability of fairness doctrine; reply comments by 1-16-79 45899; 10-4-78

Telephone companies; revision of accounts and financial reporting; comments by 1-15-79 40886; 9-13-78
[Originally published at 43 FR 33560; 7-31-78]

FEDERAL DEPOSIT INSURANCE CORPORATION

International Banking Act; implementation of provisions; comments by 1-19-79 60279; 12-27-78

FEDERAL MEDIATION AND CONCILIATION SERVICES

Arbitration Services; comments by 1-15-79 53466; 11-16-78

FEDERAL TRADE COMMISSION

Hearing aid industry; staff report on proposed trade regulation rule; comments by 1-19-79 54103; 11-20-78

Used motor vehicles sales; staff report on proposed trade regulation; comments by 1-14-79 52729; 11-14-78

GENERAL SERVICES ADMINISTRATION

U.S. Government national credit cards; comments by 1-15-78 51429; 11-3-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Civil Rights Office—

Vocational educational programs, guidelines for eliminating discrimination and denial of services on the basis of race, color, national origin, sex, and handicap; comments by 1-19-79 59105; 12-19-78

Food and Drug Administration—

Emulsifier/surfactant; use as indirect food additive; comments by 1-15-79 58556; 12-15-78

Social Security Administration—

Quality control system—incentive adjustments in Federal financial participation in the Aid to Families with Dependent Children Program; comments by 1-19-79 54105; 11-20-78

INTERIOR DEPARTMENT

Fish and Wildlife Service—

Annual migratory bird hunting schedules; comments by 1-17-79 58845; 12-18-78

Status of native species protected by the endangered species convention; comments by 1-15-79 55314; 11-27-78

NUCLEAR REGULATORY COMMISSION

Codes and standards for nuclear power plants; comments by 1-17-79 58825; 12-18-78

SECURITIES AND EXCHANGE COMMISSION

Annual report form; comments by 1-15-79 59092; 12-19-78

Securities confirmations, comment period extended to 1-15-79 56247; 12-1-78
[Originally published at 43 FR 47538, 10-6-78]

TRANSPORTATION DEPARTMENT

Coast Guard—

Jacobs Nose Cove, Elk River, Md., Special anchorage area; comments by 1-16-79 56058; 11-30-78

Newport Harbor, Newport, R.I., anchorage grounds and special anchorage areas; comments by 1-16-79 56058; 11-30-78

Offshore oil pollution liability and compensation; comments by 1-18-79 56840; 12-4-78 58833; 12-18-78

Materials Transportation Bureau—

Individual exemptions; conversion to regulations of general applicability; comments by 1-17-79 58834; 12-18-79

National Highway Traffic Safety Administration—

Light truck average fuel economy standards for model year 1981; comments by 1-17-79 58838; 12-18-78

Office of the Secretary—

Maintenance of and access to records pertaining to individuals; comments by 1-18-79 56682; 12-4-78

REMINDERS—Continued

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—
 Coronado National Forest Grazing Advisory Board, Tucson, Ariz. (open), 1-15-79 51693; 11-6-78
 Gila National Forest Grazing Advisory Board, Silver City, N.M. (open), 1-18-79 60975; 12-29-78

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Humanities Panel, Washington, D.C. (closed), 1-19-79 59932; 12-22-78
 Humanities Panel, Washington, D.C. (closed), 1-15-79 61051; 12-29-78
 Humanities Panel, Washington, D.C. (closed), 1-15 through 1-20-79 (2 documents) 58126-58127; 12-12-78
 Museum Advisory Panel, Washington, D.C. (partially open), 1-16 and 1-17-79 12-22-78

CIVIL RIGHTS COMMISSION

Connecticut Advisory Committee, Meriden, Conn. (open), 1-18-79. 60312; 12-27-78

COMMERCE DEPARTMENT

Industry and Trade Administration—
 Computer Systems Technical Advisory Committee, Technology Transfer Subcommittee, Washington, D.C. (partially open), 1-17-79 60985; 12-29-78
 Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 1-18-79 89; 1-2-79
 Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (closed), 1-17-79 60328; 12-27-78
 Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 1-16-79 60329; 12-27-78
 Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 1-17-79 90; 1-2-79
 Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open), 1-16-79 60329; 12-27-78
 Management-Labor Textile Advisory Committee, Washington, D.C. (open), 1-18-79 59115; 12-19-78
 Maritime Administration—
 U.S. Merchant Marine Academy Advisory Board, King's Point, N.Y. (open), 1-19-79 58848; 12-18-79

DEFENSE DEPARTMENT

Air Force Department—
 USAF Scientific Advisory Board, Hanscom Air Force Base, Mass. (closed), 1-18 and 1-19-79 58111; 12-12-78 [Originally published at 43 FR 52276, 11-9-78]
 USAF Scientific Advisory Board, Ad Hoc Committee on Space Defense, Los Angeles, Calif. (closed), 1-16 and 1-17-79 57642; 12-8-78
 USAF Scientific Advisory Board, Kirtland AFB, New Mexico (closed), 1-17 and 1-18-79 59420; 12-20-78

Navy Department—
 Chief of Naval Operations Executive Panel Advisory Committee, Command Control and Communications Subpanel, Washington, D.C. (closed), 1-17 and 1-18-79 60988; 12-29-78
 Office of the Secretary—
 DOD Advisory Group on Electron Devices, Working Group D (Mainly Laser Devices), Arlington, Va. (closed), 1-18 and 1-19-79 56702; 12-4-78
 Defense Science Board Task Force on Naval Surface Ship Vulnerability, Washington, D.C. (closed), 1-19-79 .. 59539; 12-21-78
 Defense Science Board Task Force on Strategic Planning Experiment in the Maritime Balance Area, Arlington, Va. (closed), 1-16-79 59420; 12-20-78
 Electron Devices Advisory Group:
 Working Group A, New York, N.Y. (closed), 1-18-79 .. 59870; 12-22-78
 Working Group D, Arlington, Va. (closed), 1-18 and 1-19-79 59870; 12-22-78
 Wage Committee, Washington, D.C. (closed), 1-16-79 54680; 11-22-78

ENERGY DEPARTMENT

National Petroleum Council, Oil Supply, Demand and Logistics Task Group and the Coordinating Subcommittee of the Committee on Refinery Flexibility, San Francisco, Calif. (open), 1-15-79 . 58609; 12-15-78
 National Petroleum Council, Tubular Steel Task Group, Houston, Tex. (open), 1-18-79 935; 1-3-79
 Energy Technology Office—
 Fossil Energy Advisory Committee, Arlington, Va. (open), 1-18-79 60990; 12-29-78

ENVIRONMENTAL PROTECTION AGENCY

Water Supply-Wastewater Treatment Coordination Study, San Francisco, Calif. (open), 1-17 and 1-18-79 58626; 12-15-78

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services, Linthicum Heights, Md. (open), 1-16 and 1-18-79 60999; 12-29-78

FEDERAL MEDIATION AND CONCILIATION SERVICE

Arbitration Services Advisory Committee, San Francisco, Calif. (open), 1-18 and 1-19-79 58870; 12-18-78

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Washington, D.C. (open), 1-18-79 ... 59433; 12-20-78

GENERAL SERVICES ADMINISTRATION

Task Force on Historic Preservation, Washington, D.C. (open), 1-18-79 150; 1-2-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—
 Alcohol Abuse and Alcoholism National Advisory Council, Rockville, Md. (partially open), 1-15 and 1-16-79 59136; 12-19-78

Disease Control Center—
 Evaluation of Stress Reduction Approaches, Cincinnati, Ohio (open), 1-16-79. 59551; 12-21-78
 Immunization practices; Advisory Committee, Atlanta, Ga. (open), 1-18 through 1-19-79 59551; 12-21-78
 Food and Drug Administration—
 Antimicrobial Panel, Rockville, Md. and Bethesda, Md. (open), 1-19 and 1-20-79 58629; 12-15-78
 FD&C Red No. 40 Working Group, Washington, D.C. (partially open), 1-17 and 1-18-79 115; 1-2-79
 Hepatitis B Virus Vaccine Workshop, Bethesda, Md. (open), 1-18 and 1-19-79 59906; 12-22-78
 Oncologic Drugs Advisory Committee, Rockville, Md. (open), 1-18 and 1-19-79 58629; 12-15-78
 Orthopedic Devices Section of Surgical and Rehabilitation Devices Panel, Washington, D.C. (partially open), 1-18 and 1-19-79 59136; 12-19-78
 General Hospital and Personal Use Devices Section of the General Medical Devices Panel, Washington, D.C. (open), 1-15-79 58629; 12-15-78
 Miscellaneous External Drug Products Panel, Chevy Chase, Md. and Rockville, Md. (open), 1-14 and 1-15-79... 58629; 12-15-78
 Subcommittee of the Fertility and Maternal Health Drugs Advisory Committee, Rockville, Md. (open), 1-17-79 58629; 12-15-78
 National Institutes of Health—
 Blood Diseases and Resources Advisory Committee, Bethesda, Md. (open), 1-15 and 1-16-79 55285; 11-27-78
 Office of the Secretary—
 President's Committee on Mental Retardation, Washington, D.C. (open), 1-17 through 1-19-78 61016; 12-29-78
HISTORIC PRESERVATION ADVISORY COUNCIL
 Meeting, Washington, D.C. (partially open), 1-17 and 1-18-79 72; 1-2-79
INTERIOR DEPARTMENT
 National Park Service—
 Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 1-19-79 59913; 12-22-78
LABOR DEPARTMENT
 Employment and Training Administration—
 Federal Committee on Apprenticeship, Washington, D.C. (open), 1-17 through 1-19-79 61035; 12-29-78
MANAGEMENT AND BUDGET OFFICE
 State and local grantee procurement standard, Washington, D.C., 1-16-79 57201; 12-6-78
NUCLEAR REGULATORY COMMISSION
 Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems Subcommittee, Washington, D.C. (open), 1-16-79 61053; 12-29-78
 Reactor Safeguards Advisory Committee, Subcommittee on William H. Zimmer Nuclear Power Station, Washington, D.C. (partially open), 1-17-79 124; 1-2-79

REMINDERS—Continued

STATE DEPARTMENT

Agency for International Development—
International Food and Agricultural Development Board, Washington, D.C. (open), 1-17-79 59945; 12-22-78
Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Pomona, Calif. (open), 1-18 and 1-19-79 57994; 12-11-78

Office of the Secretary—
Shipping Coordinating Committee, Subcommittee on Safety of Life At Sea, Washington, D.C. (open), 1-16-79 61061; 12-29-78
Shipping Coordinating Committee, Subcommittee on Safety of Life At Sea, Washington, D.C. (open), 1-18-79 61061; 12-29-78

WORLD HUNGER, PRESIDENTIAL COMMISSION

Domestic, Agriculture Policy, Consumer and Nutrition Subcommittee, Washington, D.C. (open), 1-19-79 127; 1-2-79

Next Week's Public Hearings

ENERGY DEPARTMENT

Economic Regulatory Administration—
Entitlements program to reduce the level of benefits received under the small refiner bias, Washington, D.C., 1-16 through 1-18-78 54652; 11-22-78

FEDERAL TRADE COMMISSION

Restrictions on television advertising directed toward children, San Francisco, 1-15-79 [Originally published at 43 FR 17967, 4-27-78] 37203; 8-22-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Office of the Secretary—
Age discrimination regulations, Washington, D.C., 1-16 and 1-17-79. 56445; 12-1-78

INTERIOR DEPARTMENT

National Park Service—
Snowmobile management policy, Bar Harbor, Me, 1-15-79 57352; 12-7-78

INTERNATIONAL JOINT COMMISSION

Lake Superior, regulation of, Buffalo, N.Y., 1-16-79 59140; 12-19-78
Lake Superior, regulation of, St. Clair, Mich., 1-17-79 59140; 12-19-78

NUCLEAR REGULATORY COMMISSION

Environmental effects of uranium fuel cycle, Washington, D.C., 1-19-79 59515; 12-21-78

TRANSPORTATION DEPARTMENT

Coast Guard—
Proposed interpretative rule on manning of towing vessels, Washington, D.C., 1-17-79 58394; 12-14-78
Federal Railroad Administration—

General safety inquiry, Washington, D.C., 1-17 and 1-18-79 [Originally published at 43 FR 43339, 9-25-78] . 45905; 10-4-78

Petitions for exemption; rear end marking devices, passenger commuter and freight trains; Washington, D.C., 1-16-79 58438; 12-14-78

TREASURY DEPARTMENT

Internal Revenue Service—
Income tax, collectively bargained plans and multiple employer plans, Washington, D.C. 1-18-79 54265; 11-21-78
Income tax; exchanges under the final system plan for ConRail; Washington, D.C., 12-19-78 53045; 11-15-78

List of Public Laws

NOTE: A complete listing of all public laws from the second session of the 95th Congress was published as Part II of the issue of December 4, 1978. (Price: 75 cents. Order by stock number 022-002-00960-4 from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, Telephone 202-275-3030.)

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, 1979.

Documents Relating to Federal Grants Programs

This is a list of documents relating to Federal grants programs which were published in the FEDERAL REGISTER during the previous week.

Deadlines for Comments on Proposed Rules:

CSA—Due process rights for applicants denied benefits under CSA-funded programs; comments period extended to 2-2-79 [Originally published at 43 FR 58393; 12-14-78] 1200; 1-4-79
Commerce—Public telecommunications facilities program; construction and planning grants; comments by 1-22-79 896; 1-3-79

DOE—Grant programs for schools and hospitals and buildings owned by units of local government and public care institutions; comments by 2-3-79; hearings in Seattle, Wash. and Chicago, Ill., 1-22 through 1-24-79; hearing in Washington, D.C., 1-23-79 1580; 1-5-79

Applications Deadlines:

HEW/OE: Graduate and Undergraduate International Studies Programs; apply by 2-20-79 115; 1-2-79

Meetings:

Commerce—Industrial innovation; domestic policy review; public symposia in January 1979 91; 1-2-79

HEW/HSA—Maternal and Child Health Research Grants Review Committee, Rockville, Md. (partially open), 2-7 through 2-9-79 1471; 1-5-79

Interior/OSMRE—Mining and Mineral Resources Research Advisory Committee, review of procedures for research grants, Washington, D.C. (open), 1-16-79 ... 960; 1-3-79

NFAH—Humanities Panel, review of archaeology applications, Washington, D.C. (closed), 1-12-79 960; 1-3-79

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

[Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This emergency amendment relieves the Sunday packaging prohibition on January 7 and 14, 1979, to allow the industry additional time to pack its marketable lettuce before rainy and freezing weather in the production area adversely affects it. It will promote orderly marketing and benefit consumers by making additional lettuce available.

EFFECTIVE DATE: January 7, 1979.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 114 and Order No. 971 regulate the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment is based upon recommendations made January 4 by the South Texas Lettuce Committee, which was established under the order and is responsible for its local administration. The industry needs additional time to salvage as much lettuce as possible before it is adversely affected by rainy and freezing weather in the production area. Therefore the committee requested relief on January 7 and 14,

1979, from the Sunday packaging prohibition.

EMERGENCY FINDINGS: It is hereby found that the amendment which follows will tend to effectuate the declared policy of the act. It is further found that due to the emergency it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers and consumers are to derive any benefits from it, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Regulation, as amended. In § 971.319 (43 FR 53704, 58355) the last sentence in the introductory paragraph is hereby amended by adding the following to it:

§ 971.319 Handling regulation.

* * *, except that the prohibition against the packing of lettuce on Sundays shall not apply on January 7 and 14, 1979.

* * * * *

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

Effective date. Dated January 5, 1979, to become effective January 7, 1979.

NOTE: This regulation has not been determined significant under Executive Order 12044.

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

[FR Doc. 79-890 Filed 1-9-79; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-1090, Amdt. No. 14]

PART 250—OVERSALES

Disclosure by Foreign Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 4, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: The denied boarding compensation rules are amended to relieve foreign air carriers from having to comply on inbound flights. If they do not comply, they are required to provide notice to that effect by ticket counter signs and by coupons included with tickets sold in the U.S.

DATES: Effective: February 5, 1979. Adopted: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: Effective September 13, 1978 (ER-1050, 43 FR 24277, June 5, 1978), new Board rules were implemented to minimize the involuntary bumping of airline passengers holding confirmed reservations. These rules required the airlines to ask for volunteers before involuntarily bumping anyone from an oversold flight, established substantially greater compensation for those bumped, encouraged carriers to experiment with other reservation and boarding practices to reduce involuntary bumping, and expanded the public disclosure of boarding priorities and passenger rights.

These rules applied to all certificated and foreign permit carriers for all scheduled flights originating or terminating in the United States on which passengers had confirmed reserved space verified in the United States.

On September 1, 1978, in response to objections by foreign carriers and governments, the Board waived these rules as they applied to flights from a foreign point to a point in the United States, provided carriers using the waiver continued to follow the oversales regulations effective prior to amendment by ER-1050, for a period of 30 days (Order 78-9-6). One week later, the Board issued Notice of Proposed Rulemaking EDR-363 (43 FR 39806, September 7, 1978), proposing to require any carrier in foreign air transportation that does not comply with U.S. oversales rules to include in any advertisements or tickets sold in the United States a notice that they are not conforming to U.S. Government rules for consumer protection on oversold flights. This rule was made final by ER-1078 (43 FR 50164, October 27, 1978). By Order 78-11-31 (43 FR 53208, November 15, 1978) and by ER-1084 (43 FR 57243, December 7, 1978), the effective date of the disclosure requirement was postponed until January 18, 1979, at the request of several foreign carriers (Air Canada, Canadian Pacific, Lufthansa, Swiss Air, and Swiss Air Transport) that have filed a petition for review in the U.S. Court of Appeals for the District of Columbia (*Air Canada, et al v. C.A.B., CADC Case Nos. 78-2073, 78-2143*). Until the present amendment becomes effective, the status of the oversales rule is that all carriers must still comply with the new denied boarding compensation rules effective on September 3, 1978 (ER-1050) for flights originating in the United States and on October 3, 1978, for flights terminating in the United States, on which passengers had confirmed reserved space.

This amendment is prospective in nature. Cases arising against a foreign air carrier under previous or current Part 250 regulations are not affected by the changes of this amendment.

During the review of ER-1078, the Board has received a comment from the Department of State, and has received Diplomatic Notes from the governments of Canada, the Federal Republic of Germany, the United Kingdom, and Belgium. The Department of State stated that the rule as adopted by ER-1078 is arguably an unnecessary and unfair burden, and is the subject of reasonable concern by foreign governments.

The Department suggested that if some type of notice is required to warn consumers that an airline does not comply with the oversales rules, it should be limited to printed advertising and the language of the notice could be toned down. It suggested that the Board use the language proposed by the Federal Republic of Germany, to the effect that the carrier does con-

form to Board rules on flights departing from the United States, but that on other flights different rules may apply. The Government of Belgium made similar arguments that the Board's notice is contrary to international sovereignty, and that the wording is inaccurate and misleading. The United Kingdom and Canada joined with Germany and Belgium in opposing the application of the Board's rules to inbound flights by foreign carriers.

David B. Ortman, who represents Pacific Western Airlines, renewed the suggestion made in Docket 33031 (Hawaiian Airlines Petition for Amendment of the Overbooking Rules) that a waiver provision be included in the Board's oversales rules to allow different methods on different routes to accomplish the Board's goal of reducing overbooking. For the reasons stated in Order 78-12-81, dated December 12, 1978, denying Hawaiian's petition, the Board is denying the suggestion here. In ER-1050, the Board further explained its reasons for implementing one uniform rule, rather than permitting many different methods to be used for determining denied boarding compensation. The Board stated that the rate of oversales has shown no signs of substantial amelioration in the last several years, nor have carriers taken any sustained initiative to alleviate the arbitrary and deceptive aspects of then-existing bumping procedures. Under these circumstances, uniform regulatory action was imperative. These reasons remain valid today.

The issues before the Board are those that have remained throughout the Board's development of its overbooking rules for the past 4 years: whether consumer protection in the event of passenger overbooking should extend to passengers on inbound flights by foreign carriers for reservations made in the United States and, while the Board's jurisdiction under section 402(e) of the Act authorizes the Board to attach to foreign air carrier permits "such reasonable terms, conditions, or limitations as, in its judgment, the public interest may require," whether in the interest of international comity the Board should develop an approach other than overbooking rules for foreign carriers on their inbound flights.

In general, in answer to these issues, United States citizens, like other nationals traveling abroad, expect to be governed by the laws of the foreign country in which they are present. This expectation, however, does not appear to hold true with respect to the Board's denied boarding rules, as indicated by the hundreds of complaints received by the Board from bumped passengers. These passengers generally assume that they will be covered by

the Board's rules if their reservations were confirmed by the carrier before they ever left the United States. In fiscal year 1977, an estimated 15,000 passengers were denied boarding on inbound flights on foreign carriers (based upon comparison to oversale data of U.S. carriers and to the incidence of bumping complaints involving foreign carriers). Passengers buying tickets and confirming reservations in this country deserve either to be covered by the Board's denied boarding rules or to be put on notice that their expectation of protection is unrealistic.

With respect to jurisdictional concerns, in the last four years the Board has stated in three issuances that U.S. Government jurisdiction over rules for consumer protection in the case of oversales extended to inbound flights by foreign carriers when the reservations are confirmed in the United States (ER-880, 39 FR 38087, October 29, 1974; ER-1050; ER-1078). Such regulations are designed to protect U.S. consumers from unfair practices occurring in connection with an activity that takes place within the United States, namely, the issuing of confirmed reservations to airline passengers. This is a concern of each sovereign State, and within the inherent power of its sovereignty to regulate. In general, foreign sellers wishing to do business in the market of another country must conform to the domestic laws of that country. The Board's oversales rules are intended to protect passengers from unfair practices, and are therefore certainly within this power. We thus reject any notion that the Board lacks power to impose its existing oversales regulations on foreign carriers.

Several foreign governments, however, have asked the U.S. Government to allow foreign carriers to follow only one set of rules, that of the country where the flight originates. They argue that his would eliminate the problem of carriers being subjected to different and conflicting rules, and would avoid the problem of the extra-territorial effect of the Board's rules. In view of the strong objections raised by these governments, and in the interest of maintaining good reciprocal relations within the international community, the Board has decided that foreign carriers operating inbound flights to the United States may follow the oversales rules of the country where the flight originates instead of those of the Board. Those foreign carriers wishing to continue to follow the Board's rules may do so. Those carriers not voluntarily following the Board's rules with respect to tickets sold and reservations confirmed in the U.S. must inform the passenger of their inapplicability by notices at each

ticket counter and in each ticket that such is the case. In further response to the comments of the Department of State and several foreign governments, the wording of the notice is changed to state that the carrier does not offer the consumer protections on inbound flights to the United States. This amendment to our rules should not be interpreted as agreement that the Board's jurisdiction does not extend to cover the sales and services of foreign carriers doing business in the United States. It is done in recognition that international comity among nations requires some latitude in the measures used to achieve our goal of giving consumers the best information, and passengers the best protection possible under the circumstances.

Although the Board had originally adopted a disclosure rule that would have required a statement to be put in all advertising in the United States, and although this type of disclosure may be the most effective means of notifying a potential passenger of his choices, upon review it is the Board's opinion that such a requirement is not needed at this time. The ticket counter display notice, and the notice included with the ticket, should give the consumer sufficient notice before picking up his verified ticket. If, however, the Board finds in the future that these notices are not effective, it will take whatever measures are needed to ensure that consumers purchasing tickets in the United States for air transportation are not misled and are treated fairly.

The amendments to the Board's oversales rules include a change in the applicability section to make clear that Part 250, other than §§ 250.10, 250.11, and 250.12, do not apply on a mandatory basis for inbound flights to the United States by foreign air carriers.

As the Board stated in ER-1078, it is important to have this notice distributed as soon as practical to avoid the possibility of consumers relying on carrier observance of Board regulations established for their protection. The requirements adopted in this amendment to our rules have been the subject of a notice of proposed rule-making (EDR-363) in September, and a final rule adopted in October (ER-1078). The amendment in fact is relieving a restriction in removing the advertising requirement adopted in ER-1078 and substituting a lesser requirement in its place. We find, therefore, that further notice and comment are unnecessary and not in the public interest.¹

¹Because ER-1078 is under review in the court of appeals, our action is taken subject to any approval deemed necessary by the court.

SCHAFFER, MEMBER, DISSENTING

One of the most important, well-received and highly publicized of the Board's recent consumer initiatives was the adoption of the expanded denied boarding rules. The changes adopted by the Board today signal a retreat from that commitment to protect airline passengers from involuntary bumping due to overbooking and to provide the public with actual notice of the protections and remedies available.

It is unnecessary to restate the need for our denied boarding rules. The problems encountered by passengers involuntarily denied boarding both on domestic and international flights and the inadequacy of previous notice requirements have been well documented in a series of rulemaking proposals and amendments going back more than ten years.

No one can deny that a consumer problem of major import exists; we have recently characterized the bumping of passengers as a " * * * persistent and serious problem for a growing number of airline travelers * * * " (ER-1050, May 30, 1978, at 1) and only last May adopted expanded rules to minimize the number of passengers involuntarily denied boarding, increase the compensation to those involuntarily bumped, and give greater public notice of boarding procedures used by carriers in the event of overbooking.

In addition, we took the opportunity to note that the problem of bumping is not limited to domestic flights. In our May rule we pointed out that " * * * the rate of oversales in international operations is in fact higher than that for domestic flights * * * " and that " * * * more recent data show a significant increase in bumping from international flights in both absolute and relative terms." (Id. at 13.)

By its action today, the Board has reversed its decision to extend the rules to passengers on inbound flights by foreign carriers. I disagree with the majority. I have not been persuaded by the arguments of some foreign carriers that our new regulations, coupled with a requirement that notice of non-compliance be contained in advertising, are too heavy-handed. I believe the rules are needed and the advertising notice essential. There is ample precedent for the continued application of the Board's rules to the inbound flights of foreign carriers and the Board has heard and rejected the very same arguments made here by the foreign airlines on at least three prior occasions. No new or persuasive legal or policy argument has been advanced at this late date to warrant a change.

However, I reluctantly would be prepared to agree to the change in the scope of the denied boarding rules if

the requirement that the notice be included in the carrier's advertising was not eliminated. The advertising disclosure rule originally proposed gave the consumer adequate notice of the conditions of sale. I do not believe that a ticket counter sign and ticket insert really will put passengers on notice that their expectation of protection is unrealistic. Many people book through travel agents or by telephone and, oftentimes, avoid ticket counters entirely. Travel plans generally are made well in advance of the trip and by the time the passenger actually receives the ticket, it may well be too late, inconvenient or impossible to change one's plans particularly if the traveler is utilizing a discount or advance purchase fare.

We should also be careful to distinguish between constructive and actual notice. Few travelers read the extensive assortment of ticket notices, disclaimers and the like, and I do not believe that the notice proposed here actually would alert an air traveler to the fact that he or she will not be protected by the Board's denied boarding rules on the return portion of the trip. The notice as drafted actually obscures the meaning of the warning because it is less explicit than that proposed originally and the notice holds open the possibility that the traveler may be protected by oversale rules in the country where the flight originates. In fact, few, if any other countries have such rules or offer any consumer protections.

Under these circumstances, I would adopt the rules as originally finalized in September.

GLORIA SCHAFFER.

Accordingly, the Board amends Part 250 of the Economic Regulations (14 CFR Part 250) as follows:

1. The Table of Contents is revised by changing the title of § 250.12 to read:

Sec.

* * * * *

250.12 Disclosure by foreign air carriers on inbound flights.

2. Section 250.2 is amended by designating the first paragraph as (a) and by adding a new paragraph (b) to read:

§ 250.2 Applicability.

(a) * * *

(b) The requirements of this part, other than §§ 250.10, 250.11, and 250.12, do not apply on a mandatory basis to flights from a foreign country to the United States by foreign air carriers. For these flights, only §§ 250.10, 250.11 and 250.12 are mandatory.

3. Section 250.12 is amended to read:

§ 250.12 Disclosure by foreign air carriers on inbound flights.

(a) Any foreign air carrier engaged in foreign air transportation that does not have on file with the Board tariffs conforming with §§ 250.3 and 250.4 of this part for inbound traffic to the United States shall include the following statement at the end of the notices required by paragraphs (a) and (b) of § 250.11:

[Name of carrier] does not offer these consumer protections on inbound flights to the United States.

(b) The statement required by this section shall be printed in type at least 2 points larger than that of the notices required by section 250.11, and in ink contrasting with both the stock and the section 250.11 notice.

(c) It shall be the responsibility of each such carrier to ensure that travel agents authorized to sell air transportation for that carrier comply with this section.

(Secs. 204, 402, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 760, and 769; (49 U.S.C. 1324, 1372, 1374, 1381.))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-907 Filed 1-9-79; 8:45 am]

[6355-01-M]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1630—STANDARD FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS (FF 1-70)

Standard for the Surface Flammability of Carpets and Rugs; Statement of Enforcement Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of Commission policy.

SUMMARY: On July 11, 1978 the Consumer Product Safety Commission announced that it has the authority under the Flammable Fabrics Act to order the recall of carpets and rugs that do not comply with the Standard for the Surface Flammability of Carpets and Rugs, including installed carpet. The Commission indicated that that authority would be exercised prospectively. The staff of the Commission will only seek recall of noncomplying carpet in the possession of ultimate consumers where the carpet was domestically manufactured or imported after July 11, 1978. The Commission

is publishing this notice to inform the public of its enforcement policy.

EFFECTIVE DATE: Policy now in effect.

ADDRESS: All documents referred to in this notice may be seen in, and are available from, the Office of the Secretary, Third Floor, 1111 18th Street N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Earl Gershenow, Attorney, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301/492-6629.

SUPPLEMENTARY INFORMATION: Since assuming responsibility for enforcement of The Flammable Fabrics Act (FFA) as amended (15 U.S.C. 1191-1204) in May, 1973, the Consumer Product Safety Commission has stated that the FFA authorizes the Commission to order the recall of any product which fails to comply with any standard issued under that Act (from all levels of distribution). This includes products in the hands of ultimate consumers. *In the Matter of Northwick Mills, Inc. et al.*, CPSC Docket No. 76-6, April 21, 1978, The Commission stated:

"To hold that this Commission lacks authority to order recall under the FFA, would stultify the Congressional purpose embodied in the Flammable Fabrics Act . . . and would severely limit the Commission's ability to protect the public from the risks associated with flammable fabrics." (p. 12).

On three occasions the Commission has stated that the FFA authorizes the Commission to order a manufacturer to recall carpets and rugs which fail to comply with the Standard for the Surface Flammability of Carpets and Rugs (16 CFR Part 1630, Subpart A), which are in the possession of distributors and retailers, and those in the possession of the ultimate purchaser, that is, installed carpet. See *In the Matter of Northwick Mills, Inc., et al.*, supra; *In the Matter of Westland Carpet Mills, Inc., et al.*, CPSC Docket No. 75-21, July 11, 1978, and *In the Matter of Barrett Carpet Mills, Inc., et al.*, CPSC Docket No. 75-5, July 11, 1978.

However, the Commission has stated in the *Barrett* case that it would not invoke the authority to order the recall of noncomplying carpets and rugs in the possession of ultimate purchasers in certain cases. In that decision, the Commission stated:

"[T]o avoid unfairness and to eliminate any uncertainty that may exist among those subject to the Carpet Standard that the Commission has authority to order a recall of installed carpet and that it may exercise that authority where the facts, including

the number and pattern of pill test failures, indicate that such action is necessary and appropriate, the Commission has decided to exercise the authority to recall installed carpet *prospectively* . . . [Emphasis added] (pp. 11-12).

In other words, although the Commission has the legal authority to order recall of any carpet which fails to comply with the Standard, including noncomplying carpet in the possession of ultimate purchasers, the Commission has stated that it will assert its authority under the FFA to order recall from ultimate purchasers only in cases involving noncomplying carpets and rugs which were shipped for distribution in commerce by domestic manufacturers, or which were imported into the United States, after July 11, 1978, the date of the *Barrett* decision.

In the *Barrett* Case, the Commission also stated that, in addition to the authority to recall contained in the FFA, sections 15 and 30 of the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*) empower the Commission to order a manufacturer of any consumer product to repurchase, repair, or replace any such product in the hands of the consumer which presents a "substantial product hazard."

Thus, while restricting the application of its authority under the FFA to order recall of noncomplying carpets and rugs in the possession of ultimate purchasers to those instances involving noncomplying carpets and rugs shipped by domestic manufacturers or imported into the United States after July 11, 1978, the Commission also stated in the *Barrett* decision that if noncomplying carpets and rugs shipped by domestic manufacturers, or imported into the United States on or before July 11, 1978, present a "substantial product hazard" within the meaning of section 15 of the Consumer Product Safety Act, the Commission could invoke the authority of the Consumer Product Safety Act to order repurchase, repair, or replacement of such carpets and rugs, including carpets and rugs in the possession of ultimate purchasers.

The Commission believes that the enforcement policy expressed in the *Northwick*, *Westland*, and *Barrett* decisions has significance for all manufacturers, distributors, retailers, and consumers of carpet subject to the Standard for the Surface Flammability of Carpets and Rugs. To articulate this policy as clearly as possible, and to make that policy as widely known as possible, the Commission has decided to publish the statement of policy set forth below. Because this is a statement of policy, notice of proposed rulemaking, opportunity for public comment, and a delayed effective date are not required by the Administrative

Procedure Act (5 U.S.C. 553(b)). Therefore, the Commission hereby amends Title 16, Chapter II, Subchapter D, Part 1630, by adding a new Subpart D, as follows:

Subpart D—Interpretations and Policies

§ 1630.81 Policy on recall of noncomplying carpets and rugs.

(a) *Purpose.* The purpose of this section is to state the policy of the Commission concerning recall of carpets and rugs which are subject to and fail to comply with the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70) (16 CFR Part 1630, Subpart A). In this policy statement, the Commission reaffirms that provisions of the Flammable Fabrics Act (FFA) authorize recall of any product which fails to comply with an applicable flammability standard issued under that Act. Additionally, this policy statement announces general principles which will be followed by the Commission in exercising the authority contained in the FFA to require recall of carpets and rugs from various levels of distribution, including carpets and rugs in the possession of the ultimate consumer.

(b) *Recall from distributors and retailers.* The Commission will exercise the authority contained in the FFA to order recall of carpets and rugs which fail to comply with the Standard for the Surface Flammability for Carpets and Rugs and which are in the possession of any distributor, retailer, or other person or firm in the chain of distribution, where the facts, including the number and pattern of test failures, indicate that such action is necessary and appropriate.

(c) *Recall from consumers.* (1) In cases involving carpets and rugs distributed in commerce by a domestic manufacturer, or imported into the United States, after July 11, 1978, the Commission will exercise the authority contained in the FFA to order recall of carpets and rugs which fail to comply with the Standard for the Surface Flammability of Carpets and Rugs and which are in the possession of ultimate purchasers, including installed carpet, where the facts, including the number and pattern of test failures, indicate that such action is necessary and appropriate.

(2) The Commission may exercise the authority of section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) to order the repair, replacement, or repurchase of any carpets or rugs in the possession of ultimate purchasers, including installed carpet, if such carpets and rugs present a "substantial product hazard" as that term is used in the Consumer Product Safety Act in any case involving carpets or rugs

which were distributed in commerce by a domestic manufacturer or imported into the United States, on or before July 11, 1978, or any time thereafter.

AUTHORITY: Sec. 5, 15 U.S.C. 1194, 67 Stat. 112, June 30, 1953; Sec. 5, 15 U.S.C. 45(b), 38 Stat. 719, Sept. 26, 1914; Sec. 15, 15 U.S.C. 2064, 86 Stat. 1221, Oct. 27, 1972.

Dated: January 2, 1979.

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

[FR Doc. 79-824 Filed 1-9-79; 8:45 am]

[4410-09-M]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Pentazocine Into Schedule IV

AGENCY: Drug Enforcement Administration.

ACTION: Final rule.

SUMMARY: This rule requires that the manufacture, distribution, dispensing, importation and exportation of pentazocine and its salts be subject to the controls provided by the Controlled Substances Act and regulations of the Drug Enforcement Administration, for substances in Schedule IV.

This rule is issued as a result of the Drug Enforcement Administration's request that the Assistant Secretary for Health, Department of Health, Education and Welfare, provide DEA with a scientific and medical evaluation of pentazocine regarding its placement into Schedule IV of the Act, the Assistant Secretary's transmittal of the requested recommendation and evaluation, publication of a Notice of Proposed Rulemaking to place pentazocine into Schedule IV in the FEDERAL REGISTER (43 FR 40884, Sept. 13, 1978), and receipt and review by DEA of comments submitted in response to the published Notice.

DATE: Effective date of schedule IV control: February 9, 1979, except as otherwise provided in Supplementary Information section of this order.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Regulatory Control Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, telephone 202-633-1366.

SUPPLEMENTARY INFORMATION: A notice was published in the FEDERAL REGISTER on September 13, 1978 (43 FR 40884) proposing that the drug pentazocine, and its salts, be placed into Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-966), and that Title 21, Code of Federal Regulations (CFR) Section 1308.14 [Schedule IV] be amended accordingly.

All interested persons were given until October 13, 1978, to submit their comments or objections in writing regarding this proposal.

In response to the notice, nine comments were received by DEA. Of these, five were in support of DEA's proposal to place pentazocine in Schedule IV; two, submitted by the South Carolina Bureau of Drug Control, and by the Assistant Director of Pharmacy for the Methodist Hospital, Memphis, Tennessee, advocated pentazocine for Schedule II; one, by Crouse Irving Memorial Hospital, Syracuse, New York, was informational and advisory; and one, by Sterling Drug Inc., manufacturer of Talwin brand of pentazocine, set forth comments, objections and two requests for hearings concerning Talwin Compound, which is pentazocine combined with aspirin, and butorphanol, a drug newly marketed as an analgesic and currently not a controlled substance.

All the comments thus submitted were reviewed and considered by the Drug Enforcement Administration, and especially noted are the comments, data and materials provided by the Rhode Island Department of Health, Crouse Irving Memorial Hospital, the State of Wisconsin Controlled Substances Board, and the South Carolina Bureau of Drug Control; these submissions were especially helpful in providing profiles of pentazocine abuse cases and a heightened perspective of patterns of pentazocine abuse potential. Although this information and data could well support more stringent controls for pentazocine than are established by this Order, it all is being retained by DEA for use as a basis for further control of pentazocine if, in the future, more stringent controls for the drug are warranted. As to the aforementioned letter filed with DEA by Sterling Drug Inc., it has been reviewed by the Administrator, who has determined that it fails to present reasonable grounds for the proposed rulemaking concerning pentazocine not to be finalized. Sterling Drug Inc. has been notified of this action by letter, dated December 22, 1978.

Additionally, South Carolina, in commenting on the DEA proposal, objected to that proposal and disputed the Schedule IV findings regarding po-

tential for abuse and dependence by the Administrator as set forth therein. South Carolina provided additional information which it asserted would support the findings necessary for placing pentazocine in Schedule II, and advocated that the Administrator issue a proposed rule to that effect.

As noted above, DEA is retaining the information submitted by South Carolina in this regard for possible future use, and has notified the South Carolina Bureau of Drug Control accordingly.

Finally, of historical note, on October 5, 1971, a petition was filed with the Bureau of Narcotics and Dangerous Drugs, predecessor agency to DEA, to place injectable liquid pentazocine into Schedule III of the Act. The petition was filed by Joseph L. Fink, III, then a law student, and six other persons. In respect of the petition, a notice was published in the FEDERAL REGISTER on November 10, 1971, which advised that their petition had been accepted for filing and BNDD would conduct a review thereof to determine if the requested rulemaking proceedings should be initiated.

In view of the August 30, 1978, recommendation and evaluation received from the Assistant Secretary for Health concerning pentazocine, and the instant order issued today in respect thereof listing pentazocine in Schedule IV, the October 5, 1971, petition is hereby denied pending receipt by the Administrator of additional information from petitioners or any other interested person or persons which justifies initiating proceedings to transfer the injectable liquid form of pentazocine from Schedule IV to Schedule III.

No further comments nor objections were received, nor were there any other requests for a hearing, and in view thereof, and based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Assistant Secretary for Health in behalf of the Secretary of Health, Education, and Welfare, received pursuant to Sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, pentazocine has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Pentazocine has a currently accepted medical use in treatment in the United States.

3. Abuse of pentazocine may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in him by the Act and regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby orders that § 1308.14(f) of title 21 of the Code of Federal Regulations (CFR) be amended to read:

§ 1308.14 Schedule IV.

* * * * *

(f) *Other substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

* * * * *

(2) Pentazocine 9709

EFFECTIVE DATES

1. *Registration.* Any person who manufactures, distributes, dispenses, imports or exports, pentazocine, or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before February 9, 1979.

2. *Security.* Pentazocine must be manufactured, distributed, and stored in accordance with §§ 1301.71, 1301.72(b)-(d), 1301.73, 1301.74(a)-(f), 1301.75(b)-(c), and 1301.76 of Title 21 of the Code of Federal Regulations on or before July 9, 1979. From now until the effective date of this provision, it is expected that manufacturers and distributors of pentazocine will initiate whatever preparations as may be necessary, including undertaking handling and engineering studies and construction programs, in order to provide adequate security for pentazocine in accordance with DEA regulations so that substantial compliance with this provision can be met by (180 days after date of publication). In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of pentazocine packaged after July 9, 1979, shall comply with the requirements of § 1302.03-1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any manufacturer, as defined in Section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified requests for an extension of time.

4. *Inventory.* Every registrant required to keep records who possesses any quantity of pentazocine shall take

an inventory pursuant to § 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of such substances on hand, February 9, 1979.

5. *Records.* All registrants required to keep records pursuant to § 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on pentazocine commencing on the date on which the inventory of such substances is required to be taken.

6. *Prescriptions.* All prescriptions for products containing pentazocine shall comply with §§ 1306.01-1306.06 and §§ 1306.21-1306.25 of Title 21 of the Code of Federal Regulations, beginning February 9, 1979. All prescriptions for products containing such substances issued before February 9, 1979, if authorized for refilling, shall as of that date be limited to five refills and shall not be refilled after August 8, 1979.

7. *Importation and exportation.* All importation and exportation of pentazocine shall, on or after February 9, 1979, be required to be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

8. *Criminal liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to pentazocine not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after February 9, 1979, shall be unlawful, except that any person who is not now registered to handle this substance but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with pentazocine under this authority between the date on which this Order is published and the date on which he obtains or is denied registration.

9. *Other.* In all other respects, this Order is effective February 9, 1979.

Dated: January 4, 1979.

PETER B. BENSINGER,
Administrator.

[FR Doc. 79-898 Filed 1-9-79; 8:45 am]

[4910-22-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

[FHWA Docket No. 78-28]

PART 637—CONSTRUCTION INSPECTION AND APPROVAL

Sampling and Testing of Materials and Construction; Revision

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This document simplifies the existing policy and procedures on construction inspection and approval which provides for an assessment of the quality and quantity control of materials and units of work to assure that each project is completed in reasonably close conformity with the approved plans and specifications.

DATES: Effective date: January 11, 1979. Comments must be received on or before April 10, 1979.

ADDRESS: Submit comments, preferably in triplicate, to FHWA Docket No. 78-28, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Ross E. Martinez, Construction and Maintenance Division, Office of Highway Operations, 202-426-0420; or Virginia Cherwek, Office of the Chief Counsel, 202-426-0786; Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The existing regulations were originally published at 39 FR 35649 on October 3, 1974. The revision codifies material contained in the Federal-Aid Highway Program Manual, volume 6, chapter 4, section 2, subsection 7. The regulation simplifies the existing policy and procedures to conform to the recommendations of the Federal Highway Administration (FHWA) policy on minimization of redtape (43 FR 10578, March 14, 1978). This regulation does not contain significant additions to previous requirements nor substantial cost effect.

Anyone wishing to submit written comments related to this regulation is

¹ This document is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

advised to submit them to FHWA Docket No. 78-28. These comments may be considered as a request for rule revision, if necessary, and will be utilized in processing future amendments to this regulation.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

Issued on: December 26, 1978.

L. P. LAMM,
*Acting Federal Highway
Administrator.*

Part 637, Subpart B of Chapter I, Title 23, Code of Federal Regulations, is revised to read as follows:

Subpart B—Sampling and Testing of Materials and Construction

- Sec.
- 637.201 Purpose.
- 637.203 Definitions.
- 637.205 Policy.
- 637.207 Procedure.

Appendix A—Guide letter of certification by State engineer.

AUTHORITY: 23 U.S.C. §§ 114, 204, 206, 209, 210, and 315; 49 CFR 1.48(b).

Subpart B—Sampling and Testing of Materials and Construction

§ 637.201 Purpose.

The purpose of this regulation is to prescribe policies, procedures, and guides relating to sampling and testing of materials and construction in Federal-aid highway projects, except those constructed pursuant to 23 U.S.C. section 117.

§ 637.203 Definitions.

(a) The term "acceptance samples and tests" means all of the samples and tests used for determining the quality and acceptability of the materials and workmanship which have been or are being incorporated in the project.

(b) The term "independent assurance samples and tests" means independent samples and tests or other procedure performed by State personnel who do not normally have direct responsibility for process control and acceptance sampling and testing. They are used for the purpose of making independent checks on the reliability of the results obtained in acceptance sampling and testing.

(c) The term "National Reference Laboratories" means the American Association of State Highway and Transportation Officials (AASHTO) Materials Reference Laboratory (AMRL) and the Cement and Concrete Reference Laboratory (CCRL), each operated by the National Bureau of Standards.

§ 637.205 Policy.

(a) *Sampling and Testing Program.* It is the policy of the Federal Highway Administration (FHWA) that each State highway agency shall develop a sampling and testing program which will provide adequate assurance that the materials and workmanship incorporated in each Federal-aid highway construction project are in reasonably close conformity with the requirements of the approved plans and specifications including approved changes. The program shall have provisions for acceptance and independent assurance samples and tests. The program shall be approved by FHWA.

(b) *National Reference Laboratories.* It is the policy of FHWA to encourage all State highway agencies to participate in each regular inspection tour and comparative sample testing program of the CCRL and AMRL.

§ 637.207 Procedure.

Each State's acceptance and independent assurance sampling and testing program shall provide for the following:

(a) The point in the construction process at which sampling and testing is to be done.

(b) A guide schedule for sampling and testing materials which will give general guidance to personnel responsible for the program yet give them reasonable latitude for adaption to specific project needs.

(c) A reasonable portion of the independent assurance sampling and testing be performed by personnel who have no direct responsibility for acceptance sampling and testing using test equipment other than that assigned to the project. The program may permit the remainder of the independent samples and tests to be accomplished by independent observation of the acceptance sampling and testing or with the use of project assigned equipment.

(d) A prompt comparison of acceptance test results with independent assurance test results.

(e) The preparation and submission of a material certification conforming in substance to Appendix A of this regulation to the FHWA Division Administrator for each construction project.

APPENDIX A

(GUIDE LETTER OF CERTIFICATION BY STATE ENGINEER)

Date _____
Project No. _____
This is to certify that:

The results of the tests on acceptance samples indicate that the materials incorporated in the construction work and the construction operations controlled by sampling and testing were in reasonably close conformity with the approved plans and speci-

cations, and such results compare favorably with the results of independent assurance sampling and testing. Exceptions to this certification are documented in the project records.

Director of Laboratory
or other
Appropriate State Official

[FR Doc. 79-872 Filed 1-9-79; 8:45 am]

[4310-84-M]

Title 43—Public Lands: Interior

**CHAPTER II—BUREAU OF LAND
MANAGEMENT, DEPARTMENT OF
THE INTERIOR**

**SUBCHAPTER D—RANGE MANAGEMENT
(4000)**

[Circular No. 2440]

**PART 4100—GRAZING
ADMINISTRATION**

**Authorizing Grazing Use—Payment
of Fees**

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes the formula for computing grazing fees for public rangelands. The Public Rangelands Improvement Act of 1978 provides for a specific grazing fee formula for public rangelands. The intended effect is to adjust the grazing fee to fair market value in accordance with the statutory grazing fee formula.

DATE: Effective March 1, 1979.

ADDRESS: Director (330), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald J. Younger, 202-343-6011.

SUPPLEMENTAL INFORMATION: The principal author of this document is Ronald J. Younger of the Washington Office, Division of Range Management, assisted by Billy R. Templeton of the Division of Legislation and Regulatory Management.

Proposed rulemaking relating to grazing fees was published jointly by the Forest Service and the Bureau of Land Management on pages 60108 through 60110 of the FEDERAL REGISTER on November 23, 1977. Written comments were invited through February 21, 1978, and six public meetings were held in five Western States to provide an opportunity for public input. Comments received by both the Forest Service and the Bureau of Land

Management have been considered. These comments are summarized as follows:

Individual comments were received by mail from 13 units of State and local government, 55 special interest groups, and 434 individuals. The comments came from 41 States and Washington, D.C.

Additionally, four petitions bearing a total of 299 names were received.

The public meetings were attended by 476 persons. There were representatives speaking for 31 special interest groups and nine units of State and local government.

SUMMARY OF GENERAL COMMENTS

Those who favored the proposed rulemaking offered the following comments:

1. The proposed grazing fee increase is a means to achieve the objectives of range improvement, wildlife habitat improvement, and range and habitat maintenance. To some, the objective is served by generation of additional moneys for improvements through the "Range Betterment Fund" provisions of the Federal Land Policy and Management Act, (43 U.S.C. 1701, 1751); to others, the objective is served by decreasing the desirability for grazing livestock through higher fees.

2. The general public is entitled to receive fair market value for the use of the public resources.

3. Unless fair market value is charged for public grazing, those who have public grazing leases and permits enjoy an unfair competitive advantage over other livestock producers.

4. The procedure used to determine fair market value is appropriate.

Those who opposed the proposed rulemaking offered the following general comments:

1. Any increase in grazing fees would add an additional financial burden to an industry already burdened at this time by a depressed market for its products and trying to recover from drought-caused financial losses.

2. Few direct objections were offered to the concept of paying fair market value for the use of public resources. However, many objected to the procedures used to determine fair market value. Others believed that they are already paying fair market value, if all factors they consider pertinent would be considered in the determination of fair market value.

SPECIFIC COMMENTS AND RESPONSE

1. A considerable number of comments compared the "Technical Committee proposal" to the proposed regulation. Individuals and groups making these comparisons cited their estimate of the shortcomings in the proposed regulation and suggested replacement

of the proposed regulation with the "Technical Committee proposal."

2. It was suggested that a two-tier grazing fee be adopted that would allow a lower fee for livestockmen who would guarantee access to public lands for recreation users.

3. It was suggested that public rangelands be open to competitive bidding to allow any interested person an equal chance to use public rangelands and to assure that fair market value is collected for livestock grazing.

4. It was suggested that the fee should be a variable fee based upon age and weight classes of animals. For example, a yearling consumes less forage than a cow with a calf and, therefore, it was suggested the fee should be lower.

5. Inclusion of permit value as a factor in determining (reducing) the grazing fee was suggested.

6. It was suggested that a variable fee be developed based upon forage production and nutritional value of forage.

7. It was suggested that fair market value be adjusted to account for differences in the cost of livestock operations on private land as compared to costs on public lands.

8. It was suggested that an allowance or credit be given to the permittees in return for permittee contributions to the construction of improvements and for maintaining improvements.

9. A schedule was suggested for a variable fee based upon the current season stocking rate and recent livestock prices. By this schedule, the fee per animal unit month would change by a fixed factor each time an increase or decrease in grazing capacity of one acre per animal unit month occurred and the fee would also change by a fixed amount each time the price per hundredweight of beef increased or decreased by one dollar.

10. It was suggested that permittees be required to post a performance bond to ensure protection of the range and rehabilitation of any damaged areas. This suggestion is not adopted. Livestock operations are generally stable, long-term operations and provisions of existing law and regulations (including cancellation of the grazing permit) are more appropriate means of reaching range improvement objectives than bonding.

The many thoughtful comments received on the proposed rulemaking are appreciated. However, a grazing fee formula was established in the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901). This final rulemaking has been prepared in accordance with that Act.

STATUTORY FEE FORMULA ADOPTED BY CONGRESS

Before final rules were adopted, a moratorium on any change in grazing fees for the 1978 grazing season was imposed by the Congress to provide additional time to study the issue. Then on October 25, 1978, the Public Rangelands Improvement Act (43 U.S.C. 1901) was signed into law. Section 6(a) of the Act adopted the fee formula known as the "Technical Committee Formula." The section 6(a) grazing fee formula may be expressed mathematically as follows:

$$\text{Grazing Fee} = \$1.23 \left[\frac{\text{FVI} + (\text{BCPI} - \text{PPI})}{100} \right]$$

The components of the formula are:

\$1.23 = fair market value for base period 1964-1968.

FVI = Forage Value Index
 BCPI = Beef Cattle Price Index
 PPI = Prices Paid Index

The following data series, as suggested by the Technical Committee Report, will be used for the component values in the Congressional grazing fee formula.

The economic value of \$1.23 established by the 1966 Western Livestock Grazing Survey for the base years 1964-1968 represents the difference between total cost associated with livestock grazing use of private leased grazing lands and total nonfee costs associated with livestock grazing use of allotments on Federal lands administered by the Forest Service and by the Bureau of Land Management in the Western States. The general items of cost included are: loss of animals, veterinary costs, movement of livestock to and from public or private grazing areas, herding and movement of livestock while on the grazing area., salting and feeding, travel by personnel to and from public or private grazing areas, pumping or hauling of water, horse use in movement and management of livestock, maintenance of fences and water facilities, depreciation of fences and other permanent structures, other miscellaneous costs, and costs paid through associations. In addition, payments to the landlord (the grazing lease rate) are included in the cost of using private grazing lands.

Forage Value Index (FVI) represents the annual change in private grazing lease rates from the 1964-1968 base years as collected by USDA using the June Enumerative Survey. The private lease rate value of \$3.65 per animal unit month from the base period of 1964-1968 will continue to be the proper base value for the index of forage value.

Data year	Private grazing lease rate	Forage value index
1964-1968	3.65	100
1977	7.29	200
1978	7.11	195

The Beef Cattle Price Index (BCPI) represents the annual change in beef cattle prices in the 11-Western States compared with the base period (1964-1968) price of \$22.04 per hundred-weight. This data is collected by USDA for a calendar year of November-October and is composed of a weighted average beef cattle (excluding calves) price for the 11-Western States. The selection of the November calendar year does require a special tabulation but the basic price data are those normally published by ESCS in the *Agriculture Prices* series. The weighting by States is based on the volume (pounds liveweight) of marketings.

Data price year	Beef cattle price dol/ cwt	Beef cattle price index
1964-1968	22.04	100
1969	27.00	123
1970	29.50	134
1971	29.50	134
1972	36.80	167
1973	43.00	195
1974	39.20	178
1975	35.20	160
1976	36.10	164
1977	36.00	163
1978	47.60	216

The Prices Paid Index (PPI) is developed from selected subindexes of the official USDA, ESCS index of prices paid with weights based on the Cost of Production Survey (COPS). It is an annual index on a November through October calendar year with a base period of 1964-1968 equal 100.

Date year	Prices paid index
1964-1968	100
1969	113
1970	118
1971	124
1972	130
1973	140
1974	168
1975	198
1976	215
1977	230
1978	246

The calendar year November through October was selected for the purpose of using the most recent data for determination of grazing fees. The grazing fee year starts on March 1 and a period of 4 months is needed to assess the data, compute the fee, publish the fee schedule in the FEDERAL REGISTER, compute the grazing billings, transmit the billings to the per-

mittees, and collect the fees in advance of actual grazing use.

Utilizing the 1978 data year component values in the Congressional grazing fee formula results in an economic value grazing fee for the 1979 fee year of \$2.03 per animal unit month (AUM):

$$\$1.23 \left[\frac{195 + (216 - 246)}{100} \right] = \$2.03/\text{AUM}$$

The 1979 grazing fee cannot exceed 25 percentum of the 1978 grazing fee; therefore, under this proposal the 1978 fee of \$1.51 for BLM public domain lands is increased by 25 percentum to \$1.89 per AUM for 1979. The higher grazing fees on some Bankhead-Jones lands and public lands in Western Oregon are also increased 25 percentum for 1979.

Other Federal land such as lands under the jurisdiction of the Department of Army and Veterans Administration, where livestock grazing is managed by BLM under interagency agreements, are not covered by the Public Rangelands Improvement Act of 1978. Competitive bidding will continue to be employed on these areas to establish value for livestock use of the land.

Fees for the grazing years 1979 through 1985 shall be established annually by the Secretary based on the grazing fee formula in the Public Rangelands Improvement Act of 1978. Starting in 1979, grazing fees shall be adjusted annually to the computed economic value subject only to the provision that adjustments shall be limited to not more than plus or minus 25 percentum of the previous year's fee.

Under the authority of the Taylor Grazing Act of 1934 as amended (43 U.S.C. 315); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751); and the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901), § 4130.5-1, Subpart 4130, Part 4100, Subchapter D, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below.

GARY J. WICKS,
*Acting Assistant
 Secretary of the Interior.*

JANUARY 4, 1979.

1. Section 4130.5-1 is amended by adding paragraph (a) to read as follows:

§ 4130.5-1 Payment of fees.

(a) Grazing fees shall be established annually by the Secretary based upon the grazing fee formula in the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901).

$$\text{Economic Value (Grazing Fee)} = \$1.23 \left[\frac{\text{FVI} + (\text{BCPI} - \text{PPI})}{100} \right]$$

The components of the formula are:

\$1.23=fair market value for base period 1964-1968.

FVI=Forage Value Index
BCPI=Beef Cattle Price Index
PPI=Prices Paid Index

Grazing fees shall be adjusted annually to the computed economic value; subject only to the provision that adjustments, either increases or decreases, shall not be more than 25 percent of the previous year's grazing fee.

[FR Doc. 79-843 Filed 1-9-79; 8:45 am]

[4910-06-M]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR-3, Notice No. 18]

PART 218—RAILROAD OPERATING RULES

Blue Signal Protection of Workmen

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Amendment to final rule.

SUMMARY: Part 218 prescribes minimum requirements for certain operating rules utilized by railroads in conducting train operations. This notice amends the requirements for blue signal protection to be afforded workmen engaged in the inspection, repair, testing and servicing of railroad rolling equipment.

DATES: This amendment is effective on January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

PRINCIPAL AUTHORS

Principal Program Person: John A. McNally, Office of Safety, Washington, D.C. 20590. Phone (202) 426-9179.

Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel, Washington, D.C. 20590. Phone (202) 426-8836.

SUPPLEMENTARY INFORMATION: On October 2, 1978, FRA published an NPRM proposing to revise those provisions of Part 218 that relate to the blue signal protection to be afforded workmen engaged in the inspection, repair, testing and servicing of rolling equipment (43 FR 45416). The purpose of the proposed amendment is to resolve all of the known outstanding issues associated with the existing regulation.

COMMENTERS VIEWS

FRA solicited written comments and views on the proposed changes and indicated that a public hearing would be provided if FRA received a request for such a hearing. FRA did not receive a request for a public hearing and received only four written comments in response to the NPRM. The commenters all expressed support for the proposed changes and two commenters urged rapid action by FRA to adopt the proposal as a final rule. Only one commenter, a manufacturer of derails, urged a change in the regulatory language of the NPRM. This commenter suggested that higher speeds be permitted on tracks where a derail is used to provide protection for workmen. In support of this suggestion, the commenter indicated that field testing had demonstrated the ability of some of its devices to function as intended at speeds greater than 20 miles per hour.

FRA ANALYSIS OF COMMENTS

The low operating speed proposed by FRA pertains only to those specific instances in which a derail is located approximately 50 feet from the area where the workmen are performing tasks on rolling equipment. The low speed provision in this instance is intended to assure that rolling equipment will not travel more than 50 feet after derailment. FRA is concerned that, if rolling equipment encountered a derail at greater speeds, the equipment could endanger workmen in the area beyond the prescribed 50 foot buffer zone. Similarly in those instances where the buffer zone is increased to a distance of 150 feet, this speed restriction is not applicable. Since the distance travelled after derailment, not the effectiveness of a derail, is the safety concern addressed by the speed restriction, FRA has not adopted the change suggested by the derail manufacturer.

After consideration of the comments received, FRA has decided to adopt the regulation basically as it was proposed. However, FRA has made some technical language changes in the final rule. These changes are clarifying in nature.

In the preamble to the NPRM, FRA provided a section by section analysis of the proposed regulation. In view of the limited technical changes being made that analysis is not being repeated in its entirety. However, FRA does wish to point out the changes made in adopting the final rule.

In § 218.5, FRA has added paragraphs (k), (l) and (m). These paragraphs contain definitions that are pertinent to Subpart C of Part 218. They are currently contained in paragraphs (e), (f) and (g) of § 218.5 and have merely been renumbered and restated. In § 218.29, FRA has reworded

the proposed language to eliminate cross references to other sections and to make it more understandable. Finally, § 218.31 of the proposed regulation has been renumbered as § 218.30 of the final rule. In addition, clarifying and conforming changes have been made in §§ 218.3(a)(2); 218.5(d)(3) and (j); 218.23(a); 218.25(a) and (b); 218.27(b), (c) and (d); 218.29; 218.30 and Appendix A.

The revision being adopted by FRA will serve to relieve an existing group of restrictions. Therefore, in accordance with the provisions of section 553 of the Administrative Procedure Act (5 U.S.C 553), this amendment is being made effective in less than 30 days after publication.

ECONOMIC IMPACT

FRA has reviewed its prior analysis of the economic impact of this proposal in light of the comments received in this proceeding and FRA has determined that this notice does not contain a significant regulatory proposal. Therefore, a Regulatory Analysis under Executive Order 12044 is not required (E.O. 12044, 43 FR 12661, March 24, 1978).

In addition, FRA has evaluated this final rule in accordance with DOT's existing and proposed policies for the evaluation of regulatory impacts. Since the regulation being adopted will not impose any additional requirements and will permit some cost savings to the railroads, as well as providing some unquantifiable benefits by improving the safety of railroad workers, FRA concluded that the regulatory proposal contained in this notice would have no measurable regulatory impact and that a detailed evaluation is not warranted. (Policies and Procedures for Simplification, Analysis, and Review of Regulations, 43 FR 9582, March 8, 1978; Proposed Regulatory Policies and Procedures, 43 FR 23925, June 1, 1978).

In consideration of the foregoing, Part 218, of Title 49 of the Code of Federal Regulations is amended as set forth below.

1. By amending the Table of Contents at the beginning of Part 218 to read as follows:

PART 218—RAILROAD OPERATING RULES

Subpart A—General

- Sec.
218.1 Purpose.
218.3 Application.
218.5 Definitions.
218.7 Waivers.
218.9 Civil penalty.
218.11 Filing, testing and instruction.

Subpart B—Blue Signal Protection of Workmen

- 218.21 Scope.

- 218.23 Blue signal display.
- 218.25 Workmen on a main track.
- 218.27 Workmen on track other than main track.
- 218.29 Alternate methods of protection.
- 218.30 Remotely controlled switches.

Subpart C—Protection of Trains and Locomotives

- 218.31 Scope.
- 218.35 Yard limits.
- 218.37 Flag protection.

Appendix A—Schedule of Civil Penalties

AUTHORITY: Sec. 202, 84 Stat 971 (45 U.S.C. 431); Sec. 1.49(n) of the regulation of the Office of the Secretary of Transportation, 49 CFR 1.49(n)

2. By amending Subparts A and B to read as follows:

Subpart A—General

§ 218.1 Purpose.

This part prescribes minimum requirements for railroad operating rules and practices. Each railroad may prescribe additional or more stringent requirements in its operating rules, timetables, timetable special instructions, and other special instructions.

§ 218.3 Application.

(a) Except as provided in paragraph (b) of this Section, this part applies to railroads that operate rolling equipment on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to—

(1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation, or

(2) A railroad that operates only on track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

§ 218.5 Definitions.

As used in this part—

(a) "Workman" means railroad employees assigned to inspect, test, repair, or service railroad rolling equipment, or their components including brake systems. Train and yard crews are excluded except when assigned to perform such work on railroad rolling equipment that is not part of the train or yard movement they have been called to operate.

NOTE.—"Servicing" does not include supplying cabooses, locomotives, or passenger cars with items such as ice, drinking water, tools, sanitary supplies, stationery, or flagging equipment.

"Testing" does not include visual observations made by an employee positioned inside or alongside a caboose, locomotive, or passenger car.

(b) "Rolling equipment" includes locomotives, railroad cars, and one or

more locomotives coupled to one or more cars.

(c) "Blue Signal" means a clearly distinguishable blue flag or blue light by day and a blue light at night. When attached to the operating controls of a locomotive, it need not be lighted if the inside of the cab area of the locomotive is sufficiently lighted so as to make the blue signal clearly distinguishable.

(d) "Effective Locking Device" when used in relation to a manually operated switch or a derail means one which is: (1) Vandal resistant; (2) tamper resistant; and (3) capable of being locked and unlocked only by the class, craft or group of employees for whom the protection is being provided.

(e) "Car shop repair track area" means one or more tracks within an area in which the testing, servicing, repair, inspection, or rebuilding of railroad rolling equipment is under the exclusive control of mechanical department personnel.

(f) "Locomotive servicing track area" means one or more tracks, within an area in which the testing, servicing, repair, inspection, or rebuilding of locomotives is under the exclusive control of mechanical department personnel.

(g) "Main Track" means a track, other than an auxiliary track, extending through yards or between stations, upon which trains are operated by timetable or train order or both, or the use of which is governed by a signal system.

(h) "Locomotive" means a self-propelled unit of equipment designed for moving other equipment in revenue service including a self-propelled unit designed to carry freight or passenger traffic, or both, and may consist of one or more units operated from a single control.

(i) "Switch providing access" means a switch which if traversed by rolling equipment could permit that rolling equipment to couple to the equipment being protected.

(j) "Group of workmen" means two or more workmen of the same or different crafts assigned to work together as a unit under a common authority and who are in communication with each other while the work is being done.

(k) "Interlocking" means the tracks between the opposing home signals of an interlocking.

(l) "Flagman's signals" means a red flag by day and a white light at night, and a specified number of torpedoes and fuses as prescribed in the railroad's operating rules.

(m) "Absolute block" means a block in which no train is permitted to enter while it is occupied by another train.

§ 218.7 Waivers.

(a) A railroad may petition the Federal Railroad Administration for a waiver of compliance with any requirement prescribed in this part.

(b) Each petition for a waiver under this section must be filed in the manner and contain the information required by Part 211 of this chapter.

(c) If the Administrator finds that waiver of compliance is in the public interest and is consistent with railroad safety, he may grant the waiver subject to any conditions he deems necessary. Notice of each waiver granted, including a statement of the reasons, therefore, is published in the FEDERAL REGISTER.

§ 218.9 Civil penalty.

Each railroad to which this part applies that violates any requirement prescribed by this part is liable to a civil penalty of at least \$250, but not more than \$2,500 for each violation. Each day of each violation constitutes a separate offense.

§ 218.11 Filing, testing, and instruction.

The operating rules prescribed in this part, and any additional or more stringent requirements issued by a railroad in relation to the operating rules prescribed in this part, shall be subject to the provisions of Part 217 of this chapter, Railroad Operating Rules: Filing, Testing, and Instruction.

Subpart B—Blue Signal Protection of Workmen

§ 218.21 Scope.

This subpart prescribes minimum requirements for the protection of railroad employees engaged in the inspection, testing, repair, and servicing of rolling equipment whose activities require them to work on, under, or between such equipment and subjects them to the danger of personal injury posed by any movement of such equipment.

§ 218.23 Blue signal display.

(a) Blue Signals displayed in accordance with §§ 218.25, 218.27, or 218.29 signify that workmen are on, under, or between rolling equipment. When so displayed—

(1) The equipment may not be coupled to;

(2) The equipment may not be moved, except as provided for in § 218.29;

(3) Other rolling equipment may not be placed on the same track so as to reduce or block the view of a blue signal, except as provided for in § 218.29 (a), (b) and (c); and

(4) Rolling equipment may not pass a displayed blue signal.

(b) Blue Signals must be displayed in accordance with §§ 218.25, 218.27, or

218.29 by each craft or group of workmen prior to their going on, under, or between rolling equipment and may only be removed by the same craft or group that displayed them.

§ 218.25 Workmen on a main track.

When workmen are on, under, or between rolling equipment on a main track:

(a) A blue signal must be displayed at each end of the rolling equipment; and

(b) If the rolling equipment to be protected includes one or more locomotives, a blue signal must be attached to the controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive.

(c) When emergency repair work is to be done on, under, or between a locomotive or one or more cars coupled to a locomotive, and blue signals are not available, the engineman or operator must be notified and effective measures must be taken to protect the railroad employees making the repairs.

§ 218.27 Workmen on track other than main track.

When workmen are on, under, or between rolling equipment on track other than main track—

(a) A blue signal must be displayed at or near each manually operated switch providing access to that track;

(b) Each manually operated switch providing access to the track on which the equipment is located must be lined against movement to that track and locked with an effective locking device; and

(c) The person in charge of the workmen must have notified the operator of any remotely controlled switch that work is to be performed and have been informed by the operator that each remotely controlled switch providing access to the track on which the equipment is located has been lined against movement to that track and locked as prescribed in § 218.30.

(d) If rolling equipment requiring blue signal protection as provided for in this section is on a track equipped with one or more crossovers, both switches of each crossover must be lined against movement through the crossover toward that rolling equipment, and the switch of each crossover that provides access to the rolling equipment must be protected in accordance with the provisions of subsections (a) and (b), or (c) of this section.

(e) If the rolling equipment to be protected includes one or more locomotives, a blue signal must be attached to the controlling locomotive at a location where it is readily visible

to the engineman or operator at the controls of that locomotive.

§ 218.29 Alternate methods of protection.

Instead of providing blue signal protection for workmen in accordance with § 218.27, the following methods for blue signal protection may be used:

(a) When workmen are on, under, or between rolling equipment in a locomotive servicing track area:

(1) A blue signal must be displayed at or near each switch providing entrance to or departure from the area;

(2) Each switch providing entrance to or departure from the area must be lined against the movement to the area locked with an effective locking device; and

(3) A blue signal must be attached to each controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive;

(4) If the speed within this area is restricted to not more than 5 miles per hour a derail, capable of restricting access to that portion of a track within the area on which the rolling equipment is located, will fulfill the requirements of a manually operated switch in compliance with subparagraph (2) of this paragraph when positioned at least 50 feet from the end of the equipment to be protected by the blue signal, when locked in a derailing position with an effective locking device, and when a blue signal is displayed at the derail;

(5) A locomotive may be moved onto a locomotive servicing area track after the blue signal has been removed from the entrance switch to the area. However, the locomotive must be stopped short of coupling to another locomotive;

(6) A locomotive may be moved off of a locomotive servicing area track after the blue signal has been removed from the controlling locomotive to be moved and from the area departure switch;

(7) If operated by an authorized employee under the direction of the person in charge of the workmen, a locomotive protected by blue signals may be repositioned within this area after the blue signal has been removed from the locomotive to be repositioned and the workmen on the affected track have been notified of the movement; and

(8) Blue signal protection removed for the movement of locomotives as provided in subparagraphs (5) and (6) of this paragraph must be restored immediately after the locomotive has cleared the switch.

(b) When workmen are on, under, or between rolling equipment in a car shop repair track area:

(1) A blue signal must be displayed at or near each switch providing entrance to or departure from the area; and

(2) Each switch providing entrance to or departure from the area must be lined against movement to the area and locked with an effective locking device;

(3) If the speed within this area is restricted to not more than 5 miles per hour, a derail capable of restricting access to that portion of a track within the area on which the rolling equipment is located will fulfill the requirements of a man-

ually operated switch in compliance with subparagraph (2) of this paragraph when positioned at least 50 feet from the end of the equipment to be protected by the blue signal, when locked in a derailing position with an effective locking device and when a blue signal is displayed at the derail;

(4) If operated by an authorized employee under the direction of the person in charge of the workmen, a car mover may be used to reposition rolling equipment within this area after workmen on the affected track have been notified of the movement.

(c) Except as provided in paragraph (a) and (b) of this section, when workmen are on, under, or between rolling equipment on any track, other than a main track:

(1) A derail capable of restricting access to that portion of the track on which such equipment is located, will fulfill the requirements of a manually operated switch when positioned no less than 150 feet from the end so such equipment; and

(2) Each derail must be locked in a derailing position with an effective locking device and a blue signal must be displayed at each derail.

(d) When emergency repair work is to be done on, under, or between a locomotive or one or more cars coupled to a locomotive, and blue signals are not available, the engineman or operator at the controls of that locomotive must be notified and effective measures must be taken to protect the workmen making the repairs.

§ 218.30 Remotely controlled switches.

(a) After the operator of the remotely controlled switches has received the notification required by § 218.27(c), he must line each remotely controlled switch against movement to that track and apply an effective locking device to the lever, button, or other device controlling the switch before he may inform the employee in charge of the workmen that protection has been provided.

(b) The operator may not remove the locking device unless he has been informed by the person in charge of the workmen that it is safe to do so.

(c) The operator must maintain for 30 days a written record of each notification which contains the following information:

(1) The date and time the operator received notification of the work to be performed;

(2) The name and craft of the employee in charge who provided the notification;

(3) The number or other designation of the track involved;

(4) The date and time the operator notified the employee in charge that protection had been provided in accordance with paragraph (a) of this section; and

(5) The date and time the operator was informed that the work had been completed, and the name and craft of the em-

ployee in charge who provided this information.

3. By amending Appendix A to read as follows:

218.23	Blue signal display.		
218.25	Workmen on main track.....	\$750	\$2,000
218.27	Workmen on other than main tracks.....	750	2,000
218.29	Alternate methods of protection.....	750	2,000
218.30	Remotely controlled switches:		
	(a) and (b).....	750	2,000
	(c).....	500	1,000

(Secs. 202 and 208, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431 and 437); § 1.49(n), Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).)

Issued in Washington, D.C., on January 4, 1979.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 79-815 Filed 1-9-79; 8:45 am]

[7035-01-M]

**CHAPTER X—INTERSTATE
COMMERCE COMMISSION**

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 282 (Sub-No. 1)]

**PART 1111—RAILROAD ACQUISITION,
CONTROL, MERGER, CONSOLIDATION PROJECT,
TRackage RIGHTS, AND LEASE PROCEDURES**

Railroad Consolidation Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Revision of regulations.

SUMMARY: The Commission has revised its regulations at 49 CFR 1111.2 in order to clarify the regulatory scheme. The revisions are designed to correct the inadvertent omission of certain carriers participating in transactions under 49 U.S.C. 11343 (former-

ly section 5(2) of the Interstate Commerce Act) (Act), and to require less information in applications for lease renewals. Also, the regulations are revised to be consistent with other regulations adopted subsequently to the drafting of 49 CFR.

DATES: The revisions will be effective on January 10, 1979.

FOR FURTHER INFORMATION CONTACT:

G. Marvin Bober, (202) 275-7564.

SUPPLEMENTARY INFORMATION: These regulations govern applications filed by two or more carriers seeking merger, consolidation, control, acquisition, lease or trackage rights under section 11343. See 49 CFR 1111.1.

Specifically: § 1111.2(a) is revised to include a regulation advising applicants of the new energy regulations and 1111.2 (b), (c), and (d) are renumbered accordingly; §§ 1111.2 (a), (b), (c), and (d) are revised to include lease renewals among the transactions having minimal market and competition impact; and § 1111.2(c) is revised to include Class III carriers and railroad lessors as participants in transactions covered by the regulations.

Because these modifications, as set forth in the Appendix, merely clarify the regulations and incorporate existing regulations, and because petitioners could immediately utilize these modifications in their lease renewal application, we find that notice and public procedure on these revisions are unnecessary, impracticable and contrary to the public interest within the meaning of 5 U.S.C. 553(6)(B).

H. G. HOMME, Jr.
Secretary.

APPENDIX OF REVISIONS

§ 1111.2 [Amended]

49 CFR 1111.2(a)(11)(iii) is modified as follows:

- (a) ***
- (ii) ***
- (iii) * * * or in the event the proposed transaction involves trackage rights, joint use or ownership of a railroad line, a coordination project or a lease renewal, then * * *

* * * * *
49 CFR 1111.2(a) is supplemented as follows:
(a) ***

(13) As exhibit 13, information and data with respect to energy consumption prepared in accordance with the regulations in Part 1106 of this title of the Code of Federal Regulations.

(b) * * * except for those applications involving trackage rights, joint use or joint ownership of a railroad line, a coordination project or a lease renewal:

- (1) As exhibit A-14, * * *
- (2) As exhibit A-15, * * *
- (3) As exhibit A-16, * * *
- (v) * * * under section 1111.2 (b)(3)(ii), (exhibit A-16). * * *
- (4) As exhibit A-17, * * *
- (5) As exhibit A-18, * * *
- (6) As exhibit A-19, * * *

49 CFR 1111.2(c) is modified as follows:

* * * * *

(c) * * * the following exhibits are also required for applications involving one or more Class II railroads, Class III railroads or railroad lessors or applications involving a Class I railroad and a Class II or Class III railroad or a railroad lessor, except for those applications involving trackage rights, joint use or joint ownership of a railroad line, a coordination project or a lease renewal:

- (1) As exhibit B-14, * * *
- (2) As exhibit B-15, * * *
- (3) As exhibit B-16, * * *
- (4) As exhibit B-17, * * *
- (5) As exhibit B-18, * * *
- (6) As exhibit B-19, * * *

49 CFR 1111.2(d) is modified as follows:

* * * * *

(d) * * *, the following exhibits are also required for applications involving trackage rights, joint use or joint ownership of a railroad line, a coordination project or a lease renewal:

- (1) As exhibit C-14, * * *
- (2) As exhibit C-15, * * *
- (3) As exhibit C-16, * * *

[FR Doc. 79-899 Filed 1-9-79 8:45 am]

proposed rules

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

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505]

[No. 79-8]

PRICE LIST FOR COPIES OF PUBLIC DATA

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the Bank Board's price list for copies of financial and statistical data reported by lending institutions to the Bank Board. Such data, available to the public under the Freedom of Information Act, would be more closely priced according to the Board's estimated costs of reproduction, including equipment and manpower expenses. The proposal would also broaden the description of types of information to which the price list applies and include specific charges for copies of initial transcripts of Bank Board meetings.

The Bank Board requests that public comments be limited to the reasonableness of the proposed prices; justification for raising or lowering any price should be included in any comment letter suggesting such action.

DATE: Comments must be received on or before January 31, 1979.

ADDRESS: Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel. Telephone number: Area code 202-377-6440.

SUPPLEMENTARY INFORMATION: Federal Home Loan Bank Board considers it desirable to propose amendments to § 505.4(e) (12 CFR 505.4(e)) of its General Rules and Regulations for the purpose of revising the price list for preparing public copies of information made available to the public under § 505.

The Bank Board believes the proposed amendment would (1) simplify § 505.4(e) and facilitate its application

to additional types of information which may be made available under the regulation and (2) bring the total charges imposed under the regulation more closely into line with the Bank Board's costs in making information available under it, while at the same time reducing charges to small users. The amendment would also specify charges for initial transcripts of Bank Board meetings.

Accordingly, the Bank Board hereby proposes to amend § 505.4 by revising subsection (e) thereof to read as follows:

§ 505.4 Access to Records.

* * * * *

(e) Fees for providing copies of records

(1) *Statistical and financial reports of individual institutions (including unpublished aggregates of these reports)*

(a) The charges for copies of such reports are as follows:

For printed copy: search charge of \$2.00 per specific report requested (regardless of number of institutions for which data are requested) plus 30 cents a page copy charge.

For magnetic tape containing all individual institution information for a single period for specific report:

\$50.00 for Format #1 (Board's internal format, 800 or 1600 BPI, odd parity, 9 track, no label or tape mark; data recorded in Sixbit imbedded Comp.)

\$150.00 for Format #2 (Universal EBCDIC, 800 or 1600 BPI, odd parity, 9 track, no label or tape mark; data recorded in EBCDIC.)

(b) Procedure. Address all requests for statistical or financial records to: Office of Economic Research (Attention: Information Disclosure Section), Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Include requester's name, address, and telephone number. If requesting data for an individual institution, provide its accurate and complete name and home office address and dates for specific data requested. For geographical requests, specify county and/or state in which the institutions or offices are located as well as dates for specific data requested. Requesters will be billed for copies. No advance payment will be accepted.

(2) *Other computer or information system records*

With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested and the Director, Office of Economic Research, or his designee is authorized to determine the cost of such retrieval and production upon recommendation, where appropriate, of the Director, Information Systems Division, or his designee.

(3) *Transcripts of Bank Board meetings.* The charge for initial transcripts of Bank Board meetings shall be \$3.00 per page or part thereof. This charge shall apply to all meetings open pursuant to 5 U.S.C. § 552b(c) and to those portions of closed meetings which are publicly available pursuant to 5 U.S.C. § 552b(f)(2).

(4) *All other records.* A person requesting access to or copies of particular records shall pay the cost of searching or copying such records at the rate of \$10 per hour for searching and 10 cents per page for copying. Unless a requester states in his initial request that he will pay all costs regardless of amount, he shall be notified as soon as possible if there is reason to believe that the cost for obtaining access to and/or copies of such records will exceed \$50. If such notice is given, the time limitations contained elsewhere in this Part shall not commence until the requester agrees in writing to pay such cost. The Secretary is authorized to require an advance deposit whenever in his judgment such a deposit is necessary to insure that the Board will receive adequate reimbursement of its costs. If such a deposit is required, the time limitations contained elsewhere in this Part shall not commence until the deposit is paid.

(5) *Waiver of charges.*

The Secretary or his designee or, where appropriate, the Director, Office of Economic Research, or his designee is authorized either to waive payment of charges under this section in instances in which total charges are less than \$3.00 or to waive in full or in part such charges when unnecessary hardship would be inflicted upon the requesting person or when waiver would serve the public interest.

(Pub. L. 93-502 (5 U.S.C. 552); Secs. 11, 17, 47 Stat. 733, 736, as amended; secs. 5, 402, 48

Stat. 132, 1256, as amended (12 U.S.C 1431, 1437, 1464, 1725). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071)

Dated January 4, 1979.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-897 Filed 1-9-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 208, 288, 399]

[EDR-370/PSDR-53; Docket No. 34397;
Dated: January 4, 1979]

MILITARY AIR TRANSPORTATION MARKET

Elimination of Minimum Rate Provision

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rule-making.

SUMMARY: This proposed rulemaking would eliminate the minimum rate provisions applicable to domestic and international charter service and international individually ticketed or waybilled scheduled service pursuant to contract for the Department of Defense by air carriers. The exemption from tariff-filing requirements would be retained. The action is proposed on the Board's own initiative in response to changed circumstances in the military air transportation market and to the apparent need for reform of the Board's military ratemaking function in view of recent legislative changes and the Board's experience.

DATES: Comments by: March 12, 1979. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 34397, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Richard B. Hirst, Bureau of Pricing and Domestic Aviation, or Lawrence R. Myers, Office of the General Counsel, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202/673-5858; 673-5791.

SUPPLEMENTARY INFORMATION:

14 CFR Part 288 provides an exemption from section 403 of the Federal Aviation Act and from the related tariff-filing provisions of the Board's Economic Regulations for certain air transportation services supplied by commercial air carriers to the Department of Defense. The exemption is available only to air carriers which have contractually committed aircraft to the Civil Reserve Air Fleet (CRAF) program of the Department of Defense (DOD). It applies to the performance of domestic and international charter service and individually ticketed or waybilled transportation in international scheduled service under agreements between air carriers and DOD, acting through the Military Airlift Command (MAC).¹ The exemption provided by Part 288 is conditioned upon compliance by the carriers with minimum rates established by the Board for each category of military air service, as revised from time to time in rulemaking proceedings.

The Board has reviewed its military ratemaking function under Part 288. On the basis of this review, we proposed for three principal reasons to amend Part 288 to terminate our exercise of authority over the prices of military charter service, Category A scheduled service, and substitute service, and to rescind three related provisions of our Economic Regulations.² First, changes in the economic circumstances of the air charter industry appear to have eliminated any need to

protect charter air carriers³ from competition through the regulation of military rates. The protection of supplemental carriers was in large part the justification for the adoption of Part 288 in 1961. Second, our experience with Part 288 has led us to question whether the regulation of current military air transportation prices is an efficient way to supply DOD with both current air transportation and commitments to CRAF. Third, in a series of recent statutory changes, Congress has clearly signalled its intention to place the maximum possible reliance upon competitive market forces for the attainment of satisfactory service and price levels in air transportation. This new orientation was first stated and implemented in the case of domestic cargo service by Pub. L. 95-163, effective November 7, 1977, and further major changes made by Public Law 95-504, reflected in the revised policies of the Act, make it apparent that the same thrust toward less active regulation is to be pursued in the other spheres of Board regulation as well. The minimum rate regulation which is the core of Part 288 is essentially, and in some areas expressly, at odds with this new statutory mandate from Congress.

The minimum rates set forth in Part 288, first issued in 1961,⁴ were designed to prevent individual price competition for MAC service from driving rates below industry average costs, on the theory that lower rates would jeopardize the health of some of the carriers and reduce the services available to DOD.⁵ The competitive bidding system

¹"Charter service" (encompassing "Category B," "Logair" and "Quicktrans" services) and "Category A transportation," as defined in §288.1, include the carriage of both persons and property. Part 288 also covers all "substitute service," in which one air carrier performs such DOD transportation for another air carrier on a subcontract basis.

²14 CFR 208.101 (conditions the operating authority of supplemental carriers on observance of the minimum rates set forth in Part 288); 14 CFR 399.16 (relates military exemption authority to Part 288); and 14 CFR 399.38 (relates tariff-based fares for certain individually ticketed military passengers to the Category A rate of Part 288).

³Effective October 24, 1978, Pub. L. 95-504, the Airline Deregulation Act of 1978, eliminated the concepts of "supplemental air carrier" and "supplemental air transportation" from the Act, replacing them with the broader concepts of "charter air carrier" and "charter air transportation." See e.g. sections 101(14) and (15), and 401(d)(3).

⁴26 FR 6763 (1961).

⁵See *Military Air transportation: Hearings Before a Subcommittee of the House Committee on Government Operations*, 87th Cong., 1st Sess. 83-90 (1961) (statement of Alan S. Boyd).

Supplemental Air Carrier	Military charter Revenues 1960 (\$)	Transport Revenues 1960 (\$)	Military Chtr. Revenues (as % of total)
American Flyers.....	\$1,065,000	\$1,355,000	76
Associated Air Transport.....	645,000	1,156,000	56
Capital Airways.....	6,493,000	12,565,000	52
Imperial Airlines.....	396,000	760,000	52
Modern Air Transport.....	369,000	1,082,000	34
Overseas Nat'l Airways.....	23,527,000	23,746,000	99
Saturn Airways.....	520,000	1,350,000	39
Southern Air Transport.....	911,000	1,546,000	59
Trans Int'l Airlines.....	1,652,000	2,868,000	58
U.S. Overseas Airlines.....	6,424,000	11,402,000	56
World Airways.....	2,768,000	4,163,000	66

Source: Proposed Amendments to the Federal Aviation Act: Hearings on H.R. 7318, H.R. 7512, and H.R. 7679 Before a Subcommittee of the House Committee on Interstate and Foreign Commerce, 87th Cong., 1st Sess. 19-27 (1961).

which existed before 1961 was said to place pressure on the supplemental carriers, which were then small businesses heavily dependent on military revenues,⁶ to enter bids below cost in order to avoid idle capacity. The setting of minimum rates by the Board at a level which guaranteed a return on investment to carriers operating at or near industry-wide average costs was thought necessary to eliminate the possibility that competitive pressures could cause uneconomic bidding by carriers reliant on military contracts.⁷

The economic condition of the air charter industry has changed substantially since 1961. Today the charter carriers serving the military market are no longer dependent on military business. They derive over three quarters of their system revenues from civilian sources, and are prevented by MAC procurement specifications⁸ from obtaining more than 40 percent of their revenues from military sales. By contrast, in 1960 the supplementals contracting with DOD derived 70% of their revenues from military charters.⁹ The supplementals' military charter revenues slightly more than doubled since 1960, from \$45 million in 1960¹⁰ to \$114.1 million in 1977.¹¹ During the same period their civilian charter revenues grew from \$10.6 million¹² to \$359.9 million.¹³ In 1977, military charter sales provided only 22.6 percent of the supplementals' overall operating revenues of \$516.2 million.¹⁴

Since the Board adopted Part 288, it has eliminated numerous regulatory restrictions on commercial charter flights. Until the Board decided the *Transatlantic Charter Investigation* in 1963,¹⁵ supplemental carriers could obtain overseas operating authority

only by exemption,¹⁶ and were confined by Board regulations to serving a narrow market segment.¹⁷ Under these circumstances the international civilian market remained largely inaccessible to supplemental operators.¹⁸

In 1964, as a result of the *Transatlantic Charter Investigation*, two supplemental carriers became the first supplementals certificated to perform overseas air transportation. In the same proceeding, the Board first authorized the use of split charters¹⁹ and relaxed other restrictions.²⁰ Two years later the Board certificated six additional supplemental carriers to serve the North Atlantic market and introduced the inclusive tour charter.²¹ In 1971, U.S. supplementals carried 1,136,000 passengers in the North Atlantic market, compared with 43,000 in 1961,²² and military business accounted for only 43.5 percent of the revenues of the eight supplementals contracting with MAC.²³

¹⁶*Transatlantic Charter Investigation*, Recommended Decision of Examiner 3-5 (September 21, 1962). Until 1961 the Board required exemption applications to be filed for each charter flight. Beginning in 1961, the Board authorized application for seasonal exemptions. In 1962, the Board approved only five of ten applications for seasonal exemptions. *Id.*

¹⁷See 14 CFR 295.2 (1962). Under these regulations, " * * * the entire capacity of the aircraft must be engaged by a single group; the group must be a bona fide entity, no member having joined solely to participate in the flight; groups other than colleges must have less than 20,000 members; and a travel agent may not have assisted in organizing the charter flight group or administering the flight." Note, *CAB Regulation of Supplemental Air Carriers*, 76 Harv. L. Rev. 1450, 1468 (1963).

¹⁸The dependence of the supplemental carriers on military revenues from 1961 to 1964 is shown by the following table:

	Revenues	% Military	% Civilian Charters
1961..	59,300,000	71.9	13.5
1962..	75,700,000	74.3	12.2
1963..	96,100,000	78.7	15.5
1964..	100,400,000	71.6	25.1

Source: *Supplemental Air Service Proceeding*, Recommended Decision of examiner 17 (August 27, 1965).

¹⁹*I.e.*, the use of a single aircraft by two charter groups.

²⁰The Board eliminated the 20,000 member limit on bona fide organizations and authorized travel agents to participate in forming groups and administering flights.

²¹*Supplemental Air Service Proceeding*, E-24237, (effective Nov. 26, 1966).

²²The supplemental carriers' participation in the North Atlantic commercial market increased steadily after 1963, as shown by the following table:

Source: D. Hiatt, *The Impact of charter Services on Scheduled North Atlantic traffic, 18 August 1973* (unpublished thesis in CAB Library).

From 1971 through 1978, the Board steadily expanded the market which commercial charter operators could legally serve by authorizing new, less restrictive charter forms: Study group charters (1971),²⁴ overseas military personnel charters (1972),²⁵ travel group charters (1972),²⁶ one-stop inclusive tour charters (1975),²⁷ advance booking charters (1976),²⁸ and public charters (1978).²⁹ During this same period, the military portion of the revenues of the supplementals doing business with MAC continued to decline.³⁰

Source: Annual MAC Commercial Airlift Procurement Data Reports and Air Carrier Financial Statistics submitted to the CAB.

There are now no legal or policy barriers to the award of scheduled service authority to former supplemental air carriers. See, e.g. *World Airways, Inc. v. CAB*,³¹ applications of World Airways, Inc. *et al.* in Orders 78-9-2 and 78-9-33, and section 401 of the Act, as amended by Public Law 95-504. This should foster a still closer economic integration of these air carriers into the mainstream of the air transportation

Year	North Atlantic Supplemental Passengers
1961.....	43,000
1962.....	56,000
1963.....	35,000
1964.....	67,000
1965.....	107,000
1966.....	168,000
1967.....	279,000
1968.....	393,000
1969.....	768,000
1970.....	841,000
1971.....	1,136,000

²³Source: Annual MAC Commercial Airlift Procurement Data Reports, and Air Carrier Financial Statistics submitted to the CAB.

²⁴14 CFR 373 (1971).

²⁵14 CFR 372 (1972).

²⁶14 CFR 372a (1972).

²⁷14 CFR 378a (1975).

²⁸14 CFR 371 (1976).

²⁹14 CFR 380 (1978). The public charter rule eliminated all advance booking, minimum stay, and minimum group size requirements.

³⁰The decreasing importance of the military market to the supplemental carriers serving it is shown by a comparison of those carriers' military revenues to their system revenues:

Year	% of MAC Revenues to System Revenues
1971.....	43.5
1972.....	42.5
1973.....	34.2
1974.....	25.9
1975.....	32.1
1976.....	27.1
1977.....	22.6

⁶The extent of the dependence of the supplemental carriers on the military charter market in 1960 is shown by the following chart:

¹⁴14 CFR 288.7 provides that Part 288 minimum rates "shall not be uneconomically low." The Board computes the rates on a unit-per-mile basis by averaging the costs attributed by the MAC carriers to military transportation, adjusting for cost changes anticipated during the current term, and adding an after-tax return on investment (currently 10.5 percent).

⁸Information to Offerors, International Air Transportation Services (Long Range), Solicitation No. F11626-77-R-0017, Section D (May 9, 1977).

⁹Hearings on H.R. 7318, *supra*, at 19.

¹⁰*Id.*

¹¹Annual MAC Commercial Airlift Procurement Data Reports and Air Carrier Financial Statistics submitted to the CAB.

¹²Hearings on H.R. 7318, *supra*, at 19.

¹³Annual MAC Commercial Airlift Procurement Data Reports and Air Carrier Financial Statistics submitted to the CAB.

¹⁴*Id.*

¹⁵Order E-20530 (October 8, 1963) (effective April 18, 1964).

industry by broadening still further their commercial revenue base.

The former supplemental carriers now form a mature industry segment which relies on the civilian rather than the military market. Because of the actual and potential strength of their commercial operations, the withdrawal of the CAB from military air procurement would be unlikely to result in military rates below long-run marginal cost or to impair the quality of military air service in any other way. Thus, we have tentatively concluded that continued Board regulation is unnecessary to prevent destructive bidding or to insure service quality.

While the changed economic and regulatory status of the air charter industry is one basis for this rulemaking, another is that, given the maturity of the charter carrier industry segment, we question whether our determination of the minimum price of current military air transportation is an efficient way to supply the military with either current air transportation or commitments to CRAF.

Our participation in the pricing of military transportation is subject to many of the same inefficiencies which characterize most regulatory rate-making activities in air transportation. First, Part 288 minimum rates are set by a regulatory cost accounting methodology based on financial accounting which is not likely to reflect true economic costs. Second, because the rates are set on the basis of industry-wide average costs, they do not reflect the special circumstances of particular markets or carriers, do not fully reward the more efficient operators, and do not encourage DOD to utilize those operators. Thus, the costs incurred by the military are probably higher than they would be if compensatory rates were paid to efficient carriers. Third, because rates are set by a governmental body rather than by the contracting parties themselves, price adjustments are made less efficiently than they would be made if the parties acted directly.

Moreover, it is economically irrational to rely on current air transportation rates to solve the separate problem of obtaining an adequate CRAF. In addition to maintaining a minimum rate structure, Part 288 is intended to elicit commitments of aircraft to CRAF. Under Part 288, however, the Board recognizes for ratemaking purposes only those costs related to the provision of air transportation in the current term. The Board does not take into account the cost of providing back-up aircraft for use in a future emergency. Since Part 288 does not compensate carriers for the costs of the commitment of aircraft to CRAF,

it provides no incentive independent of current transportation rates for an air carrier to acquire and commit aircraft which meet DOD's emergency back-up needs.

It appears that Board regulation of current air transportation rates has failed to secure sufficient aircraft commitments to CRAF. Evidence presented to the Board has shown that the small number of airlines eligible to carry MAC cargo domestically under Board rules has made CRAF's short-haul cargo component vulnerable to potential disruption,³² and witnesses before Congress have repeatedly drawn attention to deficits of long-range cargo airlift in CRAF.³³

Our preliminary view is that direct contractual arrangements between DOD and the air carriers can provide both a military transportation system and a CRAF more efficiently than the present system. With the amendment of Part 288 as proposed, DOD might seek to purchase both services separately at prices determined competitively. Alternatively, DOD could adopt a negotiated bid system which would take into account both strategic considerations and price considerations in making awards.³⁴ In either case, the operation of competitive market forces should permit DOD to obtain without regulatory intervention both its transportation needs and its emergency back-up needs from an industry which has matured significantly since 1961.

The third principal reason for the proposed rule is that Part 288 is not, in our opinion, consistent with the current intent of Congress. With respect to domestic cargo service, both the statutory language and the legisla-

tive history of Pub. L. 95-163 make it apparent that Congress intended to encourage price competition among direct air carriers, and that Congress intended its deregulation to be plenary throughout the domestic cargo market. Pub. L. 95-163 expressly removed the statutory standard underlying the minimum rate structure for Logair/Quicktrans services, without any indication whatsoever of an exception, express or implied, for DOD contract services rates. Under section 1002 of the Act as amended, the Board cannot challenge the economic reasonableness of rates for the interstate air transportation of property, and it cannot prescribe any just and reasonable rates for such services.

Moreover, the new section 418 certification procedure is aimed at encouraging entry into domestic all-cargo service while severely limiting the Board's control over both service and rates, and again there is no basis for any distinction between ordinary commercial and DOD contract services.

Finally, perhaps most persuasive of all, is the language of section 102 of the Act, as amended to set forth Congressional policy relating to all-cargo air service. In particular, sections 102(b)(1) and 102(b)(2) state that the public interest includes:

(1) The encouragement and development of an expedited all-cargo air service system, provided by private enterprise, responsive to (A) the present and future needs of shippers, (B) the commerce of the United States, and (C) the National defense.

(2) The encouragement and development of an integrated transportation system relying on competitive market forces to determine the extent, variety, quality and price of such services.

It is, of course, the "national defense" consideration which underlies Part 288. Reading the two statements of policy together, the conclusion is inescapable that Congress now believes that competitive market forces can, should and must provide that basis for fulfilling national defense as well as commercial cargo needs. Conversely, if Congress had intended to keep MAC domestic cargo operations entirely separate from the deregulated commercial sphere, it would have omitted or qualified its reference to the national defense as both a matter of basic logic and elementary statutory construction.

Informal communications have been received from several members of the House Committee on Public Works and Transportation, as well as from Trans International Airlines, Inc. (TIA), contending that the Board's authority to enforce minimum reasonable MAC rates is based not on section 1002 of the Act, but on sections 204, 403, and 416, which were not amended

³²DOD Contract-Eligible Certification Case, Docket 30221.

³³See *Hearings on the Posture of Military Airlift Before the Subcommittee on Research and Development of the House Committee on Armed Services*, 94th Cong., 1st Sess. (1975); *Proposed Amendments to the Federal Aviation Act: Hearings on S. 1821 Before the Subcommittee on Aviation of the Senate Committee on Commerce*, 92d Cong., 1st Sess. (1971). In commenting on S. 1821, the Comptroller General said: "Current military planning for total airlift requirements in time of war or grave national emergency envisions use of an organic fleet of military aircraft, principally C-5's and C-141's, augmented by the use of commercial aircraft committed to CRAF. At present, total airlift available from these sources is deemed insufficient to satisfy wartime needs, and it has been estimated that at least 85 additional aircraft of the so-called wide-bodied jet cargo types are needed in the reserve fleet to satisfy current planning for airlift in wartime or in the event of other major contingency." *Id.*, at 3.

³⁴Under 10 U.S.C. 2304(a)(16), the DOD may employ a negotiated bid procurement system when it determines that "it is in the interest of the national defense to have a . . . supplier available for furnishing . . . services in case of a national emergency."

by Pub. L. 95-163. We cannot accept that argument because Pub. L. 95-163 has specifically terminated the Board's ability to determine the reasonableness of rates for the interstate air transportation of property. This limitation applies to rates of all carriers of domestic cargo whether their authority to carry is governed by section 418, 401(a), or 401(o) of the Act. TIA has also contended that the Board has always lacked the power to prescribe minimum rate levels in foreign air transportation, but has maintained them through Part 288. This argument ignores the Board's legal authority under section 1002(j) to suspend rates in foreign air transportation and cancel them after finding that they are "unjust and unreasonable." Both letters will be placed in the docket, and we invite public comment on these issues as well as the others raised here.

In another informal communication, Zantop International Airlines has raised the argument that section 401(o) of the Act, adopted in 1976, restricts DOD to the use of air carriers holding certificates issued under "this section," and that therefore carriers exclusively holding section 418 certificates are ineligible for participation in MAC services. While the language does suggest a conflict, we disagree that this was the intent of Congress. A reading of section 401(o) in its entirety, coupled with reference to its legislative history, indicates that the purpose of the provision is simply the maintenance of the traditional certificated versus non-certificated carrier distinction generally accepted by DOD and the Board. There is no indication that Congress desires to prohibit the participation of newly certificated carriers in MAC business, and indeed the requirement that the Board act expeditiously on new section 401 applications directed toward MAC operations implies quite the opposite desire. In order to clarify the situation, we are considering the issuance of an exemption under section 416(b) of the Act to expressly permit section 418 carriers to participate in MAC services. Zantop's letter will be placed in the docket and we invite public comments on this subsidiary issue.

The deregulation initiated by Congress in Pub. L. 95-163 was substantially expanded by Pub. L. 95-504 to include all interstate and overseas air transportation. Indeed, the Board's control over pricing and entry is to be gradually terminated by 1985. In adopting a new Declaration of Policy for domestic air transportation in section 102 of the Act, Congress emphasized that price competition is to be encouraged and relied upon to the maximum extent possible in the attainment of other goals such as effi-

ciency, innovation, low prices, a variety of price/service options, the needed air transportation system in general, and the ability of efficient and well managed carriers to earn reasonable profits and to attract capital. These principles form the basis of United States policy for the conduct of international air transportation negotiations.³⁵

The proposed rule would continue to exempt Part 288 services from the tariff-filing requirements of the Federal Aviation Act. Tariff-filing requirements exist to provide purchasers of air transportation services with notice of the terms under which a carrier is offering service. As DOD is the only purchaser of Part 288 services, and as each contract is individually negotiated, it appears that no purpose would be served by requiring the filing of tariffs for any air transportation service obtained contractually by the DOD. In ER-1080, effective November 9, 1978, the Board has already exempted certificated air carriers from the need to file tariffs in domestic cargo transportation, which is defined to include interstate, overseas, intra-Alaska and intra-Hawaii operations. The new rule imposes only a record retention requirement for rate sheets, contracts and waybills. The Board is tentatively persuaded that such a record retention requirement would be superfluous in this instance, given the thoroughness of MAC procurement regulations, but the views of the affected parties are requested on this point.

As an ancillary matter we propose to amend the definition of Category A transportation to include the transportation in scheduled service of individually ticketed passengers or individual waybilled cargo within Alaska. Since 1972, we have granted annual exemptions from tariff-filing requirements for intra-Alaska Category A service.³⁶ We see no justification for continuing to distinguish between intra-Alaska Category A service and all other Category A service.

Accordingly, it is proposed that the following amendments be made to Parts 208, 288, and 399 of Title 14, Code of Federal Regulations;

1. Part 288 would be revised to read as follows:

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Sec.
288.1 Definitions.
288.2 Exemption.

AUTHORITY: Secs. 204, 403 and 416 of the Federal Aviation Act, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386.

³⁵ *United States Policy for the Conduct of International Air Transportation Negotiations* (August 21, 1978).

³⁶ See, e.g., Order 72-2-57 (February 15, 1972); Order 78-9-54 (September 13, 1978).

§ 288.1 Definitions.

As used in this part:

"Category A transportation" means the transportation in scheduled service of individually ticketed passengers or individually waybilled cargo in foreign and overseas air transportation, in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand, and in air transportation within Alaska, pursuant to contract with DOD.

"Charter service" means air transportation in planeload lots of persons and/or property pursuant to contracts with DOD.

"DOD" means the Department of Defense.

§ 288.2 Exemption.

Air carriers providing charter service, substitute service and Category A transportation to DOD are hereby exempted from section 403 of the Act and Part 221, § 207.4, § 208.32 of this chapter with respect to those services.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

§ 208.101 [Reserved]

2. In Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Supplemental Air Transportation*, § 208.101, *Minimum rates and compensation for air transportation performed for the Department of Defense*, would be revoked and reserved.

PART 399—STATEMENTS OF GENERAL POLICY

§ 399.38 [Reserved]

3. In Part 399, *Statements of General Policy*, § 399.16, *Military exemptions*, and § 399.38, *Military tariff rates*, would be revoked and reserved. (Secs. 204, 403, 404 and 416 of the Federal Aviation Act, as amended; 72 Stat. 743, 758, 760, 771, as amended; 49 U.S.C. 1324, 1373, 1374, 1386)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-905 Filed 1-9-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 781 0040]

CRANE CO., ET AL.

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 New York City manufacturer and seller of various products to cause the Medusa Corporation to divest itself completely of its Dixon, Ill. cement plant together with whatever assets associated with the plant that may be necessary to maintain the facility as an effective competitor in the production and sale of portland cement. The order further prohibits the firm from acquiring the whole or part of the assets of any firm engaged in the production or sale of portland cement without prior Commission approval.

DATE: Comments must be received on or before March 5, 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:

FTC/CD, Daniel C. Schwartz, Washington, D.C. 20580. (202) 523-3475.

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 practices (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 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. 781 0040]

CRANE CO., AND THOMAS M. EVANS

AGREEMENT CONTAINING CONSENT ORDER TO DIVEST AND TO CEASE AND DESIST

The Federal Trade Commission having initiated an investigation of Crane Co.'s ("Crane") holding of forty-four (44) percent of the common stock of the Medusa Corporation ("Medusa"); its contemplated Exchange Offer for additional shares of Medusa corporation; and of Thomas M. Evans' holding of shares and managerial positions in Crane and H. K. Porter, Inc. ("Porter"); and his influence over the management of Crane, Porter and its subsidiary, Missouri Portland Cement Co.; and it now appearing that the proposed respondents are willing to enter into an agreement containing an order to divest certain of Medu-

sa's assets and to cease and desist from certain acts:

IT IS HEREBY AGREED by and between the said proposed respondents and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Crane is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois, with its principal office and place of business at 300 Park Avenue, New York, New York 10020. Proposed respondent Thomas M. Evans is an individual whose business address is the same as that of Crane Co.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondents waive:

(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 views 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 respondents that the law has been violated or that any of the facts are true as alleged in the draft of the 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 § 2.34(b) of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and 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 divest and cease and desist shall have the same force and effect and shall become final 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 complaint and decision containing the agreed-to order to the proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms or the order, but no agreement, understanding, representation, or interpretation not contained in the order, complaint, or the aforementioned agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated

hereby, and understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondents—Crane Co., a corporation, its successors and assigns, and its officers and directors, and Thomas M. Evans, an individual, his successors and assigns—in connection with the acquisition by Crane, a corporation engaged in commerce as "commerce" is defined in the Clayton Act, as amended, 15 U.S.C. Section 12, *et seq.*, of stock in Medusa, a corporation engaged in commerce as "commerce" is defined by the Clayton Act, as amended, 15 U.S.C. Section 12, *et seq.*, which acquisition is in or affects commerce as "commerce" is defined in the Federal Trade Commission Act, as amended 15 U.S.C. Section 41, *et seq.*:

I

Within fifteen (15) months from the date of service of the Consent Order upon respondents, and subject to the prior approval of the Federal Trade Commission, respondents shall cause Medusa to divest absolutely Medusa's cement plant located at Dixon, Illinois and such other of Medusa's assets associated with that plant as may be necessary, so that the plant may operate as a going concern and effective competitor in the production and sale of portland cement.

II

It is further ordered, That respondents shall not cause or permit the destruction, removal or impairment of any of the assets to be divested in accordance with paragraph I of the Consent Order except in the ordinary course and operation of Medusa's business and except for normal wear and tear.

III

It is further ordered, That if the divestiture of assets required by Paragraph I of the Consent Order is to be accomplished by a spin-off, then:

(a) Respondents shall cause Medusa to transfer the assets to be divested to a new corporation, whose stock is wholly-owned by Medusa, and then Medusa shall distribute that stock to Medusa's shareholders in proportion to their ownership of Medusa stock. Crane shall promptly thereafter distribute its share of the stock of the newly created corporation either to Crane's shareholders in proportion to their ownership of Crane stock or through a public offering to be completed within three months.

(b) No person who is an officer, director or executive employee of Crane or Porter or who owns or controls directly or indirectly more than one (1) percent of the stock of Crane or Porter shall be an officer, director or executive employee of the new corporation.

(c) Neither Thomas M. Evans nor any other person who is an officer, director or executive employee of Crane shall own or control, directly or indirectly, more than one (1) percent of the stock of the new corporation.

PROPOSED RULES

(d) Any person who must sell or dispose of stock interest in Crane or H. K. Porter or the new corporation in order to comply with subparagraphs (b) or (c) shall do so within one hundred eighty (180) days after the date on which distribution of the stock of the new corporation is made to stockholders of Crane.

IV

It is further ordered, That for a period of five (5) years from the date of service of the Consent Order upon respondents, respondents shall cease and desist from acquiring directly or indirectly, by any device or through any corporation, subsidiary or otherwise:

(a) The whole or any part of the assets of any firm engaged in the production or sale of portland cement;

(b) Any equity securities in excess of three (3) percent of the outstanding shares of such securities of any firm engaged directly or indirectly in the production or sale of portland cement, except that respondents shall be permitted to acquire Crane, Porter or Medusa stock without restriction;

without the prior approval of the Federal Trade Commission.

V

It is further ordered, That for any company in which respondents own securities pursuant to paragraph IV of this order, respondents, their designees, agents, nominees, or representatives shall not seek or accept representation on the Board of Directors of such company.

It is further ordered, That nothing in this Consent Order shall prevent Evans & Company, a registered securities broker-dealer, from trading in the securities of any firm engaged in the production or sale of portland cement in the ordinary course of its business for:

(a) Those of its customers who are not affiliates or subsidiaries of respondents;

(b) Respondents acquiring securities pursuant to paragraph IV.

VII

A. It is further ordered, That respondents distribute a copy of this order to all operating divisions of said corporation.

B. It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent 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 the order.

C. It is further ordered, That within sixty days and every sixty days thereafter until Medusa has divested absolutely the assets required by the Consent Order, respondents shall submit a detailed written report of their actions, plans and progress in complying with Paragraphs I, II and III of the Consent Order, and in fulfilling the objectives of these provisions.

D. It is further ordered, That annually on the anniversary of the service of the Consent Order, for a period of five years, respondents shall submit a detailed written report of their actions in complying with Paragraphs IV and V of the Consent Order, and in fulfilling the objectives of these provisions.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT 781-0040

The Federal Trade Commission has accepted an agreement to a proposed consent order from Crane Co. ("Crane") and Thomas M. Evans.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. 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.

The complaint charged that Crane Co.'s acquisition of forty-four (44) percent of the common stock of Medusa Corporation ("Medusa") and its contemplated exchange offer for additional shares of Medusa and Thomas M. Evans' holding of shares and managerial positions in Crane and H. K. Porter ("Porter") violate Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. In particular, the complaint alleged that a wholly-owned subsidiary of Porter, Missouri Portland Cement Co. ("Missouri Portland"), and Medusa are engaged in the production and sale of portland cement and are competitors in the manufacture and sale of portland cement in various geographic markets, including the Chicago and Peoria Metropolitan Areas. The complaint further alleged that T. M. Evans holds shares and managerial positions in Crane and Porter and exercises influence over the management of Crane, Porter and its subsidiary, Missouri Portland. The complaint then alleged that the effect of Thomas M. Evans' holding such stock and managerial positions may be to substantially lessen competition in the portland cement industry or to constitute an unfair method of competition. Finally the complaint alleged that the effect of Crane's present holdings of Medusa shares and its pending exchange offer for additional shares may be to substantially lessen competition or tend to create a monopoly in the portland cement industry.

Paragraph I orders the respondents within fifteen (15) months from service of the Consent Order and subject to the prior approval of the Federal Trade Commission to cause Medusa to divest absolutely Medusa's cement plant located at Dixon, Illinois and such other of Medusa's assets associated with the plant as may be necessary so that the plant may operate as an effective competitor in the production and sale of portland cement.

Paragraph II prohibits the impairment of any of the assets to be divested in accordance with Paragraph I.

Paragraph III(a) requires that if the divestiture is to be accomplished by a spin-off then respondents shall first cause Medusa to distribute the stock to a new corporation, wholly owned by Medusa shareholders. It further requires that Crane shall promptly thereafter distribute its share of the stock in the new corporation to either Crane shareholders or through a public offering.

Paragraph II, subparagraphs (b), (c) and (d) prohibit persons who are officers, directors, or executive employees of Crane or Porter from becoming an officer, director or executive employee of the new corporation or from owning or controlling more than one percent of the stock of the new corporation. These subparagraphs also prohibit: (1)

T. M. Evans from owning or controlling more than one percent of the stock of the corporation and (2) persons who own or control more than one percent of Crane or Porter stock from serving as an officer, director or executive employee of the corporation. Any person who must sell or dispose of stock to comply with these provisions has one hundred eighty (180) days from the date of distribution of the stock to Crane shareholders within which to do so.

Paragraph IV prohibits the respondents from acquiring the whole or any part of the assets of any firm engaged in the production or sale of portland cement or equity securities, except for those of Crane, Porter or Medusa, in excess of three percent of the outstanding shares of any firm engaged in the manufacture or sale of portland cement without the prior approval of the Federal Trade Commission.

Paragraph V prohibits the respondents from seeking or accepting representation on the Board of Directors of any company in which respondents acquired shares pursuant to Paragraph IV.

Paragraph VI provides that nothing in the Consent Order shall prevent Evans & Co., a registered securities broker-dealer, from trading in securities in the ordinary course of its business.

Paragraph VII requires the respondents to notify the Commission at least thirty (30) days prior to any proposed structural change in the corporate respondent which affects compliance with the Consent Order; distribute a copy of the order to its operating divisions; file a compliance report of efforts taken to accomplish divestiture every sixty (60) days until the assets are divested; and file reports annually on their compliance with Paragraphs IV and V of the Consent Order.

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

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 79-889 Filed 1-9-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4427]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWN OF HILLSBORO, HILLSBOROUGH COUNTY, N.H.

Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 38858 of the FEDERAL REGISTER of August 31, 1978.

EFFECTIVE DATE: August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Brook	Upstream of Bog Road...	679

Should be corrected to read:

Sand Brook	Upstream of Bog Road...	674
------------------	-------------------------	-----

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 23, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-818 Filed 1-9-79; 8:45 am]

[1505-01-M]

[24 CFR Part 1917]

[Docket No. 4776]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Heoth, Licking County, Ohio

Correction

In FR Doc. 78-35993, appearing on page 60605 in the issue of Thursday, December 28, 1978, the fifth line of the table in the third column, under the heading "Location", should read, "2,500 feet upstream of Blue".

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.

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 34226]

EASTERN AIR LINES, INC.

Application for Approval of Acquisition of Control of National Air Lines, Inc., Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on January 16, 1979, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., January 5, 1979.

RICHARD J. MURPHY,
Administrative Law Judge.

[FR Doc. 79-900 Filed 1-9-79; 8:45 am]

[1505-01-M]

[Docket No. 34189; Order No. 78-12-49]

EXEMPTION OF U.S. AND FOREIGN AIR CARRIERS FROM TARIFF OBSERVANCE REQUIREMENTS TO PERMIT RESOLUTION OF CONSUMER COMPLAINTS

Order Granting Exemption

Correction

In FR Doc. 78-34671, appearing at page 58210 in the issue of Wednesday, December 13, 1978, the order number, which was mistakenly omitted from the headings, should read as set out in brackets above.

[6320-01-M]

[Docket No. 33361]

CONNER AIR LINES, INC.

Application for Former Large Irregular Air Service Investigation; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 30, 1979, at 9:30 a.m. (local time), in Hearing Room 1003B, Universal Building

North, 1875 Connecticut Avenue, NW., Washington D.C., before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served November 9, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 4, 1979.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc. 79-901 Filed 1-9-79; 8:45 am]

[6320-01-M]

LOCAL SERVICE CARRIERS

Subsidy Levels

This is an order tentatively proposing new subsidy levels for local service carriers operating under Class Rate IX.

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 79-1-38 Adopting Statement of Provisional Findings and Conclusions regarding the subsidy levels to be established effective July 1, 1978, under new class rate (Class Rate IX) and Order 79-1-39 to show cause why temporary rates based on the "Statement" should not be set pending finalization of Class Rate IX.

SUMMARY: The board has adopted a Statement of Provisional Findings and Conclusions in the Investigation of the Local Service Class Subsidy Rate, Docket 32484. It tentatively determines the subsidy needs of individual carriers and of the local service group, which are being proposed as the rate levels for class rate purposes for the periods July 1, 1978, through October 23, 1978, and October 24, 1978, through December 31, 1978. The Board also issued two show cause orders. The first directs parties to the proceeding to show cause why the Board should not adopt the subsidy need set forth in the Statement of Provisional Findings and Conclusions. The second proposes to establish a temporary rate at the proposed levels.

DATES: Parties must file notices of objection to Order 79-1-38 within ten days of the date of service (1/11/79) and must file objections within 30 days of the date of service. Notices of objection to Order 79-1-39 must be filed within 8 days of service and objections within 15 days of service.

FOR FURTHER INFORMATION CONTACT:

John R. Hokanson or James Craun, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D. C. 20428, 202-673-5132.

SUPPLEMENTARY INFORMATION: 1. For purposes of establishing Class Rate IX, the annual subsidy need of each of the local service carriers is as follows:

	Period When Annual Need Applies	
	7/1/78- 10/23/78	10/24/78- 12/31/78
Frontier Airlines, Inc.....	\$7,754,000	\$13,583,000
Hughes Air Corp. d/b/a/ Hughes Airwest.....	4,253,000	7,708,000
North Central Airlines, Inc.....	9,885,000	10,024,000
Ozark Air Lines, Inc.....	9,012,000	9,079,000
Piedmont Aviation, Inc.....	7,484,000	7,539,000
Southern Airways, Inc.....	3,301,000	3,345,000
Total	41,689,000	51,278,000

2. The total fair and reasonable annual level of subsidy to be embodied in Class Rate IX for the carriers listed in paragraph 1 is above, is \$41,689,000

for the period July 1, 1978, through October 23, 1978, and \$51,278,000 for the period October 24, 1978, through December 31, 1978.

The fair and reasonable temporary rate levels for the carriers listed in paragraph 1 for the periods July 1, 1978, through October 23, 1978, and October 24, 1978, until Class Rate IX is made final should be based on the annual need levels applicable to the July 1, 1978, through October 23, 1978, and October 24, 1978, through December 31, 1978, periods shown in paragraph 1.

The complete text of Orders 79-1-38 and 79-1-39 are available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Orders 79-1-38 and 79-1-39 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-906 Filed 1-9-79; 8:45 am]

[1505-01-M]

[Docket 33216]

LOUISVILLE-KANSAS CITY NONSTOP ROUTE INVESTIGATION

Hearing

Correction

In FR Doc. 78-34980 appearing at page 58598 in the issue for Friday, December 15, 1978, the Docket number which appeared in the heading as "Docket 3216" should have read "Docket 33216" as set forth above.

[6320-01-M]

PACIFIC SOUTHWEST AIRLINES

Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 79-1-33).

SUMMARY: The Board proposes to issue to Pacific Southwest Airlines a charter certificate authorizing it to perform charter air transportation between points West of the Mississippi River, except for points in Alaska and Hawaii (Docket 32755). (The complete text of this order is available as noted below).

DATES: All interested persons having objections to the Board's issuing an order making final the tentative findings and conclusions or to the issuance of the proposed charter certificate shall file by February 9, 1979, with the Board and serve on Pacific Southwest Airlines and all U.S. certified air carriers a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated

objections. Replies to objections may be filed no later than February 20, 1979.

ADDRESSES: Objections and replies should be filed in Docket 32755, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Curtis B. Maloy, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5088.

SUPPLEMENTARY INFORMATION: In the event no objections are filed, the Board may enter an order making final its tentative findings and conclusions.

The complete text of Order 79-1-33, is available from our Distribution Section, Room, 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20208. Persons outside the metropolitan area may send a postcard request for Order 79-1-33, to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-904 Filed 1-9-79; 8:45 am]

[6320-01-M]

[Docket No. 33712]

TIGER INTERNATIONAL-SEABOARD ACQUISITION CASE

Prefhearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on January 25, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. Each Bureau of the Civil Aeronautics Board which intends to participate in this proceeding will circulate its material on or before January 11, 1979, and the other parties on or before January 18, 1979. If more than one Bureau is participating, it is requested that they confer and make a joint submission, if possible. The submissions of the other parties, insofar as they treat points raised by the Bureau, shall be cross-referenced to the Bureau's proposal, so as to facilitate comparison.¹

¹For the purpose of this Notice, the term "parties," as used herein encompasses prospective intervenors as well as those persons noted in paragraph 5 of Order 78-12-173, at p. 11.

Dated at Washington, D.C., January 4, 1979.

JOHN J. MATHIAS,
Administrative Law Judge.

[FR Doc. 79-902 Filed 1-9-79; 8:45 am]

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 4:00 p.m. On February 2, 1979, Anti-Defamation League, 163 Madison, Detroit, Michigan 48226.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss Minimum Competency Workshop on Housing, Civil Rights Developments in Michigan.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 5, 1979.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc. 79-830 Filed 1-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Office of Energy Research

ENERGY RESEARCH ADVISORY BOARD

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Energy Research Advisory Board will meet Thursday and Friday, February 1 and 2, 1979, from 9:00 a.m., to 5:00 p.m., at the National Academy of Sciences, Room, 400A, Joseph Henry Building, 2100 Pennsylvania Ave., NW, Washington, D.C.

The purpose of the Energy Research Advisory Board is to advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

The tentative agenda is as follows:

Introduction and review of actions initiated at the first meeting; approval of minutes of last meeting.

Review of modus operandi of the Board.

Reports on issues developed by the Board members.

Discussion of recent requests for ERAB review.

Briefings by DOE on additional areas not covered in the first meeting.

Status report on Board review of Strategic Petroleum Reserve (SPR) requested Under Secretary.

Public Comment (10 minute rule).

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Georgia Hildreth, Director, Advisory Committee Management Office, 202-252-5187, at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

Subsequent to approval by the Committee, minutes of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. An Executive Summary of the meeting can be obtained by calling the Advisory Committee Management Office at the number above.

Issued at Washington, D.C. on January 5, 1979.

GEORGIA HILDRETH,
Director, Advisory
Committee Management.

[FR Doc. 79-885 Filed 1-9-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Docket No. RM79-3]

**STATE OF NEW MEXICO ENERGY AND
MINERALS DEPARTMENT, ET AL**

**Natural Gas Policy Act of 1978; Receipt of
Report of Determination Process**

JANUARY 5, 1979.

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, 1978

State of Louisiana Department of Conservation, November 29, 1978
Railroad Commission of Texas, November 30, 1978

West Virginia Department of Mines, Oil and Gas Division, November 30, 1978

Alabama State Oil and Gas Board, November 30, 1978

State Oil and Gas Board of Mississippi, November 30, 1978

Kansas State Corporation Commission Conservation Division, November 30, 1978

State of Michigan, Department of Natural Resources, Geological Survey Division, December 1, 1978

State of California Department of Conservation Division of Oil and Gas, December 4, 1978

Commonwealth of Virginia Department of Labor and Industry Division of Mines and Quarries, December 4, 1978

State of Wyoming Office of Oil and Gas Conservation Commission, December 4, 1978

State of Colorado Department of Natural Resources, December 5, 1978

State of Ohio Department of Natural Resources Division of Oil and Gas, December 6, 1978

State of Arizona Oil and Gas Conservation Commission, December 14, 1978

State of Nebraska Oil and Gas Conservation Commission, December 15, 1978

State of Indiana Department of Natural Resources, December 26, 1978

State of North Dakota Geological Survey, January 4, 1978

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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-875 Filed 1-9-79; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

**FEDERAL SAVINGS AND LOAN INSURANCE
CORPORATION**

**Publication of Revised Bulletin Concerning
Audits of Insured Associations.**

JANUARY 4, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of revised bulletin concerning audits of insured institutions.

SUMMARY: This bulletin, classified as bulletin PA -7-1a of the Department of Examinations of the Bank Board's Office of the Federal Savings and Loan Insurance Corporation, provides guidance to FSLIC-insured institutions regarding minimally acceptable standards for audits of such institutions using electronic data processing.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Allan B. Guerrina, Chief Accountant's Section, Office of the Federal Savings and Loan Insurance Corporation, 1700 G Street, N.W., Washington, D.C. 20552; telephone 202-377-6529.

SUPPLEMENTARY INFORMATION: This bulletin complements Bulletin PA-7a (42 FR 29962, June 10, 1977) and supersedes Bulletin PA-7-1 (issued January 6, 1976, but not published in the FEDERAL REGISTER). These bulletins inform institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation of views of the Bank Board's examinations staff as to requirements for "satisfactory" annual audit under §§ 563.17-1 and 571.2 of the rules and regulations for Insurance of Accounts (12 CFR 563.17-1 and 571.2). This Bulletin PA-7-1a relates specifically to such audits on and after January 1, 1979, of insured institutions which make use of electronic data processing.

I. Objectives. Savings and loan associations increasingly rely on electronic data processing (EDP) as an integral portion of continuing operations. This use increases the complexity and magnitude of potential disaster, error and fraud within the insured institution and service corporations, if any. As a result, this set of audit and control guidelines is provided as a reference for auditors engaged in audits of insured institutions and subsidiaries thereof. The objective is to minimize the insured institution's EDP risk exposure at reasonable cost. Special concern is placed on those areas of risk that affect an association's economic viability.

The auditor must study and evaluate the existing internal control of an EDP environment as a basis for reliance. Priorities of the auditor's activities must be managed by cost effectiveness in assuring fairness and correctness of the accounting records and the detection of areas that may be unreasonably exposed to disaster or fraud. Audit programs should be designed to meet requirements of each particular situation, including the size and type of organization and the evaluation of the controls affecting the reliability of accounting records and financial statements.

Certain special skills are needed in evaluating EDP internal controls. In addition to auditing knowledge and experience, these skills may include knowledge of programming, systems analysis, computer operations, data systems security and telecommunications. An auditor should consider using a specialist to assist in those cases where required skills are not present within the auditing team.

II. Controls. The controls described herein are necessary for an association to produce reliable financial records, safeguard institution assets and protect against major losses. The controls are applicable to all savings and loan EDP environments including: (1) An internal EDP center; (2) an affiliated service corporation EDP center; or (3) an independent EDP service bureau. The level of presentation of these controls is made general to avoid including an extensive listing in an attempt to attain exhaustive coverage.

The following controls should be reviewed by the external auditor but should not be construed as an absolute guide for an internal control questionnaire. Controls in addition to those herein described may be necessary to fulfill particular audit requirements and to meet emerging EDP technological advances.

A. Organization. The EDP department should be regularly reviewed by qualified persons independent of the EDP function. It is management's responsibility to ensure that EDP employees are provided with explicit assignments and appropriate division of duties between systems analysis, computer programming, input/output checking and computer operations. One employee, even if among other duties, should have the primary responsibility for security. The establishment of an independent internal audit department or function is encouraged by Federal Home Loan Bank Board Memoranda R44 and R45. If established, the internal auditor, through periodic audits, should report to an independent audit committee on whether or not the accounting system is designed and operated to yield information which can be used to prepare financial statements that accurately represent the financial condition and results of operations of the association.

1. Personnel. Blanket fidelity bond coverage should be maintained for all EDP employees. Explicit documented procedures for loan and deposit accounts should exist for EDP employees transacting personal business with the association. The EDP department should obtain a documented background screening of personnel. The EDP department should provide periodic security briefings for their employees. Generally, EDP personnel

should be released from sensitive duties upon termination notice. Written termination procedures should include the changing of passwords and the recovery of keys, ID's, etc.

2. Administration.—To the extent consistent with continuing satisfactory operation, proper EDP administration should include the following:

- Authorization for access to computer facilities, programs and/or data files should be given only to those persons having direct responsibility for performing a defined job function that necessitates such access.

- Authorization for direct access to computer facilities, programs and/or data files for purposes of making modifications not be given to persons having control over other areas of the association.

- Procedures to prevent unauthorized modification of computer programs, data files or documentation.

- Predetermined and consistently used systems development standards including systems program testing, user acceptance procedures, control features and documentation standards.

- Control of documentation.

- Detailed knowledge of system by employees limited to that required to satisfactorily fulfill individual responsibilities and to the extent practical, divided among different employees.

- Management authorization for abnormal work schedules.

- Job rotation among qualified persons.

- Scheduled mandatory employee vacations.

B. Physical Security.—**1. Destructive Forces.**—Measures should be established for the appropriate prevention, detection and countering of destructive forces such as fire, flood, lightning, etc.

2. Access Control.—Access to the essential EDP functions should be appropriately restricted with regard to movement of people, documents and materials into, within and out of a facility. This should include control-over access to computer hardware, data files and programs. Access control should also include unauthorized intrusion prevention and detection.

C. Computer Programming.—**1. Development Process.**—A project team approach may be followed using well-defined procedures in development of application programs, new systems and conversions. Such procedures should usually include a feasibility review, cost analysis, written set of user specifications, written technical specifications, design, implementation, acceptance testing and documentation. Programs should be written to definitive standards making use of standard data processing techniques. Disaster recov-

ery procedures should be considered and planned for.

2. Program Characteristics.—Program edits should exist on the authenticity, accuracy and completeness of data being processed. The ability to enter error-correction transactions through facilities provided by the program should be included. Recovery procedures such as checkpoint restarts should usually exist for long-running programs and on line data collection programs where a system failure would disrupt the timely completion of processing.

D. Computer Operations.—**1. Current Operations.**—Established access, protection and control procedures for library materials should be written and followed. Accountability should be maintained in a secure, offsite location. Where practical and useful, the computer console log should be safeguarded.

2. Disaster Recovery.—A written contingency plan for response to a wide variety of disasters including potentially disruptive activities in the computer room, loss of computer hardware and loss of data files should be maintained. Contingency plan and use of backup hardware should be periodically reviewed and tested where appropriate.

E. System Controls.—**1. Input.**—Physical security and access controls should be provided for input media queues and teller terminals to preclude origination of transactions by unauthorized personnel. Verification procedures for input data including the development of independent control balancing totals to ensure completeness, authorization and accuracy of data processing should be provided. An input/output control function should monitor operations and follow up on errors to ensure proper correction. Sensitive or financially significant transactions should require supervisory authorization. Written procedure manuals should exist and include a section covering those actions necessary to preserve continuity of controls during periods of system failure.

2. Processing.—Computer programs should provide controls to detect and correct errors in processing. These controls should include valid code tests, incomplete data tests, sequence tests, and tests of reasonableness.

3. Output.—Formal report distribution system with prior scanning of reports and user distribution of control totals for input/output balancing to check accuracy of processing and logging of material should be enforced. A comprehensive set of exception and discrepancy reports should be provided to authorized personnel for audit and error correction purposes.

4. User.—Users should maintain and monitor scheduled reports. Where

practical, procedures should provide for continued statistical analysis of errors, and follow-up for attempted control violations of teller machines. Management should ensure that adequate controls are maintained during periods of system outage. User manuals should be maintained and available for those persons authorized to enter transactions into the system. These manuals should contain detailed instructions for entering normal as well as error-correction transactions. They should also contain specific procedures to be following during periods of system downtime.

F. Service Bureau Users. When associations use an EDP service bureau, additional controls are necessary. The association should maintain full control over the submission of information to and receipt of output from the service bureau. Also, the association should ensure that the contract provisions comply with Federal Home Loan Bank Board requirements (Memorandum #R-13a) and should specify:

- Ownership of data files and programs which are proprietary to the association;
- The manner in which continuity of service is maintained;
- Security measures to be maintained at the service bureau and upon the material in transit to and from the association;
- Insurance coverage for losses contributing to interruption of normal services;
- Provision for access to the service bureau by an independent public accountant; and
- Provision for submission of third-party auditor's report (if existent) to the District Director.

The association's independent auditor must review internal accounting and security controls (as discussed above) to determine if they exist and are followed within the service bureau. Such review may be performed entirely by the auditor or some portion may be provided by a third-party review. When a third-party review is conducted the report shall comply with PA-7-1a, Sections III and IV. In accordance with Memorandum #R-13a, the report shall be forwarded by the service center (or by the auditor performing the review) to the District Director's office for review.

III. Audit Reporting Requirements Regarding EDP. The independent auditor's report to management on internal control shall state that the review of internal control regarding EDP was performed in accordance with Bulletin PA-7-1a. Furthermore, this report shall contain all weaknesses found in the system of EDP internal control that in the judgement of the auditor place any portion of the association's assets at significant risk

or compromise such association's fiduciary responsibility to its depositors. The report shall include recommendations for strengthening controls in the areas of such weaknesses. This applies whether the weaknesses are found at the association's in-house system or a servicing data center. Weaknesses that were detected and corrected during the audit should also be included noting the method of correction.

IV. Third-Party Reviews—A. General. Third-party reviews present a savings and loan association and their independent accountants with a practical and cost-beneficial solution to effective reviews of service centers. The process of several separate and distinct reviews by each auditor can be duplicative and costly. Auditors of insured associations may delegate to other auditors the activity of reviewing those aspects of internal control in an EDP service center that are relevant to the delegating auditor's examination. However, the association's auditor retains the responsibility for evaluating internal control as it affects the audit of an association even though the report or management letter of another auditor may be used as a source of information in performing the evaluation. An acceptable review of a service bureau must have been performed within the fiscal year of the user association's audit and be in compliance with Bulletin PA-7-1a.

The third-party auditor should be cognizant that services provided must be in accordance with applicable auditing standards as set forth in Statements on Auditing Standards as promulgated by the Auditing Standards Executive Committee of the AICPA. Further information concerning third-party reviews is set forth in *Audits of Service Center-Produced Records*, AICPA, 1974.

B. Third-Party Review Reports. The content of the third-party review report (or letter) must conform to the aforementioned AICPA audit guide and shall at a minimum contain the following information.

1. **Section I. a.** A statement that the review was conducted in compliance with the requirements of Bulletin PA-7-1a.

b. A statement of the scope of the review effort and the dates during which the review was conducted.

c. A general system description listing the major EDP equipment and the system and application software utilized by the service center.

d. A description of the general controls in the service center. This description must include, but is not limited to the areas of:

(1) **Systems and Programming**—The procedures in effect with regard to program changes, authorization from

user associations and the documentation of user requests.

(2) **Operations**—The procedures in effect with regard to input and output document control, customer service support, computer operations, and output report distribution. Activities reviewed should also include the provisions for association's involvement in the system development and program maintenance activities and in the day-to-day operational concerns.

(3) **Security and Backup**—The procedures in effect to ensure the continued operation of the service center function in cases of intermittent or prolonged downtime. Areas reviewed should include safety and security of data files as well as system and application programs.

(4) **Documentation**—The procedures in effect to ensure that documentation is complete and up-to-date within the service center and that association user manuals are kept current. Backup of documentation should also be considered.

e. A summary description of the tests of compliance performed at the service center. These tests shall include:

(1) Tests of the manner in which transactions are processed through the system;

(2) Observation, on a test basis, of the service center operations;

(3) Review of the performance of the system to produce output reports for audit trial purposes, including exception reporting;

(4) Review of the internal audit program (if applicable) conducted by the service center or by an association user's group;

(5) Review of documentation, including system and program documentation, operations' manuals and user manuals; and

(6) Other appropriate review procedures performed.

2. Section II—The results of the review and tests of compliance.

a. Description of the system of internal accounting controls that was found to be in operation at the service center.

b. Comments on the internal accounting controls requiring the consideration of a user association's independent accountants. These comments should include:

(1) The reviewer's comments on controls found to be weak or nonexistent at the service center.

(2) The reviewer's recommendations for strengthening or establishing controls that were found to be weak or nonexistent.

Where possible, these comments should be written in a manner that will assist the user auditor in making recommendations that if followed will lend to the development, on the part

of the user associations, of compensating controls within the individual associations. Therefore, care should be taken to include all relevant information reported to service center management concerning weaknesses in the system of internal control.

3. *Section III*—Supplementary information in support of the third-party review. Information supplied here should include:

- a. Sample or description of the standard contract or agreement.
- b. Organization chart of the service center.
- c. List of significant financial applications provided to user associations.
- d. List of user associations.

This Bulletin becomes effective for insured institution audit periods beginning after December 31, 1978. Inquiries and requests for information regarding matters covered by this Bulletin should be directed to the District Director-Examinations for the Federal Home Loan Bank District in which the home office of an insured institution is located.

(Secs. 402, 403, 407, 48 stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-891 filed 1-9-79; 3:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Docket No. 79-2; Agreement No. 10293]

FLOTA MERCANTE GRANCOLOMBIANA, S.A. AND ANDINO CHEMICAL SHIPPING INC.

Order of Investigation and Hearing

Pursuant to section 15 of the Shipping Act, 1916, an Agreement between Flota Mercante Grancolombiana, S.A. (Flota) and Andino Chemical Shipping, Inc. (Andino) has been filed with the Commission for approved and assigned Federal Maritime Commission Number 10293. The Agreement would provide for the establishment of a space chartering arrangement for the transportation of bulk liquid cargo in the trade between United States Gulf ports and Atlantic Coast ports of Colombia, whereby Andino would provide Flota with the necessary space on vessels owned or operated by Andino.

Dow Chemical International, Inc. of Delaware (Dow) and Shell Chemical Company, a division of Shell Oil Company, protested the Agreement and requested that a hearing be held to determine whether the Agreement should be approved under section 15. General comments on the Agreement were also filed by Lykes Bros. Steam-

ship Company, Inc., O.N.E. Shipping, Ltd. and Esso Chemical Supply Company, Inc. (Esso). Esso later advised that it supported the protestants' requests for a hearing.

Essentially, the protestants contended that the Agreement will be detrimental to the commerce of the United States because it will result in Flota and Andino having a monopoly position in the carriage of bulk liquid cargoes in this trade. In addition, Esso stated that it was dissatisfied with the quality of service offered by Flota and Andino, and both Esso and Dow expressed fear of losing their markets in Colombia should the Agreement be approved.

On July 11, 1977, the Executive Vice President of Flota's General Agent in the United States and the General Manager of Andino each submitted an affidavit in support of the Agreement. Aside from making a claim that the proposed service would assure shippers and consignees of regularly scheduled sailings at rates upon which they could rely, nothing of consequence was presented which would justify approval of the Agreement.

Upon consideration of the evidence then before the Commission, we found that the parties had failed to justify the Agreement and concluded that it was not required by a serious transportation need, necessary to secure important public benefits, in furtherance of a valid regulatory purpose of the Shipping Act, or otherwise in the public interest, and, therefore, that the Agreement could not be approved under the standards of section 15 of the Shipping Act, 1916. Consequently, on May 25, 1978, the Commission issued an Order of Conditional Disapproval of Agreement No. 10293. In that Order, we stated that the Agreement was disapproved effective July 30, 1978, unless, on or before July 29, 1978, the proponents filed with the Secretary of the Commission an unequivocal request for a further hearing. Such a request was to contain an itemization of each basic fact the proponents intend to prove at the requested hearing, a particularized description of the evidence the proponents intend to use to prove those facts, and a separate itemization of each point of law the proponents wish to argue at the requested hearing.

On July 25, 1978, Flota and Andino filed separate requests that a full hearing be held to determine the approvability of Agreement No. 10293.

In its filing, Flota disputes the protestants' claim that approval of the Agreement will result in Flota and Andino having a monopoly position in the carriage of bulk liquid cargoes between the U.S. and Colombia. It also lists four witnesses who are prepared to testify on such controverted factual

matters as the need for the Agreement in the trade, the sufficiency and quality of the proposed service, and the Agreement's impact on the protestants. Flota also lists the following issues of law which it intends to address: (1) Whether Agreement No. 10293 constitutes a "cooperative working arrangement" or other agreement subject to the jurisdiction of section 15 of the Shipping Act; (2) Whether the Agreement constitutes a *per se* violation of the antitrust laws, and (3) Whether the Agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or detrimental to the commerce of the United States, or contrary to the public interest, or in violation of the Shipping Act—that is, whether the Agreement is approvable under section 15.

Andino contended in its filing that the Commission's Order of Conditional Disapproval constituted prejudgment of the Agreement and was arbitrary and unreasonable. Like Flota, it argued that the Commission was wrong in characterizing Agreement No. 10293 as a "cooperative working arrangement," that in any event the Agreement is not *per se* illegal under the antitrust laws, and that the Agreement may be lawfully approved under section 15. With regard to adducing factual evidence in support of the Agreement, Andino confined itself to stating that "after hearing Flota's witnesses [Andino] will supplement the proof offered by Flota by whatever evidence is deemed pertinent or relevant * * *."

In view of the requests for a hearing filed by Flota and Andino, and the disputes surrounding Flota's and Andino's past services and the impact of this Agreement on the carriage of bulk liquid in this trade, it is necessary that an investigation be conducted into whether Agreement No. 10293 should be approved by the Commission. This investigation will include, as a principal matter, the anticompetitive impact of the Agreement, including a determination of the effect on the trade of certain flag restriction provisions in decrees issued by the Government of Colombia, and what effect the Agreement would have on markets in Colombia for Esso and Dow. It must also be determined whether the Agreement would benefit the trade—that is, whether there exists a transportation need which the Agreement will meet.

Now, therefore, it is ordered, That pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, this proceeding is hereby instituted to determine whether or not Agreement No. 10293 shall be

approved, disapproved, or modified under the provisions of section 15;

It is further ordered, That Flota Mercante Grancolombiana, S.A. and Andino Chemical Shipping Inc. are hereby made proponents in this proceeding;

It is further ordered, That Esso Chemical Supply Company, Inc.; Dow Chemical International, Inc. of Delaware, and Shell Chemical Company, a division of Shell Oil Company, are hereby made protestants in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than June 30, 1979.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and a copy thereof be served upon proponents and protestants as listed in the Appendix hereto and the Commission's Bureau of Hearing Counsel;

It is further ordered, That any person other than proponents, protestants, and the Bureau of Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 (46 CFR 502.72) of the Commission's Rules of Practice and Procedure;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX

Proponents

Flota Mercante Grancolombiana, S.A.,
Grancolombiana (New York) Inc., Gen-

eral Agents, One World Trade Center, Suite 1667, New York, New York 10048
Renato C. Giallorenzi, Esq., Giallorenzi and Campbell, 67 Broad Street, Suite 2201, New York, New York 10004 (Attorneys for Flota Mercante Grancolombiana, S.A.)

Andino Chemical Shipping, Inc., 1200 Milam Street, Houston, Texas 77002
Zachary B. Shwal, Esq., Shwal, Thompson & Bloch, 485 Madison Avenue, New York, New York 10022 (Attorneys for Andino Chemical Shipping, Inc.)

Protestants

Esso Chemical Supply Company, Inc., P.O. Box 301, Florham Park, New Jersey 07932

Lawrence G. Cohen, Esq., Kirlin, Campbell & Keating, One Twenty Broadway, New York, New York 10005 (Attorneys for Esso Chemical Supply Company, Inc.)

T. A. Gallagher, Export Department, Shell Chemical Company, a Division of Shell Oil Company, One Shell Plaza, Houston, Texas 77002

Dow Chemical International, Inc. of Delaware, P.O. Box 400, Coral Gables, Florida 33134

Pedro A. Freyre, Esq., P.O. Box 340400, Coral Gables, Florida 33134 (Attorney for Dow Chemical International, Inc. of Delaware)

[FR Doc. 79-864 Filed 1-9-79; 8:45 am]

[6730-01-M]

[Docket No. 79-3; Agreement No. 10295]

**FLOTA MERCANTE GRANCOLOMBIANA, S.A.
AND MARITIMA TRANSIGRA, S.A.**

Order of Investigation and Hearing

Pursuant to section 15 of the Shipping Act, 1916, an Agreement between Flota Mercante Grancolombiana, S.A. (Flota) and Maritima Transigra, S.A. (Maritima) has been filed with the Commission for approval and assigned Federal Maritime Commission Number 10295. The Agreement would provide for the establishment of a space chartering arrangement for the transportation of bulk liquid cargo in the trade between United States Gulf ports and Pacific Coast ports of Colombia, whereby Maritima would provide Flota with the necessary space on vessels owned or operated by Maritima.

No formal protests or requests for hearing into the merits of Agreement No. 10295 have been filed, although general comments on the Agreement were filed by Dow Chemical International, Inc., Esso Chemical Supply Company, Inc. (Esso), Lykes Bros. Steamship company, Inc. and O.N.E. Shipping, Ltd. The most detailed comments came from Esso, which stated that it was dissatisfied with the quality of service offered heretofore by Flota and Maritima, and that it feared the loss of its markets in Colombia should the Agreement be approved.

On July 11, 1977, the Executive Vice President of Flota's General Agent in the United States submitted an affidavit in support of the Agreement. Aside from rebutting the comments which had been filed by Esso and the other outside parties and claiming that the proposed service would assure shippers and consignees of regularly scheduled sailings at rates upon which they could rely, the affidavit presented nothing of consequence which would justify approval of the Agreement.

Upon consideration of the evidence then before the Commission, we found that Flota and Maritima had failed to justify the Agreement and concluded that it was not required by a serious transportation need, necessary to secure important public benefits, in furtherance of a valid regulatory purpose of the Shipping Act, or otherwise in the public interest, and, therefore, that the Agreement could not be approved under the standards of section 15 of the Shipping Act, 1916. Consequently, on May 25, 1979, the Commission issued an Order of Conditional Disapproval of Agreement No. 10295. In that Order, we stated that the Agreement was disapproved effective July 30, 1978, unless, on or before July 29, 1978, the proponents filed with the Secretary of the Commission an unequivocal request for a further hearing. Such a request was to contain an itemization of each basic fact that the proponents intend to prove at the requested hearing, a particularized description of the evidence the proponents intend to use to prove those facts, and a separate itemization of each point of law the proponents wish to argue at the requested hearing.

On July 25, 1978, Flota and Maritima filed through counsel a joint request that a full hearing be held to determine the approvability of Agreement No. 10295.

In their filing, the proponents list four witnesses who are prepared to testify on such controverted factual matters as the need for the Agreement in the trade, the sufficiency and quality of the proposed service and the Agreement's impact on shippers such as Esso. They also list the following issues of law which they intend to address: (1) Whether Agreement No. 10295 constitutes a "cooperative working arrangement" or other agreement subject to the jurisdiction of section 15 of the Shipping Act; (2) Whether the Agreement constitutes a *per se* violation of the antitrust laws, and (3) Whether the Agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors, or detrimental to the commerce of the United States, or contrary to the public interest, or in

violation of the Shipping Act—that is, whether the Agreement is approvable under section 15.

In view of the requests for a hearing filed by Flota and Maritima and the disputes surrounding the proponents' past services and the impact of this Agreement on the carriage of bulk liquid in this trade, it is necessary that an investigation be conducted into whether Agreement No. 10295 should be approved by the Commission. This investigation will include, as a principal matter, the anticompetitive impact of the Agreement, including a determination of the effect on the trade of certain flag restriction provisions in decrees issued by the Government of Colombia, and what effect the Agreement would have on markets in Colombia for shippers such as Esso. It must also be determined whether the Agreement would benefit the trade—that is, whether there exists a transportation need which the Agreement will meet.

Now, therefore, *it is ordered*, That pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, this proceeding is hereby instituted to determine whether or not Agreement No. 10295 shall be approved, disapproved, or modified under the provisions of section 15;

It is further ordered, That Flota Mercante Grancolombiana, S.A. and Maritima Transligrá, S.A. are hereby made proponents in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than June 30, 1979.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and a copy thereof be served upon proponents as listed in the Appendix hereto and the Commission's Bureau of hearing Counsel;

It is further ordered, That any person other than proponents and the Bureau of hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 (46 CFR 502.72) of the Com-

mission's Rules of Practice and Procedure;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX

PROponents

Flota Mercante Grancolombiana, S.A., Grancolombiana (New York) Inc., General Agents, One World Trade Center, Suite 1667, New York, New York 10048.

Maritima Transligrá, S.A., Guayaquil, Ecuador.

Renato C. Giallorenzi, Esq., Giallorenzi and Campbell, 67 Broad Street, Suite 2201, New York, New York 10004 (Attorneys for Flota Mercante Grancolombiana, S.A. and Maritima Transligrá, S.A.).

[FR Doc. 79-865 Filed 1-9-79; 8:45 am]

[6730-01-M]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Notice of Revocation; Correction

By Decision served July 24, 1978, in Docket No. 77-53, *Licensing of Independent Ocean Freight Forwarders*, (FEDERAL REGISTER, Vol. 43, No. 146, P. 32776, July 28, 1978), the Federal Maritime Commission amended its General Order 4 (46 CFR 510) to require all licensed independent ocean freight forwarders to file with the Commission a surety bond in the amount of \$30,000. The amendment stated that if a licensee fails to file such bond on or before December 1, 1978, the license shall be revoked in accordance with Rule 510.9 of General Order 4.

The Commission published a Notice of Revocation in the FEDERAL REGISTER on January 3, 1979 (Vol. 44, No. 2, Pp. 953-955) wherein notice was given of the independent ocean freight forwarders who had failed to file with the Commission a surety bond in the amount of \$30,000 and whose licenses were revoked effective December 2, 1978. Erroneously, Merit Brokerage Co., Inc., 1748 W Katella Avenue, Orange, California 92667, was among the licensees annulled. Merit Brokerage

Co., Inc. filed the prescribed bond before December 1, 1978, hence FMC Independent Ocean Freight Forwarder License No. 1862 has not been revoked.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-867 Filed 1-9-79; 8:45 am]

[6730-01-M]

[Docket No. 79-4]

SOL SPITZ CO., INC. v. AMERICAN PRESIDENT LINES, LTD.

Filing of Complaint

Notice is given that a complaint filed by Sol Spitz Co., Inc. against American President Lines, Ltd. was served January 4, 1979. Complainant alleges that it has been subjected to payment of rates for transportation which are unjust and unreasonable in violation of sections 17 and 18(b) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before July 4, 1979. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-866 Filed 1-9-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

NL INDUSTRIES, INC.

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: NL Industries Inc. is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain assets of Texas International Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by NL Industries. Neither agency

intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79 886 Filed 1 9 79; 8:45 am]

[6750-01-M]

QUAKER STATE OIL REFINING CORP. AND HILLMAN CO.

Early termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Quaker State Oil Refining Corporation and the Hillman Company are granted early termination of the extended waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of Texstar Automotive Distribution Group, Inc., and its subsidiaries. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice sua sponte. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Di-

rector for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-887 Filed 1 9-79; 8:45 am]

[6750-01-M]

WEDGE INTERNATIONAL HOLDINGS B.V. AND GILSON BROTHERS CO.

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Wedge International Holdings B.V. and Gilson Brothers Co. are granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to their proposed merger. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Wedge International Holdings B.V. and Gilson Brothers Co. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by section 201 and 202 of the Hart-Scott-Rodino Anti-

trust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-888 Filed 1-9-79; 8:45 am]

[4110-12-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF HUMAN DEVELOPMENT SERVICES

Statement of Organizational Functions and Delegations of Authority

This notice amends Part D of the statement of reorganization, functions, and delegations of authority of the Department of Health, Education, and Welfare, Office of Human Development Services (HDS), published in Volume 43, Number 147, of the FEDERAL REGISTER on July 31, 1978 pp 33327-33347). The amendments are as follows:

1. ADMINISTRATION FOR NATIVE AMERICANS

In the functional statement for the Administration for Native Americans, changes in the statement of organization (DN.10) and functions (DN.20) have been made to reflect the following: (a) Within the Office of Program Operations, the Tribal Programs Division and the Special Programs Division have been renamed the Reservation Program Division and the Special and Off-Reservation Programs Division respectively; (b) The function of providing policy direction and guidance to the HDS Regional Offices in their administration of the program for urban Indians has been transferred to the Office of the Commissioner from the Office of Program Operations, Division of Special Programs; (c) The function for training and technical assistance, previously split between the Tribal Programs Division and Special Programs Division in the Office of Program Operations, has been consolidated and transferred to the Office of Planning and Program Development, Research, Demonstration, and Evaluation Division. The amended statement for the Adminis-

tration for Native Americans reads as follows:

DN.00. Mission The Administration for Native Americans (ANA) represents the concerns of American Indians, Alaskan Natives, and Native Hawaiians, hereinafter referred to as Native Americans. The Administration has primary responsibility for developing policy, legislative proposals and guidance, and for providing staff advice to the Assistant Secretary and the Secretary, on matters involving the social and economic development of Native Americans. ANA administers grant programs to eligible Indian tribes and Native American organizations in urban and rural areas with funds authorized under the Native American Programs Act, Title VIII of the Head Start, Economic Opportunity, and Community Partnership Act of 1974.

In conjunction with the Office of the ASHDS, ANA provides Departmental liaison with other Federal agencies on Native American affairs, working to address unmet needs and increase the availability of resources and services to Native American communities through other agencies.

Through its policy, liaison, and granting functions, ANA explores new program concepts and new methods for increasing the social and economic development of Native Americans, assures that information about Departmental services and benefits and eligibility criteria is conveyed to Native Americans, and fosters the opportunity for the exercise of self-determination of Native Americans and their operation of Native American programs and enterprises.

DN.10 Organization. The Administration for Native Americans is headed by a Commissioner who reports directly to the Assistant Secretary for Human Development Services and consists of:

Office of the Commissioner (DN)
Intra-Departmental Council on Indian Affairs Staff (DN-1)

Office of Program Operations (DNB)
Reservation Program Division (DNB1)
Special and Off-Reservation Programs Division (DNB2)

Office of Planning and Program Development (DNP)
Research, Demonstration, and Evaluation Division (DNP1)
Policy, Planning, and Budget Division (DNP2)
Administrative Services Staff (DNP3)

DN.20 Functions. A. *Office of the Commissioner (DN)* provides overall direction, management and legislative liaison for all components of ANA. Serves as advisor to the ASHDS, the Secretary, and the heads of DHEW agencies administering programs which have a significant impact on Native Americans. On behalf of the

Department conducts liaison with and obtains advice from Indian tribes and Native American organizations. Has final approval for all ANA grant awards (except those specifically re-delegated to the HDS Regional Offices). Provides policy direction and guidance to the HDS Regional Offices in administering the grant program for urban Indians. Has final approval for all ANA interagency agreements and has final approval of contracts and other expenditures. The Commissioner is also Chairman of the Intra-Departmental Council on Indian Affairs.

1. *Intra-Departmental Council on Indian Affairs Staff (IDCIA) (DN-1)* provides general staff support to the Council and the Commissioner of ANA in his capacity as Chairman of the Council. The Council serves as the focal point within the Department for inter-agency coordination activities relating to Indian affairs to effect cooperation and complementary utilization of the Department's resources for Indian people. Develops and promotes consistent policies on Indian affairs for the entire Department and causes the full and continuous application of these policies throughout the Department. Identifies administrative, legislative and regulatory changes or developments necessary for the application of an effective and consistent Indian policy.

B. *Office of Program Operations (DNB)* administers the financial assistance projects of the Administration for Native Americans. Monitors overall performance of the financial assistance program, and directs the application of consistent regulations, policies, and guidelines.

1. *Reservation Program Division (DNB1)* provides direct assistance to American Indian tribes and Alaskan Native organizations in developing and securing funds for local self-determination programs aimed at social and economic self-sufficiency. Reviews applications and performs on-site monitoring and evaluation of funded projects. Serves as resource to and liaison with Indian tribes and Alaskan Native organizations.

2. *Special and Off-Reservation Programs Division (DNB2)* provides to Native Hawaiians, other Native American groups and organizations serving Native Americans off-reservation (with the exception of urban Indians) direct assistance in developing, securing and administering services aimed at social and economic self-determination. For these grantees, reviews applications for support and performs on-site monitoring and evaluation of funded projects. Serves as a resource to and liaison with Native American groups and organizations.

C. *Office of Planning and Program Development (DNP)* plans, directs and coordinates planning and program development activities. Directs the development of regulations, policies and guidelines for ANA. Directs the development of program and budget plans consistent with the Department's requirements. Monitors overall performance of research, demonstration, evaluation, planning, budget and support functions.

1. *Research, Demonstration, and Evaluation Division (DNP1)* develops and monitors projects in social and economic development, manpower and other areas of concern to Native Americans. Determines research needs and develops the research and development plan for ANA. Conducts cross-cutting studies on program effectiveness and performs special studies and analyses on a broad range of issues and activities relating to programs for Native Americans. Contributes to evaluative efforts of other agencies relevant to Native Americans. Coordinates with OPRE/HDS. Furnishes training and technical assistance support to equip Indian tribes, Alaskan Native organizations and other Native American groups and organizations with needed technical skills in a variety of program and management areas.

2. *Policy, Planning and Budget Division (DNA2)* develops and recommends the implementation of policies throughout ANA. Formulates budget and legislative plans consistent with Departmental and ANA requirements. Coordinates the reporting by ANA units to the DHEW/HDS management system, including reports on short-range initiatives (e.g. MITS). Assists the Office of Program Operations in developing local program planning capability. Compiles statistics on the population served by ANA programs. In accordance with ASHDS guidelines and instructions, administers the development of budget proposals and internal ANA financial operating plans. Furnishes assistance to program specialists and grantees in financial systems development. Coordinates with appropriate HDS staff units in carrying out these functions.

3. *Administrative Services Staff (DNP3)* provides a wide range of administrative services in support of all ANA programs and activities. Tracks financial status of all program and S&E accounts and provides financial data to the Commissioner. Initiates and expedites the progress of all procurements and personnel actions. Serves as ANA Executive Secretariat, controlling the flow of correspondence. Coordinates with the Office of Public Affairs/HDS in developing a public information plan and specific materials for dissemination. Responsible for the receipt of Freedom of In-

formation Requests and coordinates responses to such requests directed to ANA. Coordinates with appropriate HDS units in implementing administrative requirements and procedures.

2. REHABILITATION SERVICES ADMINISTRATION

In the functional statement for the Rehabilitation Services Administration, changes in the statement of organization (DH.10) and functions (DH.20) have been made. In the Office of Administrative Support (DH.20 Functions, D): (1) the Division of Budget and Financial Management has been deleted; (2) The function for administration of RSA internal budget procedures has been transferred to the Division of Administration and Personnel, now called the Division of Administration and Budget; (3) The function for RSA internal grants and contracts procedures and liaison with HDS staff offices on these procedures has been transferred to the overall Office of Administrative Support, and (4) the responsibility for Management Information Systems has been moved from the Office of Program Operations to the Office of Administrative Support. In addition, the following changes have been made to other portions of the functional statement: (1) responsibility for White House conference follow-up has been transferred from the Division of Agency Liaison to the Office of Advocacy and Coordination; (2) responsibility for establishing standards as to who are handicapped individuals has been moved from the Division of Advocacy and Constituent Relations to the Division of Policy Development in the Office of Policy Management; (3) a more accurate description of the functions of the Bureau for the Blind and Visually Handicapped has been added; (4) the functions of the Deafness and Communicative Disorders Office have been clarified; (5) a reference is made to the facilities establishment and improvement function of the Bureau of Vocational Rehabilitation; and (6) a statement regarding the monitoring role of the Regional Offices in relation to State Agencies has been included.

The revised statements for RSA read as follows:

DH.00 Mission. *The Rehabilitation Services Administration (RSA)* supports services which improve conditions for and otherwise benefit handicapped individuals, with emphasis on the severely handicapped, including the developmentally disabled. Maintains close liaison with the Architectural and Transportation Barriers Compliance Board and the President's Committee on Mental Retardation; provides administrative support for the latter organization. Advises the ASHDS on the formulation, develop-

ment, implementation, and review of policies and legislation affecting handicapped individuals. Acts as an advocate to assure the rights of handicapped persons. Serves as a resource and clearinghouse of information for service providers at national, regional, state, and local levels in the development of national programs to reduce or eliminate social and environmental barriers experienced by handicapped persons. Establishes standards for determining who are handicapped individuals for purposes of RSA program eligibility and provides leadership in assuring that all categories of handicapped individuals receive equitable consideration for access to services.

DH.10 Organization. *The Rehabilitation Services Administration* is headed by a Commissioner who reports directly to the Assistant Secretary for Human Development Services and consists of:

Immediate Office of the Commissioner (DH)
 Public Affairs Staff (DHA1)
 Regional Liaison Staff (DHA2)
 President's Committee on Mental Retardation (DHP)
 Office of Policy Management (DHL)
 Division of Policy Development (DHL1)
 Division of Planning (DHL2)
 Division of Legislation, Regulations, and Congressional Relations (DHL3)
 Office of Administrative Support (DHS)
 Division of Administration and Budget (DHS1)
 Division of Program Data and Analysis (DSH2)
 Office of Advocacy and Coordination (DHC)
 Division of Advocacy and Constituent Relations (DHC1)
 Deafness and Communicative Disorders Office (DHC2)
 Division of Agency Liaison (DHC3)
 Office of Program Operations (DHN)
 Bureau for Blind and Visually Handicapped (DHN1)
 Bureau of Vocational Rehabilitation Program Operations (DHN2)
 Bureau of Developmental Disabilities Program Operations (DHN3)
 Office of Program Development (DHM)
 Bureau of Research and Engineering (DHM1)
 Bureau of Evaluation and Utilization (DHM2)
 Bureau of Demonstrations and Manpower Development (DHM3)

In addition, the Office for Handicapped Individuals (DHH) coordinates with the Commissioner, RSA, in carrying out its functions.

DH.20 Functions. *A. Office of the Commissioner (DH)* provides executive leadership to the Rehabilitation Services Administration. Establishes goals and objectives for programs for handicapped individuals and develops standards, criteria, guidelines, and policies to provide direction in the administration of these programs and serves as advisor to the ASHDS on programs and problems affecting handicapped

individuals. Advocates for the rights and needs of handicapped individuals. Responsible for internal manpower measurement reports and analyzes; develops, implements and monitors internal communications and correspondence systems; and maintains a liaison with the HDS Executive Secretariat for tracking RSA correspondence and assignments.

Conducts special analyses of support services, program operations, program development activities, and other RSA operations in central office and the regions at the request of the Commissioner to determine consistency with established policies, regulations and guidelines; provides periodic reports on problem areas in staff relationships, operations, and management; and serves as a clearinghouse for employee suggestions.

The Office of the Commissioner also contains the following organizations:

1. Public Affairs Staff (DHA1) provides leadership and direction to RSA's public affairs activities; prepares, edits, and distributes RSA publications; develops methods for increasing public awareness of the needs of people served by RSA and programs designed to help them. Develops and implements a public affairs strategy for RSA; represents RSA in activities involving print and broadcast media. Serves as liaison with the Office of Public Affairs/IDS in providing centralized publication and audio/visual services for RSA. Responsible for the receipt of Freedom of Information requests and coordinates responses to such requests directed to RSA.

2. Regional Liaison Staff (DHA2) serves as the principal staff arm in the direction and management of RSA's regional office; performs studies and reviews of regional operations; provides regional staff with support on matters requiring central office coordination; is responsible for staff support on technical management aspects of regional operations matters; develops priorities for distributing regional office manpower resources; coordinates development of annual regional operations budget plans; and maintains calendar of planned meetings involving regional staff. Coordinates with the Office of Regional and Intergovernmental Relations/HDS on regional issues.

B. The President's Committee on Mental Retardation (DHP) is supported by RSA staff members, who provide administrative support and assistance in the PCMR effort to: (1) reduce the occurrence of mental retardation, (2) enable retarded individuals in public institutions to return to the community, and (3) provide assurance of full legal and human rights for retarded individuals. This staff prepares the committee's report to the President on

the adequacy of national efforts to combat mental retardation; and develops and disseminates information to increase public awareness and understanding of retardation.

C. Office of Policy Management (DHL) supervises the RSA planning process (long and short-range) and the development and formulation of RSA policy and legislation. Assures consistency of planning, policy development, and legislative functions within RSA and coordinates with appropriate HDS staff offices. Conducts an active Congressional relations program in coordination with HDS and OS legislative affairs staffs.

1. Division of Policy Development (DHL1) conducts RSA-wide policy review, policy development, formulation, and analysis; analyses policy within RSA as well as other Federal policies directly or indirectly related to the handicapped; reviews all policy issuances and interpretations and certifies consistency; in coordination with OPMC/HDS, manages a formal policy interpretation and issuance system; and assists in the development of and clears RSA regional offices policy interpretations. Conducts policy analyses at the direction of the Commissioner and incorporates research and evaluation findings into policy development. Establishes standards for determining who are handicapped individuals.

2. Division of Planning (DHL2) develops, coordinates, and maintains a comprehensive RSA planning system, coordinates the development of the RSA's goals, objectives, and implementation plans; provides leadership in the development and resolution of short range priority objectives including the Secretary's Major Initiatives Tracking System (MITS); serves as RSA contact with outside organizations on long and short range planning issues; with OPMC/HDS and OPRE/HDS, advises on all matters relating to planning, including the standards, reports, and information needed for the development and assessment of plans. Provides leadership in the areas of long- and short-range planning to State agencies and other grantees. Incorporates policy analyses into long- and short-range plans.

3. Division of Legislation, Regulations, and Congressional Relations (DHL3) develops and proposes legislation necessary to improve rehabilitation programs for disabled individuals. Reviews and comments on other proposed legislation affecting handicapped individuals. Serves as contact point for members of Congress, and their staffs on issues concerning handicapped individuals. Responds to requests from Congress and public and private groups for information on proposed legislation.

Coordinates and consults with HDS and the Office of the Assistant Secretary for Legislation on these issues. In coordination with OPMC/HDS, is responsible for RSA regulations formulation, development, review, and revision; and participates on regular HDS Regulations Team. Reviews, analyses, and disseminates information on regulations issues.

D. Office of Administrative Support (DHS) provides leadership and guidance on matters relating to the overall administration and management of RSA; resolves critical issues and problems concerning executive management across RSA programs. Coordinates with OAM/HDS in carrying out these functions. Formulates internal administrative support procedures in accordance with OAM and ASHDS guidelines. Advises Commissioner on administrative matters, including EEO. With respect to grants and contract management, formulates internal procedures, in accordance with guidelines from OAM and ASHDS, coordinates provision of input to the ASHDS in development of policies and procedures, makes provisions for liaison with OAM, provides advice and recommendations to the Commissioner and provides TA to RSA units, and coordinates responses to appropriate audit reports. Responsible for development of RSA Management Information Systems and the provision of guidance and assistance to State agencies in this area.

1. Division of Administration and Budget (DHS1) in accordance with policies and procedures issued by OAM, provides administrative support to all units of RSA. Responsible for space utilization and telephone plans within RSA. Controls personnel ceiling distribution within RSA; responsible for staff development including overall Annual Training Plan, training, equal employment matters, and development of EEO objectives of the agency. Maintains official files on delegations and organization for RSA. Responsible for preparation of regular and recurring reports for organizational manuals, personnel, records management, and expenditures for supplies and services; develops internal procedures for administrative services; responsible for records management. Provides leadership and guidance in the area of budgetary services and financial management; coordinates the formulation and justification of the RSA administrative and program budgets; reviews budget submissions prepared by RSA components to assure conformity with legislative mandates; provides technical assistance to RSA units in the execution of the budget and the preparation of financial reports and summaries.

2. Division of Program Data and Analysis (DHS2) develops and maintains the RSA statistical reporting system; revises statistical reporting procedures as required by modification in the Act and expanding needs of management; prepares justification and supporting documentation for the Office of Management and Budget for new or revised reports; prepares special studies on various aspects of program operations; compiles annual statistical reports on client characteristics and agency caseloads; provides estimates and projection of program operations for budgetary, legislative and long and short-range purposes; trains regional staff in the use and interpretation of statistical information; performs cost/benefit analyses of agency programs.

E. Office of Advocacy and Coordination (DHC) provides leadership to RSA activities in advocating and securing the rights of handicapped individuals and coordinating programs and services; works in close cooperation with representative groups, develops and expands relationships with clients and client groups, consumer groups, private and public organizations including the National Disabilities Advisory Council (NDAC) and the President's Committee on Mental Retardation. Assumes leadership for coordination of RSA activities following implementation of the recommendations of the The White House Conference on Handicapped Individuals.

1. Division of Advocacy and Constituent Relations (DHC1) is responsible for developing and maintaining systematic ongoing interactions between RSA and appropriate constituent and client groups. Develops, implements, and maintains a consumer hot line and assumes leadership in the development of a network of information services to build an awareness of the actions necessary to address the problems of handicapped individuals; assists in the development of national educational programs to reduce social and environmental barriers experienced by handicapped individuals; maintains a clearing house of information on the needs of handicapped individuals and providers of services to this population; develops a coordinated system of information and data retrieval, utilizing existing information systems and related publications; develops, in coordination with the Division of Equal Opportunity and Civil Rights/HDC and the Office for Civil Rights/HEW, and disseminates training materials on questions related to the legal rights of the disabled; provides leadership in assuring that all categories of handicapped individuals receive equitable consideration for access to services; works with other relevant program agencies to promote

outreach services to meet the unique problems of the handicapped aged and eligible veterans as well as handicapped ethnic and racial minorities; assures that special population groups receive equitable consideration.

2. *Deafness and Communicative Disorders Office (DHC2)* provides leadership in improving State vocational rehabilitation agency services to the deaf and other communicatively impaired; develops employment opportunities and new careers for the deaf and other communicatively impaired; stimulates manpower development and special research projects for the deaf and other communicatively impaired and provides technical assistance, collaborates with Central Office, Regional, State vocational rehabilitation agency staff, and colleges in short-term, long-term, and in-service training activities for State and other professional workers on serving the communicatively impaired and in initiating special projects that emphasize independent living for deaf persons; serves as national focal point on deafness; provides consultation to various Federal and State agencies and public and private organizations that serve the communicatively impaired.

3. *Division of Agency Liaison (DHC3)* coordinates liaison activities with the White House, the A&TBCB, other Federal agencies, other public and private agencies, trade associations, labor unions, and professional organizations in relation to problems of handicapped individuals. Negotiates, develops, enters into, and implements interagency agreements designed to improve programs and services to handicapped individuals; provides leadership in coordinating activities with other Federal agencies and Departments which carry on various programs and activities concerned with handicapped individuals; assesses information on programs, plans and policies of other government agencies; coordinates and cooperates with other activities of special concern to the various handicapped population groups in this country. Reports to the Commissioner on trends, problems and new directions identified through liaison and coordination activities.

F. *Office of Program Operations (DHN)* administers the operations aspects of RSA programs; provides leadership in the provision of quality services to various handicapped population groups; establishes operational standards, criteria and program guidelines; provides technical assistance on program operations to Regional Office staff, State agencies, and local organizations. Incorporates innovative program initiatives into program operations. Recommends areas for research, evaluation, and training to the Office of Program Development. Pro-

vides consultation on the various medical aspects of rehabilitation to all units within RSA, but especially to the regional staff and to selected State VR agencies on significant problems in this area; reviews all policies, plans, and programs of RSA to determine their consistency with established medical practices. Advises Commissioner on research, evaluation, and training projects having a medical component. Develops basic guidelines and assumptions for use by the States in developing their short and long range goals and resource requirements. Serves as contact on all audits on State Plan programs, analyzes, coordinates and substantiates all audit findings. Ensures compliance with program financial operation requirements. Evaluates overall national program performance and progress from a cost benefit and effectiveness standpoint; develops, applies and analyzes financial policies, standards, and procedures; develops and coordinates internal formula grant policy and procedures with the Department, other Federal agencies. Based on formula grants management policies and procedures approved by ASHDS, controls allocation, administrative accounting and reprogramming of formula grant funds.

1. *Bureau for Blind and Visually Handicapped (DHN1)* develops guidelines and regulations for Federal departments and blind licensees regarding the Randolph-Sheppard program and administers the relevant aspects of the Rehabilitation Act, as amended; provides consultation regarding the administration of the Randolph-Sheppard Act; in consultation with the HEW Office of General Counsel interprets provisions of the Act for State and Federal arbitration boards; provides leadership, guidance and consultation to public and private agencies serving the blind and partially sighted. Provides technical assistance and consultation in curriculum development for the training of specialized personnel and to State agencies to maximize program utilization. Provides technical assistance to the Office of Program Development regarding special research projects for the blind and partially sighted including international projects. In conjunction with regional staff, conducts program reviews of State Agencies serving the blind and partially sighted. Provides for liaison activities with The National Council of State Agencies for the Blind and Council of State Administrators of Vocational Rehabilitation.

2. *Bureau of Vocational Rehabilitation Program Operations (DHN2)* administers the program operation aspects of the Rehabilitation Act, as amended; provides leadership and guidance in the administration of RSA

programs providing services to the handicapped and severely handicapped including social security disability and supplemental security income beneficiaries. Responsible for formulation, guidance and conformity review of annual State plans, policy interpretation and program operations in relationship to the law, regulations and standards governing the provision of services and the rehabilitation process; analyzes and evaluates State plan programming and performance in relation to Federal requirements. Develops and supports program approaches leading to the establishment and improvement of rehabilitation facilities. Develops and maintains RSA statistical reporting system. Defines management information and program and financial management requirements for State agencies and reviews State plans for conformance.

3. *Bureau of Developmental Disabilities Program Operations (DHN3)* develops, promulgates, and implements Federal policies, guidelines, and procedures concerning the Developmental Disabilities Act and delivery of services authorized by the Act. Provides leadership, coordination, and guidance for programs applicable to individuals with mental retardation and other developmental disabilities; and prepares and disseminates information to appropriate client and constituent groups on developmental disability plans and services, in conjunction with the Office of Advocacy and Coordination. Administers basic state grant program for developmentally disabled, including enforcement of Section 113 requirements.

G. *Office of Program Development (DHM)* provides leadership in and manages program development activities including research and program evaluation activities, rehabilitation engineering efforts, training and specialized service initiatives, and independent living demonstration projects. Plans for and implements experimental program services based on feedback from State and local organizations on program needs. Prepares research, development and evaluation plans. Develops evaluation standards and criteria; provides consultation and technical assistance to regional offices staff and assists them in the guidance of State and local organizations in program development; manages a domestic and international research effort; evaluates State and Federal program activities; manages a comprehensive effort of research, clinical evaluation, training, and service delivery in rehabilitation engineering. Promotes and directs a manpower development program to provide skilled personnel required to rehabilitate handicapped individuals with various disabilities; conducts special project activities to stress

the need for specialized services required to rehabilitate handicapped individuals, especially those with severe disabilities.

1. *Bureau of Research and Engineering (DHMI)* directs and manages the overall research and engineering program of the Rehabilitation Services Administration. Analyzes problems of homebound and institutionalized handicapped individuals and those people who are multiply disadvantaged because of poverty and a racial minority status in addition to a handicapping condition. Directs research efforts which address problems associated with loss of function resulting from disability and other medically oriented aspects of rehabilitation; establishes a network of domestic and international rehabilitation engineering centers to conduct research on new systems, equipment, devices, and aids to make full use of technology for resolving rehabilitation problems. Administers research grants or contracts awarded for the purpose of planning and conducting research and evaluation activities which bear directly on the development of new methods and procedures to assist in the provision of improved services to handicapped people; conducts research studies and surveys on the factors affecting rehabilitation and which expand the methodology and techniques for improved outreach and follow-up services; directs and conducts, by means of grants and contracts, a comprehensive research, development, clinical evaluation, training, and service delivery program in rehabilitation engineering designed to improve the productivity and quality of life of handicapped individuals. Coordinates with the National Academy of Science, the National Science Foundation, Food and Drug Administration, and the Federal Communications Commission and other agencies; plans and directs a research and program effort concerned with the elimination of environmental barriers; establishes demonstration projects to display various approaches which increase functional capacity and reduces or eliminates environmental barriers for various handicapping conditions.

2. *Bureau of Evaluation and Utilization (DHM)* directs and manages the evaluation and utilization program of the RSA; measures and evaluates the impact of RSA programs to determine their effectiveness. Develops standards for evaluation of RSA programs. Develops research utilization plans, policies, and procedures. Ensures that research results are evaluated, disseminated, and incorporated into program operations.

3. *Bureau of Demonstrations and Manpower Development (DHM3)* provides direction and guidance in developing, demonstrating and managing

innovative program activities. Administers a comprehensive manpower development program designed to stimulate program development and enhance service delivery for handicapped individuals. Reviews project grant applications, develops evaluative criteria, and provides guidance on the review of training applications; provides guidance on the conduct of staff development programs within State vocational rehabilitation agencies; encourages the development of experimental and innovative training programs; stimulates the development of new training projects.

E. *The Regional Offices for Rehabilitation Services (DD1-X2)* are headed by Regional Program Directors who report directly to the Commissioner, RSA. Develops, administers, and coordinates RSA/HDS programs which provide services for handicapped individuals through a State/Federal administered program. Provides information for and contributes to the development of national policy dealing with handicapped individuals and the developmentally disabled. Based on national policy and priorities, establishes regional program goals and objectives and provides direction and consultation in the administration of mandated programs. Provides guidance and leadership to State, local, and voluntary organizations. Works in close cooperation with other governmental agencies, professional organizations, universities, and other service providers. Plans, coordinates, and administers resources in providing services for the developmentally disabled. Participates in planning and conducting research and demonstration and related activities by means of grants and contracts for the purpose of developing methods, procedures, technology, and devices which serve to promote and advance employment of handicapped individuals or improve their quality of life. Directs or promotes a training program to increase the number and quality of skilled personnel required to provide services to the target populations. Serves as the focus in each HDS Regional Office for consideration of issues regarding policies affecting target populations. Advocates for the rights of the disabled. Serves as regional contact for information on subjects relevant to problems of the disabled. Monitors and evaluates the effectiveness of the RSA programs in the regions in meeting the needs of target populations and recommends and/or takes affirmative action to promote improvement. Responsible for regional rehabilitation services operational objectives. Coordinates with the RA/HDS on matters of an administrative or cross-cutting nature. Keeps RA/HDS routinely informed of program issues and progress.

3. OFFICE FOR HANDICAPPED INDIVIDUALS

In the functional statement for the Office for Handicapped Individuals, the statement of functions (DH.20.H) has been amended to add the last clause in the last sentence which was omitted in error. The period at the last sentence becomes a semicolon, to which is added the following language: "provides a central clearinghouse of information and resource availability for handicapped individuals."

The revised statements for OHI read as follows:

H. *Office for Handicapped Individuals (D/H)* reports directly to the ASHDS, encouraging coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs. Develops means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education, health, employment, rehabilitation, architectural, housing and transportation barriers, and other areas to achieve full integration of all handicapped individuals into all aspects of society; provides a central clearinghouse of information and resource availability for handicapped individuals.

4. REGIONAL OFFICES FOR PUBLIC SERVICES

In the functional statement for the *Regional Offices for Public Services (DD1-X3)*, the statement of functions (DD.20.D) has been amended to add to the end of the second paragraph a sentence and a half omitted in error. The period after "other HDS" is deleted and the following language is added: "programs and on State agency issues of regional or national significance, including State administrative plans and deferrals or disallowances. Plans and implements regional APS operational objectives."

The amended statement reads as follows:

D. *The Regional Offices for Public Services (DD1-X3)* are headed by Regional Program Directors (RPD) who work under the supervision of the Regional Administrator, HDS. Program policy direction is provided to the Regional Office by the Commissioner, Administration for Public Services. Provides guidance and technical assistance to States in the planning, administration, evaluation and delivery of comprehensive social services under Title XX of the Social Security Act, as well as under Titles I, IV-A, X, XIV, XVI (Aid to the Aged, Blind and Disabled, AABD) in Regions II and IX. Assists States in the development and operation of Title XX training programs and the development of manpower for the Title XX program. De-

velops and promotes linkages between Title XX and other social services programs in the States through leadership in the development, design and evaluation of Comprehensive Annual Services Plans. Maintains liaison with income maintenance and health programs to facilitate provision of social services to clientele of these programs. Approves Title XX State administrative plans and amendments and social service plans and amendments under Titles I, IV-A, X, XIV, XVI (AABD) in Regions II and IX. Reviews Comprehensive Annual Services Plans for compliance with Federal requirements and certifies their acceptability. The designated official(s) in these offices review, approve, defer, or disallow claims for Federal Financial Participation (FFP) by State and local social service agencies under Title XX, as well as under Titles I, IV-A, X, XIV, XVI (AABD) in Regions II and IX.

Provides guidance and technical assistance to State and local agencies on the development and operation of financial management and reporting systems to support program goals and in the interpretation, implementation and operation of social services regulations, policies, and procedures. Assists States in the adoption of improved delivery practices and improved program, administrative, reporting and financial management practices. Stimulates and facilitates the development of appropriate R & D and evaluation projects; in collaboration with the Regional Administrators and APS headquarters staff, monitors progress of R & D grants within the region. Monitors State adherence to Title VI of the Civil Rights Act. Monitors adherence of State Title XX programs to Federal requirements and conducts program reviews of the planning, financial, training, and program delivery operations in the States. Serves as the HDS liaison with State and local CETA administrators and with the DOL Employment and Training Administration. Advises the HDS Regional Administrators of opportunities for coordination between WIN and CETA and the HEW social service programs. Works with State and local program administrators and officials of private agencies and foundations to promote social and human development services. Consults with Regional Administrators on the planning and implementation of cross-cutting initiatives which require the involvement and assistance of other HDS programs and on State agency issues of regional or national significance, including State administrative plans and deferrals or disallowances. Plans and implements regional APS operational objectives.

Dated: January 2, 1979.

FREDERICK M. BOHEN,
Assistant Secretary for
Management and Budget.

[FR Doc. 79-831 Filed 1-9-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6986-A and AA-6986-C]

ALASKA NATIVE CLAIMS SELECTION

On December 12, 1974, Cape Fox Corporation, for the Native village of Saxman, filed selection application AA-6986-A; and on December 16, 1974, filed selection application AA-6986-C under the provisions of Sec. 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1615 (Supp. V, 1975)), for the surface estate of lands located in the Tongass National Forest in the vicinity of Saxman and Ketchikan.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 16(b), aggregating approximately 2,007 acres is considered proper for acquisition by Cape Fox Corporation and is hereby approved for conveyance pursuant to Sec. 14(b) of the Alaska Native Claims Settlement Act:

COPPER RIVER MERIDIAN, ALASKA (SURVEYED)

T. 74 S., R. 90 E.
Sec. 12, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Containing 280 acres.

T. 74 S., R. 91 E.
Sec. 7, Lots 2, 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 18, Lots 1, 2, 3, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
Containing 1,372.32 acres.
Aggregating 1,652.32 acres.

COPPER RIVER MERIDIAN, ALASKA
(UNSURVEYED)

T. 74 S., R. 90 E.
Sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, N $\frac{1}{2}$ S $\frac{1}{2}$.
Containing approximately 200 acres.

T. 74 S., R. 91 E.
Sec. 18, S $\frac{1}{2}$ S $\frac{1}{2}$.
Containing approximately 155 acres.
Aggregating approximately 355 acres.

The conveyance issued for the surface estate of the lands described

above shall contain the following reservations to the United States:

1. As to the lands in Sec. 13, T. 74 S., R. 90 E., and Secs. 7, 8 and 18, T. 74 S., R. 91 E., Copper River Meridian, the highway easement deed right-of-way, serial number AA-5713, granted January 31, 1969, by the Federal Highway Administration, U.S. Department of Transportation with the concurrence of the U.S. Forest Service for a Federal Aid Highway, Project FH-39-1(1), under the act of August 27, 1958, as amended, 23 U.S.C. 317; and

2. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

3. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the public easements, listed below, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA-6986-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of use permitted for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail: The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road: The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles and trucks.

a. (EIN 14 G, C4) An easement for a proposed access trail twenty-five (25) feet in width from the existing road in Sec. 8, T. 74 S., R. 91 E., Copper River Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 24 C5, G) An easement sixty (60) feet in width for an existing road from the end of road easement deed No. 5713 in Sec. 8, T. 74 S., R. 91 E., Copper River Meridian, northeasterly to its terminus in Sec. 4, T. 74 S., R. 91 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 35 L, G) An easement one hundred (100) feet in width for a proposed powerline from the selection boundary in Sec. 13, T. 74 S., R. 90 E., Copper River Meridian, northerly adjoining the existing road (highway easement deed No. 5713) to a point in Sec. 18, T. 74 S., R. 91 E., Copper River Meridian, thence easterly approximately 1.2 miles to a point in Sec. 17, T. 74 S., R. 91 E., Copper River Meridian, near the existing road right-of-way, thence southeasterly to a point near the White River in Sec. 21, T. 74 S., R. 91 E., Copper River Meridian, thence northeasterly generally following the White River to the selection boundary in Sec. 35, T. 73 S., R. 91 E., Copper River Meridian. The uses allowed are those activities associated with the construction, operation, and maintenance of the power line facility.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Pursuant to Sec. 17(b)(2) of the Act, any valid existing right recognized by the Act shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k) (Supp. V, 1975)), that, until December 18, 1983, the above-described lands, located within the boundaries of a national forest, shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands;

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Pursuant to Sec. 16(b) of the Alaska Native Claims Settlement Act, Cape Fox Corporation is entitled to 23,040 acres of land. The corporation recently received patent to 3,763.01 acres. Together with the lands herein approved, the total of lands conveyed or approved for conveyance is 5,415.33 acres of surveyed land and 355 acres of unsurveyed land. Patent to the surface estate of the surveyed land herein approved will be issued when this decision becomes final; interim conveyance will be issued for the unsurveyed lands and the lands requiring additional survey. Conveyance of the remaining entitlement to Cape Fox Corporation will be made at a later date. Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be issued to Sealaska Corporation when the surface estate is conveyed to Cape Fox Corporation, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks,

in the KETCHIKAN DAILY NEWS. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until 2-9-79, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken the adverse parties to be served with a copy of the notice of appeal are:

Cape Fox Corporation, P.O. Box 8558, Ketchikan, Alaska 99901.

Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

JUDITH A. KAMMINS,
Chief, Division of ANCSA,
Operations.

[FR Doc. 79-828 Filed 1-9-79; 8:45 am]

[4310-17-M]

COORDINATION OF FEDERAL LANDS REVIEW UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT, LAND USE PLANNING UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AND THE FEDERAL COAL MANAGEMENT REVIEW UNDER THE PRESIDENT'S ENVIRONMENTAL MESSAGE OF MAY 1977

Statement of Policy; Extension of Comment Period

The comment period in the FEDERAL REGISTER Notice dated December 8, 1978, (FR 43, Vol. 242, Pages 57662-

57670) has been extended from February 1, 1979, to February 13, 1979.

ROMAN H. KOENINGS,
Acting Associate Director,
Bureau of Land Management.
Approved: January 4, 1979.

GARY J. WICKS,
Acting Assistant Secretary
of the Interior.

[FR Doc. 79-855 Filed 1-9-79; 8:45 am]

[4310-84-M]

FEDERAL COAL MANAGEMENT PROGRAM

Application of Coal Unsuitability Criteria in Ongoing and Future MFPs and Land Use Analyses

In a FEDERAL REGISTER Notice dated December 8, 1978, (FR 43, Vol 242, pages 57662-57670) the Interior Department informed the public how and why the Bureau of Land Management (BLM) was preparing supplements to some of its existing management framework plans (MFP) through the application of unsuitability criteria. BLM Instruction Memorandum No. 79-76 (Appendix A of that notice) was issued to provide authorization to revise portions of existing approved MFP's. In that notice, the Department also said instructions would be issued for application of the criteria to ongoing and future MFP's or land use analyses.

This notice makes available for review Instruction Memorandum No. 78-139 dated December 15, 1978, attached as Appendix A. This memorandum provides procedural instructions for application of unsuitability criteria as part of the BLM's planning system for ongoing and future MFP's or land use analyses. Any plan prepared under both of these instruction memoranda will be subject to revision after the Department formally adopts unsuitability standards.

ROMAN H. KOENINGS,
Acting Associate Director,
Bureau of Land Management.

Approved:

GARY J. WICKS,
Acting Assistant Secretary
of the Interior.

JANUARY 4, 1979.

UNITED STATES DEPARTMENT OF THE INTERIOR,
Bureau of Land Management,
Washington, D.C. 20240.

DECEMBER 15, 1978.

Instruction Memorandum No. 79-139, expires 9/30/79.

To: State Directors—Colorado, Montana, New Mexico, Utah, Wyoming, and director, Eastern States Office
From: Associate Director

Subject: Application of Coal Unsuitability Criteria in Ongoing and Future MFPs and Land Use Analyses

This memorandum provides procedural in-

struction for application of unsuitability criteria as part of ongoing and future MFPs or land use analyses. (Instruction Memorandum No. 79-76 provided guidance for use of the criteria in review of existing approved MFPs in coal related planning and transmitted the Secretarial unsuitability criteria memorandum.)

Preparation for Planning

Future planning starts must consider the data requirement implied by the unsuitability criteria in this preplanning analysis stage. Collection of any information needed should be programmed with inventories conducted in advance of planning. As early as possible in the planning process planning team members must become acquainted with the unsuitability criteria and instructions on their use.

Application of Criteria During Planning

The unsuitability criteria embody consideration of multiple use values and policy guidance the Bureau planning system is designed to accommodate in the planning process. Infusion of the criteria into a plan is readily accomplished when they are considered from the outset of planning.

Apply the criteria to ongoing and future planning as shown below. Note that in terms of the Bureau planning system, unsuitability criteria are handled in the same fashion as other resource values and policy directives.

1. *Preplanning Analyses.* Note the scope and unsuitability criteria subject matter. Determine gaps, if any, in data base. Program needed inventories in advance of planning to the extent possible.

2. *Unit Resource Analysis or Equivalent LUA Phase.* Activity specialists should follow BLM Manual Section 1605 guidance. Note in each step the specific resources and values addressed in the criteria as they occur in the planning area. Mineral specialist should analyze the coal resource and identify opportunities irrespective of unsuitability criteria considerations.

Annotate URA overlays which depict the occurrence and/or distribution of a resource value, e.g., historic sites, endangered animal species, scenic areas, etc., to show clearly those included in the unsuitability criteria.

3. *Management Framework Plan or Equivalent LUA Phase.* Existing BLM Manual Section 1608 guidance applies. The MFP Steps, including the form and procedures, fully accommodate the explicit recognition and planning treatment of resources and public land values incorporated in the unsuitability criteria.

a. MFP 1. Objective and recommendations must address the unsuitability criteria to the extent they occur in the planning area. The rationale supporting MFP 1 statements should cite appropriate criterion since it is a policy decision factor. This information is also important to subsequent MFP 2 analysis.

b. MFP 2. The Step 2 analysis should follow procedures in Manual Section 1608.4 for identification, analysis, and recordation of multiple use analysis. Use an analysis technique which identifies

(1) All areas to which criteria apply without using exceptions, then

(2) additional areas unacceptable based on multiple use allocation,

(3) areas determined not available for further consideration based on consideration of surface owner preferences and,

(4) exception areas which are acceptable for further consideration of coal development.

To avoid unnecessary work, apply exception to the unsuitability criteria after the implications of all criteria, without exceptions is known. Other multiple use allocations should be fairly well established prior to consideration of exceptions. Note that use of the exceptions is discretionary.

The above delineations, as they are determined, should be made as discreetly as possible on an MFP multiple use overlay. A composite map suitable for publication in a plan summary should also be made showing these delineations.

The stipulations and conditions that would apply to coal leasing or mining activities in each exception area must be developed during MFP 2 analysis and recorded clearly on Form 1600-21.

Consult with landowners in the area remaining acceptable for further considerations using the process prescribed in Instruction Memorandum 78-382. Landowners should be consulted after the application of the unsuitability criteria are determined and other multiple use allocations are established.

Review with the public and other Federal/State agencies the preferred tentative multiple use plan showing areas to which the criteria apply and the areas acceptable for further consideration for coal development. The form of this review is discretionary with the State Director and District Manager. Results of the public review should be used to make any appropriate modifications in the preferred multiple use plan.

c. MFP 3. Approve plan in accordance with established State Office procedures. The areas not excluded by multiple use allocation and the unsuitability criteria remain acceptable for further consideration for coal development. This decision is permissible under the Federal Land Policy and Management Act (FLPMA), and portions of such decisions are the first step in the Federal Lands Review. Formal designation will follow after the Federal Lands Program is adopted, and all steps required by SMCRA are followed.

Format and Documentation Requirements

The results of unsuitability criteria shall be recorded in a reproducible format and published in an MFP or Land Use Analysis summary. (See Instruction Memorandum 77-3 for basic guidance on MFP summaries.) The summary should include the following:

1. *Introduction.* Briefly explain that the unsuitability review has been accomplished in the plan or analysis. Such an explanation should indicate that the review is:

a. Part of the Federal lands review required by section 522(b) of SMCRA. The actual formal designation will follow approval of the plan or land use analysis.

b. To identify areas acceptable for further consideration for coal development should the Secretary decide to proceed with a coal leasing program.

c. Not to identify tracts and, in fact, to consider public coal resources in relation to other resource values and land uses.

d. Not be construed in any way as an authorization to recommend tracts for lease.

Also, if any existing Federal coal leases appear in an area otherwise considered unsuitable and no conclusion is reached for these areas, explain that the criteria will be applied when mining plans are submitted for review and approval.

The introduction should be accompanied by map(s) showing the location of the coal areas relative to the State, the counties involved, major access routes, etc. Keep in mind the fact that many people will see the plan summary who have not seen the total plan.

The introduction should also include (by reference to an appendix if necessary) a base map which can be overprinted to document the details of the unsuitability review.

2. *Record of How the Unsuitable Area Was Developed.* a. Include a separate narrative and map overprint for each criterion showing how it was applied (see 3.b.). The applications of several criteria may be shown on the same map, if this is possible without cluttering the map.

Include in the narrative summary rationale for the unsuitability determination, and the quality of data used for each criterion (see paragraphs on pages 2, 3, and 4 of the Secretarial memorandum).

b. Print and include the composite map prepared during multiple use analysis showing separately (1) the application of all criterion before exceptions are considered and (2) any additional areas excluded based on multiple use tradeoffs. This map need not distinguish between areas determined unsuitable under each criterion.

c. Print and include a map (over the composite map if the map is not too cluttered) showing all exceptions and a narrative indicating the terms or stipulations required.

d. Describe changes in the unsuitable area that you made as a result of public and State consultation.

3. *Impact of the Unsuitability Designation.* This is the statement developed in response to the Required Statement described below.

4. *Plan Summary.* This instruction modifies the contents and purpose of a published plan summary to include unsuitability criteria. The basic objective of a plan summary as established in Instruction Memorandum 77-3 remains unchanged. The contents of a plan summary should address the full range of resource management decisions resulting from the planning process. The summary of a land use analysis will obviously focus on decisions related to coal. An MFP summary will likely include many decisions not involving coal.

Required Statement

Prepare a statement at the conclusion of MFP 3 for the areas which the criteria would exclude mining based on the Department's unsuitability criteria *only*. We view this as a fairly concise and brief item (4-5 pages) including for that area (1) the potential coal resources involved; (2) the demand for such resources; and (3) the impact of such designation on the environment, the economy, and the supply of coal. The material for this statement should be available in ongoing regional ES and in the programmatic ES.

Since an experience with the application of these criteria is limited and because these criteria are subject to change at the time the Secretary makes his decision on the coal

management review, the Director (140) should be notified immediately of any serious difficulties encountered in applying any of the criteria. This notice should describe not only the nature of the difficulty, but also how it was adjusted for, and constructive suggestions for change.

[FR Doc. 79-851 Filed 1-9-79; 8:45 am]

[4310-84-M]

[NM 35618, 35621, 35623, 35636 and 35646]

NEW MEXICO

Applications

JANUARY 2, 1979.

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 five 4½-inch natural gas pipeline and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 5 W.,
Sec. 13, NE¼SW¼.
T. 27 N., R. 6 W.,
Sec. 22, W½NW¼;
Sec. 25, NW¼NW¼.
T. 31 N., R. 9 W.,
Sec. 8, lots 10 and 15;
Sec. 15, lot 5.

These pipelines will convey natural gas across 0.614 of a mile of public lands in Rio Arriba and San Juan 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 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 79-863 Filed 1-9-79; 8:45 am]

[4310-84-M]

(U-41323)

UTAH

Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) Redtail Aviation, Inc., has applied for an airport lease for the following land.

SALT LAKE MERIDIAN, UTAH

T. 11 S., R. 18 E.,
Sec. 19, SE¼SW¼, S½SE¼;
Sec. 30, NE¼, NE¼NW¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the Vernal District Manager, Bureau of Land Management, 170 S., 500 E., P.O. Box F, Vernal, Utah 84078.

PAUL L. HOWARD,
State Director.

[FR Doc. 79-862 Filed 1-9-79; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

**DRAFT MIGRATORY BIRD DISEASE
CONTINGENCY PLAN**

Extension of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: On November 15, 1978, the Service announced that availability of a draft Migratory Bird Disease Contingency Plan for public comment (43 FR 53064). This notice extends the comment period to allow the public more time to participate in formulation of the final plan.

DATE: The comment period is extended from January 12 to January 31, 1979.

ADDRESSES: Copies of the draft plan may be obtained from the Division of Wildlife Research, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-7557.

Comments should be sent to the Associate Director-Wildlife Resources, U.S. Fish and Wildlife Service, Department of the Interior, Washington, 20240, telephone 202-343-5333.

FOR FURTHER INFORMATION CONTACT:

Dr. Charles W. Dane, Division of Wildlife Research, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-7557.

SUPPLEMENTARY INFORMATION: The primary author of this notice is Charles W. Dane, Division of Wildlife Research. The Service has prepared a Migratory Bird Disease Contingency Plan. The purpose of this plan is to provide guidance in preventing disease problems, and to establish guidelines for responding to disease outbreaks.

The plan assigns specific responsibilities and establishes notification procedures for Service personnel. The procedures and information provided are designed for use in combating major migratory bird disease problems. Since disease outbreaks may also occur on non-Service lands, the plan provides guidelines for cooperation by Service personnel with other Federal agencies, the States and the private sector in responding to disease outbreaks.

As a result of public comment already received concerning the draft plan, the Service has determined that an extension of the comment period would be in the interest of the public. Public comment on the draft plan is invited.

Dated: January 5, 1979.

LYNN A. GREENWALT,
Director.

[FR Doc. 79-873 Filed 1-9-79; 8:45 am]

[4310-31-M]

Geological Survey

[Int Des 79-2]

ENVIRONMENTAL IMPACT STATEMENT

Availability of Draft Statement Colstrip Project

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and section 69-6504 R.C.M. 1947 of the Montana Environmental Policy Act of 1971, the Department of the Interior, in cooperation with the Bonneville Power Administration, has prepared a draft environmental impact statement (EIS) on the proposed construction and operation of the Colstrip generating units 3 and 4 in Rosebud County, Montana, and the associated coal mine and electric power transmission system (proposed Colstrip project).

Copies of the draft EIS are available for public inspection at designated Federal depositories: Forest Service, Region 1, Federal Bldg., Missoula, Mont.; Lolo National Forest, Bldg. 24, Fort Missoula, Missoula, Mont.; Helena National Forest, 616 Helena Ave., Helena, Mont.; Deerlodge National Forest, Federal Bldg., Butte, Mont.; Lewis and Clark National Forest, 215 First Ave. North, Great Falls, Mont.; Gallatin National Forest, Federal Bldg., Bozeman, Mont.; Bureau of Land Management, Montana State Office, U.S. Courthouse and Federal Bldg., 316 North 26th St., Billings, Mont.; Bureau of Land Management, Butte District Office, 220 North Alaska, Butte, Mont.; Bureau of Land Management, Miles City District Office, West of Miles City, Miles City, Mont.; Bureau of Land Management,

Lewistown District Office, Bank Electric Building, Lewistown, Mont.; Bonnevill Power Administration, Kalispell District Office, Highway 2 East, Kalispell, Mont.; Department of the Interior Library, 18th and C Streets, N.W., Washington, D.C.

Copies of the draft EIS are also available for public inspection at the following libraries in Montana: Hearst Free Library, Fourth and Main Sts., Anaconda; Billings Public Library, Billings; Eastern Montana College Library, 1500 North 30th, Billings; Paul M. Adams Memorial Library, Rocky Mountain College, Billings; Montana State University Library, Bozeman; Henry Malley Memorial Library, Broadus; Butte Free Public Library, 106 West Broadway St., Butte; Montana College of Mineral Sciences and Technology Library, Butte; Glacier County Library, 21 First Ave., S.E., Cut Bank; William K. Kohrs Memorial Library, Missouri Ave. and Fifth St., Deer Lodge; Dillon Public Library, Dillon; Rosebud County Library, 201 North Ninth Ave., Forsyth; Flathead County Free Library, 37 First St. West, Kalispell; Laurel Public Library, 111 West First St., Laurel; Carnegie Public Library, 701 West Main, Lewistown; Lincoln County Free Library, 220 West Sixth St., Libby; Northwest Federation of Libraries, Lincoln County Free Library Bldg., 220 West Sixth St., Libby; Miles City Community College, Miles City; Miles City Public Library, 1 South Tenth St., Miles City; Missoula Public and Missoula County Free Library, Pattee St., Missoula; Environmental Library, University of Montana, 758 Eddy St., Missoula; University of Montana Library, Documents Division, Missoula; and Plains Public Library, Box 399, Plains; Glasgow City-County Library, 408 Third Ave. South, Glasgow; Glendive Public Library, Glendive; Dawson Community College Library, Glendive; Great Falls Public Library, Second Ave. North and Third St., Great Falls; College of Great Falls Library, 1301 20th St. South, Great Falls; Big Horn County Public Library, 419 North Custer, Hardin; Havre Public Library, 447 Fourth Ave., Havre; Hill County Library, 300 Fourth St., Havre; Northern Montana College Library, Northern Montana College, Havre; Library, Carroll College, Helena; Lewis and Clark Library, 120 South Last Chance Mall, Helena; Montana State Library, 930 East Lyndale Ave., Helena; Polson City Library, Polson; Ronan City Library, Ronan; Toole County Free Library, 229 Maple Ave., Shelby; Sidney Public Library, Sidney; Thompson Falls Public Library, Thompson Falls; Thompson-Hickman Free County Library, Virginia City; Whitefish Public Library, 406 Second St., Whitefish;

Western Montana College Library, Dillon.

The draft EIS is being furnished to various Federal, State, and local agencies which have environmental expertise or are likely to be interested in or affected by the proposed project. Copies of the document are also being furnished to State and local clearinghouses and to other interested groups and individuals.

A limited number of single copies are available for distribution and may be requested by contacting the Colstrip EIS Manager, P.O. Box 758, Kalispell, MT 59901.

Comments on the draft EIS may be sent to Colstrip EIS Manager, P.O. Box 758, Kalispell, MT 59901, or may be presented during public meetings to be held at the following cities in Montana: Butte, Missoula, Helena, Billings, and Forsyth. Specific dates and locations of the meetings will be announced later. All comments must be received by March 17, 1979.

Dated: January 5, 1979.

LARRY E. MEIEROTTO,
Deputy Assistant
Secretary of the Interior.

[FR Doc. 79-829 Filed 1-9-79; 8:45 am]

[4310-31-M]

[NTL-3A]

REPORTING OF UNDESIRABLE EVENTS

Notice to Lessees and Operators

AGENCY: U.S. Geological Survey, Interior.

ACTION: Final Revision of NTL-3.

SUMMARY: This final revision of the existing Notice to Lessees (NTL-3), to be known as NTL-3A, defines more specifically for industry those undesirable events occurring on onshore Federal and Indian oil and gas leases and on State or private land leases within federally supervised unit or communitized areas which must be reported to the Geological Survey (GS). The provisions of the existing NTL-3 require that a separate report be made in all cases, some of which have now been determined as unnecessary for the proper performance of the GS's regulatory duties. This revision will reduce the number of such separate reports by about 50 percent.

EFFECTIVE DATE: March 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Eddie Wyatt, Conservation Division, U.S. Geological Survey, National Center (620), 12201 Sunrise Valley Drive, Reston, Virginia 22092 (703) 860-7535 (Commercial), 928-7535 (FTS).

SUPPLEMENTARY INFORMATION: The primary author of the final NTL-3A is Mr. Rudolph C. Baier, Petroleum Engineer, U.S. Geological Survey, phone (703) 860-7535.

In accordance with the regulations (30 CFR 221.7, 221.36) and the terms of the various oil and gas leases issued pursuant to the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351-359), the implied authority of the Executive Branch as defined in the Attorney General's Opinion of April 2, 1941 (Vol. 40 Op. Atty. Gen. 41), the Allotted Indian Lands Leasing Act of March 3, 1909, as amended (25 U.S.C. 396), and the Unallotted Indian Lands Leasing Act of May 11, 1938, as amended (25 U.S.C. 396a through 396g), the Area Oil and Gas Supervisor (Supervisor) is authorized to require such special reports as are necessary to carry out the intent of the applicable laws and regulations and to issue instructions for the filing of such reports.

The existing Notice to Lessees and Operators, NTL-3, requires operators to report certain spills, discharges, accidents, or other undesirable events by telephone within 18 hours, followed by a written report within 15 days, and to report all other undesirable events in writing within 15 days. After some 3 years of experience with the system and development of the data base associated therewith, the GS has determined that its regulatory functions may be adequately performed with less stringent reporting requirements. Therefore, the reporting requirements are modified to require: (1) a telephone report within 24 hours for those events identified in Section I of NTL-3A followed by a written report; (2) only a written report within 15 days for those events described in Section III of NTL-3A; and (3) no written or telephone report for minor events. However, all volumes of oil and gas lost, including that lost in minor events, must continue to be reported in the Monthly Report of Operations, Form 9-329.

A proposed revision of NTL-3 was published in the FEDERAL REGISTER of May 10, 1978 (Vol. 43, No. 91, pp. 20060-20061). Interested persons were invited to participate in the evaluation of the proposed revision by submitting written comments, suggestions, or objections to the Conservation Division, Geological Survey, by July 10, 1978. Comments were received from 5 of the over 2,000 onshore Federal and Indian oil and gas operators and from 2 petroleum associations. The seven respondents were: Marathon Oil Company,

Sohio Petroleum Company, Exxon Company U.S.A., Phillips Petroleum Company, Shell Oil Company, Rocky Mountain Oil and Gas Association, and Petroleum Association of Wyoming.

Four of the respondents were concerned that subsection III.D., concerning injuries, as written in the proposed notice, would require a written report for very minor injuries. That was not the intent, and, therefore, NTL-3A has been revised to cover only major or life-threatening injuries.

Two respondents objected to the requirement that any spill, venting, or fire, regardless of the volume involved, which occurs on cultivated lands be reported as a major spill. The point was well taken, and subsection I.D. has been revised to eliminate the category of cultivated lands. The volume of the spill, venting, or fire on cultivated lands will determine the reporting category of the undesirable event.

Two respondents stated that Section IV, concerning contingency plans, could be interpreted to require the submittal of a contingency plan even when such a plan is not required pursuant to Title 40 CFR Part 112. This is a correct interpretation of the Section. The Supervisor has the authority to require a contingency plan under Title 30 CFR Part 221, when deemed necessary, regardless of whether one is required by the Environmental Protection Agency pursuant to Title 40 CFR Part 112. Therefore, Section IV was not changed.

One respondent offered the opinion that Section I, requiring reporting as soon as practical but within a maximum of 24 hours of the venting of 500 or more MCF of gas, and Section III, requiring a written report within 15 days of the venting of at least 50 MCF but less than 500 or more MCF of gas, is too restrictive. The GS must receive prompt notification of undesirable events which occur on lands under its jurisdiction in order to carry out its regulatory responsibilities. Accordingly, it has been decided to retain this requirement in the final NTL-3A.

In addition to the foregoing, the GS, on its own, has decided to delete from the reporting requirements the make or manufacturer, size, working and test pressure, date of installation, the type of use for each piece of equipment whose malfunction has been identified as a direct or indirect cause of an incident, and the listing of all pieces of equipment destroyed beyond repair and the approximate value thereof.

Accordingly, effective March 1, 1979, NTL-3 is hereby revised and reissued as NTL-3A to read as follows:

NOTICE OF LESSEES AND OPERATORS OF FEDERAL AND INDIAN ONSHORE OIL AND GAS LEASES (NTL-3A)

REPORTING OF UNDESIRABLE EVENTS

This Notice, which supersedes NTL-3 dated January 1, 1975, is issued pursuant to the authority prescribed in Title 30 CFR 221.5, 221.7, and 221.36. Operators of onshore Federal and Indian oil and gas leases shall report all spills, discharges, or other undesirable events in accordance with the requirements of this Notice. All such events which occur on State or private land leases within federally supervised unit or communitized areas must likewise be reported in accordance with the requirements of this Notice. However, compliance with this Notice does not relieve an operator from the obligation of complying with the applicable rules and regulations of any State or any other Federal Agencies regarding notification and reporting of undesirable events. As used in this Notice, the term District Engineer means that officer of the United States Geological Survey (GS) having supervisory jurisdiction for the geographic area in which the undesirable event occurs.

I. Major Undesirable Events Requiring Immediate Notification

Major undesirable events are defined as those incidents listed below in subsections A through F. These incidents, when occurring on a lease supervised by the GS, must be reported to the appropriate District Engineer as soon as practical but within a maximum of 24 hours:

A. Oil, saltwater, and toxic liquid spills, or any combination thereof, which result in the discharge (spilling) of 100 or more barrels of liquid; however, discharges of such magnitude, if entirely contained within the facility firewall, may be reported only in writing pursuant to Section III, of this Notice;

B. Equipment failures or other accidents which result in the venting of 500 or more MCF of gas;

C. Any fire which consumes the volumes as specified in I.A. or I.B. above;

D. Any spill, venting, or fire, regardless of the volume involved, which occurs in a sensitive area, e.g., areas such as parks, recreation sites, wildlife refuges, lakes, reservoirs, streams, and urban or suburban areas;

E. Each accident which involves a fatal injury; and

F. Every blowout (loss of control of any well) that occurs.

II. Written Reports

A written report shall be submitted in duplicate to the District Engineer no later than 15 days following all major undesirable events identified in Section I. When required by the Dis-

trict Engineer, interim reports will be submitted until final containment and cleanup operations have been accomplished. The final written report for each such event shall, as appropriate, provide:

A. The date and time of occurrence, and the date and time reported to USGS;

B. The location where the incident occurred, including surface ownership and lease number;

C. The specific nature and cause of the incident;

D. A description of the resultant damage;

E. The action taken and the length of time required for control of the incident, for containing the discharged fluids, and for subsequent cleanup;

F. The estimated volumes discharged and the volumes lost;

G. The cause of death when fatal injuries are involved;

H. Actions that have been or will be taken to prevent a recurrence of the incident;

I. Other Federal or State agencies notified of the incident; and

J. Other pertinent comments or additional information as requested by the District Engineer.

III. Other-Than-Major Undesirable Events

Other-than-major undesirable events, as identified below in subsections A through D, do not have to be reported orally within 24 hours; however, a written report, as required for major undesirable events in Section II of this Notice, must be provided for the following incidents:

A. Oil, saltwater, and toxic liquid spills, or any combination thereof, which result in the discharge (spilling) of at least 10 but less than 100 barrels, of liquid in nonsensitive areas, and all discharges of 100 or more barrels when the spill is entirely contained by the facility firewall;

B. Equipment failures or other accidents which result in the venting of at least 50 but less than 500 MCF of gas in nonsensitive areas;

C. Any fire which consumes volumes in the ranges specified in III.A. and III.B. above; and

D. Each accident involving a major or life-threatening injury.

Spills or discharges in nonsensitive areas involving less than 10 barrels of liquid or 50 MCF of gas do not require an oral or written report; however, the volumes discharged or vented as a result of all such minor incidents must be reported in accordance with Section V hereof.

IV. Contingency Plans

Upon request of the District Engineer, a copy of any Spill Prevention Control and Countermeasure Plan (SPCC Plan), required by the Environ-

mental Protection Agency (EPA) pursuant to Title 40 CFR Part 112, or other acceptable contingency plan must be submitted. All plans shall provide the names, addresses, and telephone numbers (both business and private) of at least two technically competent company or contract personnel authorized to order equipment or supplies and to expend funds necessary to control emergencies.

**V. Monthly Report of Operations/
Monthly Report of Sales and Royalty**

All volumes of oil spilled, gas vented, and all hydrocarbons consumed by fire or otherwise lost must be reported monthly on the Monthly Report of Operations (Form 9-329). The volume and value of such losses must also be reported in the Monthly Report of Sales and Royalty (Form 9-361).

VI. Liquidated Damages

Failure to provide the necessary notification, reports, or contingency plan (when required) as provided for by this Notice, may result in other measures being taken to secure compliance, such as those provided by Title 30 CFR 221.53 and 221.54.

DON E. KASH,
Chief, Conservation Division.
[FR Doc. 79-874 Filed 1-9-79; 8:45 am]

[7020-02-M]

**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 337-TA-57]

CERTAIN CATTLE WHIPS

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:30 a.m. on February 13, 1979, in Room 610, Bicentennial Building, 600 E Street, NW., Washington, D.C. The purpose of this prehearing conference is to review the prehearing statements submitted by the parties, to complete the exchange of exhibits, and to resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing in this proceeding will commence at 9:30 a.m. on February 20, 1979, in Room 610, Bicentennial Building, 600 E Street, NW., Washington, D.C.

The Secretary shall publish this notice in the FEDERAL REGISTER.

Issued: January 4, 1979.

JANET D. SAXON,
Administrative Law Judge.

[FR Doc. 79-892 Filed 1-9-79; 8:45 am]

[7020-02-M]

[Investigation No. 337-TA-62]

CERTAIN ROTARY SCRAPING TOOLS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on December 5, 1978, and amended on December 21, 1978, and January 3, 1979, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of the Thompson Tool Company, Inc., 17 Butler Street, Norwalk, Connecticut 06854. The complaint alleges that unfair methods of competition and unfair acts exist in the importation of certain rotary scraping tools into the United States, or in their sale, by reason of the alleged coverage of such rotary scraping tools by the claims of U.S. Letters Patent 3,958,294, and by reason of misleading packaging and/or deceptive advertising of the imported rotary scraping tools, including the simulation of complainant's trade dress.

The complaint alleges that the effect and tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure and industry, efficiently and economically operated, in the United States. Complainant requests both temporary and permanent exclusion of said imports from entry into the United States. Complainant further requests a cease and desist order prohibiting misleading packaging and/or deceptive advertising of the imported rotary scraping tools.

Having considered the complaint, the United States International Trade Commission, on January 3, 1979, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine under subsection (c) whether there is, or there is reason to believe that there is, a violation of subsection (a) of this section in the unauthorized importation of certain rotary scraping tools into the United States, or in their sale, by reason of the alleged coverage of such rotary scraping tools by the claims of U.S. Letters Patent No. 3,958,294, and by reason of misleading packaging and/or deceptive advertising of the imported rotary scraping tools, including the simulation of complainant's trade dress, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties:

(a) The complainant is—The Thompson Tool Company, Inc., 17 Butler Street, Norwalk, Connecticut 06854.

(b) The respondents are the following companies alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, and are parties upon which the complaint and this notice are to be served:

Dao Hung Manufacturing Co., 6th Floor, 21-1 Lane 16 Sec. 4, Chung Shiao E. Rd., Taipei, Taiwan.

Colonial Tool Company, Inc., P.O. Box 181, Hohokus, New Jersey 07432.

Fay Products, 450 Church Avenue, Brooklyn, New York 11203.

John Sturgess House, Inc., 47 Riverside Avenue Westport, Connecticut 06880.

King Imports, Ltd., Garfield, New Jersey 07026.

Marco Hardware, Newark, New Jersey 07104.

Caprice Products, New York, New York 10010.

(c) David J. Dir, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Chief Administrative Law Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 C.F.R. 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the U.S. International Trade Commission if received no later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and will authorize the presiding officer and the U.S. International Trade Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and in this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436, and in

the Commission's New York City office, 6 World Trade Center, New York 10048.

By order of the Commission.

Issued: January 5, 1979.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-893 Filed 1-9-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING
COMMISSION, NORTHERN NINTH CIRCUIT
PANEL

Meeting

The Northern Ninth Circuit Panel of the United States Circuit Judge Nominating Commission will meet Tuesday, January 30, 1979, in the Conference Room of Souther, Spaulding, Kinsey, Williamson & Schwabe, Twelfth Floor, Standard Plaza, 1100 S.W. Sixth Avenue, Portland, Oregon at 9:30 a.m.

The morning session will be an orientation session for the panel and will be open to the public; the afternoon session will be devoted to a discussion of applicants and will be closed to the public pursuant to Public Law 92-463, Section 10(D) as amended. (CF. 5 U.S.C. 552b (c)(6).)

JOSEPH A. SANCHES,
*Advisory Committee
Management Officer.*

JANUARY 4, 1979.

[FR Doc. 79-852 Filed 1-9-79; 8:45 am]

[4410-01-M]

REPUBLIC STEEL CORP.

Proposed Consent Decree in Action To Enjoin
Discharge of Air and Water Pollutants

In accordance with Departmental Policy, 28 CFR §50.7, 38 FR 19029, notice is hereby given that on December 20, 1978, a proposed consent decree in *United States of America, et al. v. Republic Steel Corporation*, Civil Action No. C78-1659, was lodged with the United States District Court for the Northern District of Ohio. The proposed consent decree establishes emission limitations, performance standards, and requires implementation of various testing and reporting procedures governing the operation of defendant's Warren and Youngstown, Ohio plants. The proposed consent decree also establishes a schedule of compliance for installation of equipment and for compliance with Ohio air pollution control regulations. Compliance with air pollution control regulations is required by December 31, 1982.

Compliance with water pollution control requirements must be met by December 31, 1981, and must maintain performance at specified levels through July 1, 1983. If compliance is not achieved by the dates specified, the defendant is required to pay to the United States the sum of \$7500 for each day that compliance is delayed, unless the delay is caused by circumstances beyond defendant's control.

The proposed consent decree may be examined at the office of the United States Attorney, U.S. Courthouse and Federal Office Building, West Market and South Main Streets, Akron, Ohio 44308; at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Pollution Control Section, Land and Natural Resources Division of the department of Justice, Room 2645, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America, et al. v. Republic Steel Corporation*, N.D. Ohio, Civil Action No. C78-1659, D.J. Ref. 90-5-1-1-1056.

JAMES W. MOORMAN,
*Assistant Attorney General,
Land and Natural Resources
Division.*

[FR Doc. 79-812 Filed 1-9-79; 8:45 am]

[7532-01-M]

NATIONAL COMMISSION ON
NEIGHBORHOODS

MEETING

ACTION: Notice of meeting by the National Commission on Neighborhoods.

SUMMARY: This notice required under the Federal Advisory Committee Act (5 USC Appendix I) announces a public meeting.

TIME & DATE: From 9 a.m. to 3 p.m. on January 18, 1979.

PLACE: Room H 236, Capitol Building, Washington, D.C.

AGENDA: 9 a.m.—Call to order.

9 a.m. to Noon—Consideration of final report.

Noon—Adjourn.

1 p.m.—Call to order.

1 p.m. to 3 p.m.—General business meeting.

3 p.m.—Adjourn.

JOHN EADE,
Administrator.

[FR Doc. 79-820 Filed 1-5-79; 8:45 am]

[7536-01-M]

NATIONAL FOUNDATION ON THE
ARTS AND HUMANITIES

HUMANITIES COMMITTEE ADVISORY
COMMITTEE

Meeting

DECEMBER 29, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in Room 807 from 9:00 a.m. to 5:30 p.m. on 26 January 1979.

The purpose of the meeting is to review History applications submitted to the General Research Program of the National Endowment for the Humanities, for projects beginning 1 March 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367

STEPHEN J. MCCLEARY,
*Advisory Committee,
Management Officer.*

[FR Doc. 79-894 Filed 1-9-79; 8:45 am]

[7536-01-M]

ADVISORY COMMITTEE HUMANITIES PANEL

Meeting

JANUARY 4, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held

NOTICES

at 806 15th Street, N.W., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on January 29, 1979 and January 30, 1979.

The purpose of the meeting is to review the applications submitted to the Research Tools Program of the National Endowment for the Humanities, for projects using computer technology beginning June 15, 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exceptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the

Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee
Management Officer.

[FR Doc. 79-894 Filed 1-9-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY
COMMISSIONADVISORY COMMITTEE ON REACTOR SAFEGUARDS;
SUBCOMMITTEE ON THE WILLIAM
H. ZIMMER NUCLEAR POWER STATION

Meeting Postponed

The meeting of the ACRS Subcommittee on the William H. Zimmer Nuclear Power Station scheduled to be held on January 17, 1979, in Washington, D.C. has been postponed indefinitely. Notice of this meeting was published in the FEDERAL REGISTER on January 2, 1979 (44 FR 124).

Dated: January 4, 1979.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 79-833 Filed 1-9-79; 8:45 am]

APPLICATIONS FOR LICENSES TO EXPORT
NUCLEAR FACILITIES OR MATERIALS

Pursuant to 10 CFR 110.70, "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated this day January 3, 1979, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

GERALD G. OPLINGER,
Assistant Director, Export-
Import and International
Safeguards, Office of International Programs.

EXPORT LICENSE APPLICATIONS SOURCE AND SPECIAL NUCLEAR MATERIAL IN KILOGRAMS

Name of Applicant, Date of Application, Date Received, Application Number	Material Type	Total Element	Total Isotope	End-Use	Country of Ultimate Destination
Transnuclear, Inc., 12/19/78, 12/19/78, USNMO 1434.	3.25 Enriched Uranium..	12.714	413.0325	Reload fuel for Kernkraftwerk Obrigheim.	W. Germany

[FR Doc. 79-842 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. STN 50-470]

COMBUSTION ENGINEERING, INC. STANDARD
SAFETY ANALYSIS REPORT (CESSAR SYSTEM
80 DESIGN)Issuance of Amendment to Preliminary Design
Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC staff) has issued Amendment No. 1 to Preliminary Design Approval No. PDA-2 dated December 28, 1978, for the reference system design of a nuclear steam supply system (NSSS) of a pressurized water reactor as described in the Combustion Engineering, Incorporated (C-E) CESSAR System 80 Preliminary Safety Analysis Report and amendments thereto. PDA-2 was issued by the NRC staff on December 31, 1975 for a three-year period.

Amendment No. 1 to PAD-2 extends its expiration date from December 31, 1978 to December 31, 1980. This change was made as a result of the Nuclear Regulatory Commission's August 1978 policy statement on standardization of nuclear power plants which provided for an extension to five years of the effective terms for preliminary design approvals for reference system designs issued prior to the August 1978 policy statement. Previously, PDA's for NSSS reference system designs were set to terminate three years after issuance.

The Nuclear Regulatory Commission's August 1978 policy statement identified certain matters that PDA holders would be required to address prior to the granting of PDA extensions. These matters were identified in an NRC staff letter to C-E, R. Boyd to P. L. McGill, dated October 19, 1978. By letters dated October 20, 1978, De-

ember 7, 1978 and December 20, 1978, A. E. Scherer to C. J. Heltemes, Jr., C-E submitted Appendix A to its CESSAR system 80 Final Safety Analysis Report and Amendments 1 and 2 thereto which addressed each of these matters. The NRC staff has reviewed Appendix A and the amendments thereto for completeness and has concluded that C-E has addressed each of these matters. The NRC staff considers this to be an acceptable basis for extending PDA-2 for two additional years. If the NRC staff is informed by a utility-applicant that it intends to reference the CESSAR system 80 preliminary design after December 31, 1978, it will then perform a detailed review of Appendix A and amendments thereto to assure that each of the identified matters has been acceptably resolved for the CESSAR System 80 preliminary design.

The NRC staff has implemented this procedure for extending PDA's, in con-

sideration of the high degree of confidence it places in reference system designs for which PDA's have been issued. This procedure permits the detailed review of the identified matters to be deferred on these designs until a utility-applicant requirement for that review is identified.

Amendment No. 1 to PDA-2 is effective as of its date of issuance and shall expire on December 31, 1980, unless earlier superseded by issuance of a final design approval for the CESSAR System 80 design, or unless extended by the NRC staff. The expiration of PDA-2, as amended, should not affect use of the CESSAR System 80 design for reference in any construction permit application docketed prior to such date.

A copy of Amendment No. 1 to PDA-2 dated December 28, 1978 is available for public inspection at the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 28th day of December 1978.

For The Nuclear Regulatory Commission.

I. VILLALVA,
*Acting Chief, Standardization
Branch, Division of Project
Management, Office of Nuclear
Reactor Regulation.*

[FR Doc. 79-836 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. STN 50-447]

**GENERAL ELECTRIC CO. STANDARD SAFETY
ANALYSIS REPORT; (GESSAR-238 NUCLEAR
ISLAND STANDARD DESIGN)**

**Issuance of Amendment to Preliminary Design
Approval**

Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC staff) has issued Amendment No. 2 to Preliminary Design Approval No. PDA-1, dated December 22, 1978, for the reference system design of a nuclear island portion of a boiling water reactor nuclear power plant as described in the General Electric Company GESSAR-238 Nuclear Island Standard Safety Analysis Report and amendments thereto. PDA-1 was issued by the NRC staff on December 22, 1975 for a three-year period. Amendment No. 1 to PDA-1 was issued by the NRC staff on June 13, 1977.

Amendment No. 2 to PDA-1 extends its expiration date from December 22, 1978 to December 22, 1980. This change was made as a result of the Nuclear Regulatory Commission's August 1978 policy statement on standardization of nuclear power plants which provided for an extension

to five years of the effective terms for preliminary design approvals for reference system designs issued prior to the August 1978 policy statement. Previously, the preliminary design approvals for nuclear island reference system designs were set to terminate three years after issuance.

The Nuclear Regulatory Commission's August 1978 policy statement identified certain matters that PDA holders would be required to address prior to the granting of PDA extensions. These matters were identified in an NRC staff letter to the General Electric Company, R. Boyd to G. Sherwood, dated October 13, 1978. By letters dated November 30, 1978 and December 21, 1978, G. Sherwood to H. Denton, the General Electric Company submitted amendments 46 and 47 to the GESSAR-238 Nuclear Island application, which addressed each of these matters. The NRC staff has reviewed Amendments 46 and 47 for completeness and has concluded that the General Electric Company has addressed each of these matters. The NRC staff considers this to be an acceptable basis for extending PDA-1 for two additional years. If the NRC staff is informed by a utility-applicant that it intends to reference the GESSAR-238 Nuclear Island design after December 22, 1978, it will then perform a detailed review of amendments 46 and 47 to assure that each of the identified matters has been acceptably resolved for the GESSAR-238 Nuclear Island design.

The NRC staff has implemented this procedure for extending PDA's, in consideration of the high degree of confidence it places in reference system designs for which PDA's have been issued. This procedure permits the detailed review of the identified matters to be deferred on these designs until a utility-applicant requirement for that review is identified.

Amendment No. 2 to PDA-1 is effective as of its date of issuance and shall expire on December 22, 1980, unless earlier superseded by issuance of a final design approval for the GESSAR-238 Nuclear Island design, or unless extended by the NRC staff. The expiration of PDA-1, as amended, should not affect use of the GESSAR-238 Nuclear Island design for reference in any construction permit application docketed prior to such date.

A copy of Amendment No. 2 to PDA-1 dated December 22, 1978 is available for public inspection at the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 22nd day of December 1978.

For the Nuclear Regulatory Commission.

C. J. HELTEMES, Jr.,
*Chief Standardization Branch,
Division of Project Management
Office of Nuclear Reactor
Regulation.*

[FR Doc. 79-837 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. 70-754]

**GENERAL ELECTRIC CO. (Vallecitos Nuclear
Center)**

**Request to Suspend Activities Under License
No. SNM-960 and Remove Plutonium from
the General Electric Co.'s Vallecitos Nuclear
Center**

Notice is hereby given that by letter dated December 14, 1978, the Friends of the Earth, San Francisco, California, joined by Congressmen Ronald V. Dellums and John Burton and other residents of California, requested that the Commission suspend activities under License No. SNM-960 at the General Electric Company's Vallecitos Nuclear Center and order removal of all plutonium from the site. Prior to the return of any plutonium or resumption of licensed activities at the Vallecitos Center the Friends of the Earth request that public hearings be held concerning seismic conditions at the Center. The Friends of the Earth also request that the Commission produce and deliver to the Friends of the Earth a complete inventory of radioactive materials at the Vallecitos Nuclear Center and structural analyses of all building at the Center which contain radioactive materials.

This request is being treated under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the request within a reasonable time. A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the local public document room for the Vallecitos Nuclear Center located at the Nuclear Regulatory Commission, Region V, Office of Inspection and Enforcement, 1990 N. California Boulevard, Suite 202, Walnut Creek, California 94596.

Dated at Silver Spring, Maryland this 2nd day of January 1979.

For the Nuclear Regulatory Commission.

WILLIAM J. DIRCKS,
*Director, Office of Nuclear
Material Safety and Safeguards.*

[FR Doc. 79-838 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. 40-8584]

MINERALS EXPLORATION CO.**Availability of final environmental Statement
For Sweetwater Uranium Project**

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards, related to the proposed Sweetwater Uranium Mill to be located in Sweetwater County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

The Final Environmental Statement is also being made available at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001.

The notice of availability of the Draft Environmental Statement for the Sweetwater uranium project and requests for comments from interested persons was published in the FEDERAL REGISTER on December 23, 1978 (42 FR 64478). The comments received from Federal agencies, State and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0505) may be purchased on or about January 17, 1979, from the National Technical Information Service, Springfield, Virginia 22161. (Printed copy: \$11.00; Microfiche: \$3.00.)

Dated at Silver Spring, Maryland, this 20th day of December, 1978.

For The Nuclear Regulatory Commission.

ROSS A. SCARANO,
*Section Leader, Uranium Mill
Licensing Section, Fuel Processing & Fabrication Branch,
Division of Fuel Cycle and Material Safety.*

[FR Doc. 79-839 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-336]

**NORTHEAST NUCLEAR ENERGY COMPANY, ET
AL.****Issuance of Amendment to Facility Operating
License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operat-

ing License No. DPR-65, issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, (the licensees), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment modifies the existing Technical Specifications by changing the acceptable Resistance Temperature Detector (RTD) response time in Reactor Protection System from less than or equal to five seconds to less than or equal to ten seconds. This change also affects the computation of the Thermal Margin/Low Pressure trip setpoint.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 24, 1977, as supplemented March 21, 1978, (2) Amendment No. 46 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of December 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
*Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.*

[FR Doc. 79-840 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-549]

**POWER AUTHORITY OF THE STATE OF NEW
YORK (GREENE COUNTY NUCLEAR POWER
PLANT)****Order Setting Prehearing Conference**

It is ordered that a prehearing conference be held in this matter commencing January 17, 1979 at 1:00 p.m. at the offices of the Public Service Commission, Agency Building 3, the Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York.

The purposes for this prehearing conference are to hear oral argument on motions for summary disposition previously filed, to discuss the future scheduling of hearings and any other matters which may be appropriate.

Dated at Bethesda, Maryland This 4th day of January 1979.

For the Atomic Safety and Licensing Board.

ANDREW C. GOODHOPE,
Chairman.

[FR Doc. 79-834 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. STN 50-480]

**WESTINGHOUSE ELECTRIC CORP. REFERENCE
SAFETY ANALYSIS REPORT (RESAR-41 NU-
CLEAR STEAM SUPPLY SYSTEM STANDARD
DESIGN)****Issuance of Amendment to Preliminary Design
Approval**

Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC staff) has issued Amendment No. 1 to Preliminary Design Approval No. PDA-3, dated December 28, 1978, for the reference system design of a nuclear steam supply system portion of a pressurized water reactor nuclear power plant as described in the Westinghouse Electric Corporation Reference Safety Analysis Report RESAR-41 and amendments thereto. PDA-3 was issued by the NRC staff on December 31, 1975 for a three-year period.

Amendment No. 1 to PDA-3 extends its expiration date from December 31, 1978 to December 31, 1980. This change was made as a result of the Nuclear Regulatory Commission's August 1978 policy statement on standardization of nuclear power

plants which provided for an extension to five years of the effective terms for preliminary design approvals for reference system designs issued prior to the August 1978 policy statement. Previously, the preliminary design approvals for nuclear steam supply system reference system designs were set to terminate three years after issuance.

The Nuclear Regulatory Commission's August 1978 policy statement identified certain matters that PDA holders would be required to address prior to the granting of PDA extensions. These matters were identified in an NRC staff letter to the Westinghouse Electric Corporation, R. Boyd to T. Anderson, dated November 9, 1978. By letters dated December 15, 1978 and December 27, 1978, T. Anderson to S. Varga and T. Anderson to C. J. Heltemes, respectively, the Westinghouse Electric Corporation submitted Amendments 24 and 25 to the RESAR-41 application, which addressed each of these matters. The NRC staff has reviewed Amendments 24 and 25 for completeness and has concluded that the Westinghouse Electric Corporation has addressed each of these matters. The NRC staff considers this to be an acceptable basis for extending PDA-3 for two additional years. If the NRC staff is informed by a utility-applicant that it intends to reference the RESAR-41 Nuclear Steam Supply System design after December 31, 1978, it will then perform a detailed review of Amendments 24 and 25 to assure that each of the identified matters has been acceptably resolved for the RESAR-41 Nuclear Steam Supply System design.

The NRC staff has implemented this procedure for extending PDA's, in consideration of the high degree of confidence it places in reference system designs for which PDA's have been issued. This procedure permits the detailed review of the identified matters to be deferred on these designs until a utility-applicant requirement for that review is identified.

Amendment No. 1 to PDA-3 is effective as of its date of issuance and shall expire on December 31, 1980, unless earlier superseded by issuance of a final design approval for the RESAR-41 Nuclear Steam Supply System design, or unless extended by the NRC staff. The expiration of PDA-3, as amended, should not affect use of the RESAR-41 Nuclear Steam Supply System design for reference in any construction permit application docketed prior to such date.

A copy of Amendment No. 1 to PDA-3 dated December 28, 1978 is available for public inspection at the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 28th day of December 1978.

For the Nuclear Regulatory Commission.

IGNACIO VILLALVA, *Acting Chief, Standardization Branch, Division of Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 79-841 Filed 1-9-79; 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 Management and Budget on 01/03/79 (44 USC 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.

Requests 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

SMALL BUSINESS ADMINISTRATION

Small Business Development Centers Questionnaire
Single-time
Business served by Small Business Development Centers, 2,500 responses; 833 hours.
Caywood, D.P., 395-6140.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health
Questionnaire for source directory annually

Suppliers of laboratory animals 50 responses; 50 hours.
Richard Eisinger, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research
Annual housing survey—SMSA Sample Group C-2

Questionnaire and control card
AHS-51, 52, 54L1, L2, L(Spanish), 56L
Other (see SF-83)

Households in 15 SMSA's, 117,000 responses; 70,200 hours.

Office of Federal Statistical Policy & Standard, 673-7956.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
Regulations—U.S. Grain Standards Act, on occasion

Grain firms, 133,365 responses; 30,001 hours.

Ellett, C.A., 395-6132.

Agricultural Stabilization and Conservation Service

Contract for Cold Storage & Services—Peanuts

CCC-1030, 1030-1, & 1030-2, on occasion

Cold storage warehouses, 40 responses; 80 hours.

Ellett, C.A., 395-6132.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 79-809 Filed 1-9-79; 8:45 am]

[7715-01-M]

POSTAL RATE COMMISSION

[Docket No. MC79-3]

MAIL CLASSIFICATION SCHEDULE, 1978

Order Instituting Proceeding; Designating Presiding Officer, Officer of the Commission, and Other Participants; Requesting Information; Fixing Date for a Prehearing Conference; and Establishing Procedures

JANUARY 4, 1979.

The Postal Rate Commission, pursuant to 39 U.S.C. § 3623(b), hereby institutes a mail classification proceeding. The evidentiary record to be established in this proceeding will provide the basis for a recommended decision on a possible surcharge for red-tag second-class service¹ (or, equivalently, on a discount for non-red-tag second-class service).

I. BACKGROUND

On June 16, 1978, the Commission issued its recommended decision, in

¹Red-tag service currently refers to an expeditious service which may be granted insofar as practicable to authorized second-class entry publications which are published weekly or more frequently and feature news of general public interest. This service is usually referred to as newspaper treatment. (See Postal Service Manual § 125.41.)

Docket No. MC76-2, on the proposal of the Officer of the Commission to expand the availability of red-tag service and institute a surcharge for that service.² In that recommended decision we found that a surcharge was not required by title 39 because the evidence in that docket was not sufficient to establish that additional costs are incurred in providing red-tag service. On the other hand, the evidence in that docket did not indicate that all second-class mailers should be entitled to red-tag service upon request. The record failed to indicate what the cost consequences would be if all second-class matter were made eligible for red-tag service.³ We therefore recommended only that a new subsection be added to the Domestic Mail Classification Schedule to incorporate therein the existing terms and conditions regarding red-tag service and the availability to qualifying second-class mailers.⁴

We made our recommendations with some reluctance, given the state of the evidentiary record of MC76-2 and subsequent evidentiary developments in Docket No. R77-1 on related matters. In Docket R77-1 we recommended that second-class rates recover certain service-related costs, the concept of service-related costs (SRC) was first explored in Docket R77-1, which began with the Postal Service filing on July 13, 1977—two months after the record was closed on the original red-tag surcharge proposal in MC76-2. Further, this Commission issued its tentative recommended decision on the red-tag surcharge proposal on September 16, 1977, only two months after the Service had introduced the SRC concept in Docket R77-1 and before any Postal Service witness had appeared for cross-examination. Thus a relationship between the assignment of service-related costs to second-class mail and the establishment of a surcharge for red-tag service could not be addressed during the development of a record on the issue of a red-tag surcharge in Docket No. MC76-2.

In R77-1 we determined that service-related delivery costs are caused by the existence of preferential mail standards in delivery and should therefore be assigned to subclasses requiring the preferential standards.⁵ In R77-1 we also concluded that these

service-related costs were not volume variable, but rather were reasonably assignable fixed costs. The concept of service-related costs and their assignment to second-class were not involved in the original red-tag proposal in Docket No. MC76-2, but it is relevant to the question of the appropriateness of a red-tag surcharge for expeditious newspaper treatment. If, in fact, a surcharge were to be established, it would also be necessary to explore the appropriateness of offering such expeditious treatment to all second-class matter. In order to fully explore these issues (as well as related issues we discuss below), we have determined to commence the instant proceeding.⁶

II. ISSUES TO BE ADDRESSED

In a pleading filed in MC76-2 on June 5, 1978 and following quickly upon the heels of the R77-1 recommended decision, the OOC asked that rates for second-class be reduced by an average of 1.1 cents per piece and that a surcharge of 2.8 cents per piece be placed on red-tag service.⁷ This request, initially made after we had issued our tentative decision in MC76-2, posed several issues regarding the R77-1 costing method that must be resolved before arriving at any final decision concerning a surcharge or discount.

⁶Both the R77-1 and MC76-2 decisions are pending on appeal under 39 U.S.C. 3628—in *National Association of Greeting Card Publishers v. U.S. Postal Service*, D.C. Cir. No. 78-1448 *et al.*, ("NAGCP III") and *Pennington v. U.S. Postal Service*, D.C. Cir. No. 78-1899, respectively. The instant proceeding deals with issues addressed directly in *Pennington* and is indirectly related to *NAGCP III*. We have considered whether the pendency of these cases in the Court of Appeals is an obstacle to our instituting this proceeding, and conclude that it is not. If we were contemplating modification of the orders issued in Dockets MC76-2 or R77-1, such a difficulty might arise because the records in those cases are now lodged with the Court and hence are outside our control. See 28 U.S.C. 2112. However, as our decision in Docket MC76-2 made plain, we are here instituting new proceedings aimed at the development of a new record for decision. Any materials which might be incorporated therein by reference from the earlier cases would not thereby be removed from the control of the Court (but rather, simply duplicated) and consequently their incorporation could not be an obstacle to judicial review.

We would expect the Governors, as the party respondent before the Court in *NAGCP III* and *Pennington*, to notify the Court of the institution of these proceedings. See the same Court's reference to the need for such notice in *National Association of Greeting Card Publishers v. U.S. Postal Service*, 569 F.2d 570, 578, fn. 21 (1976); and see *Battle Creek Gas Co. v. FPC*, 281 F.2d 42, 48 (D.C. Cir., 1960).

⁷See Answer of Officer of the Commission in Support of the Motion of Intervenor Samuel C. Pennington, Docket No. MC76-2, June 5, 1978, Appendix.

The specific implications of assigning service-related costs to second-class mail are items that were not addressed by the evidence in Docket No. MC76-2. This is the basic area that we propose to consider in the instant proceeding. We would expect to explore the propriety of placing a surcharge upon red-tag service and the rate consequences of such action assuming such service was only available to those qualifying under the current eligibility criteria. We would also expect to explore the consequences of offering red-tag service at a surcharge rate to all second-class mailers upon request. The cost consequences, rate impacts, and volume changes will have to be identified and quantified in the course of the proceeding. Other factors that will need to be considered are the impacts of a surcharge upon phased rates and phasing appropriations.

The proceeding should provide information regarding the postage impact of proposed surcharges upon typical second-class publications that use or do not use the red-tag service. We would also expect to examine the imposition of a surcharge in light of section 3622(b)(8) of title 39.

The parties might explore the possibility that high-volume red-tag mailers are voluntarily performing work sharing beyond current requirements for which they are not now compensated through presort discounts and, if so, how any cost savings that now result can be preserved. They should also investigate whether any current red-tag volume would divert to a lower-rate non-red-tag service or to private delivery systems rather than to pay a higher rate for red-tag service and the consequences of such diversions. Obviously, the amount of any diversion would depend on the size of a red-tag surcharge. It would appear that the Service's Magserv simulation model⁸ might be adapted to predict such diversion.

III. PROCEDURAL STEPS

Because this proceeding is essentially an outgrowth of MC76-2, all participants in that Docket are being made participants in this docket. The participants are listed in Appendix A. Other persons desiring to participate in this proceeding should file a petition to intervene or a request to be heard as a limited participant. Participants desiring to change their status should file an appropriate request. Persons listed in Appendix A who do not wish to participate in this proceeding should file a request to withdraw. Pursuant to section 30(b) of the Commission's rules of practice,⁹ the Commission will conduct all pre-

⁸See Postal Service Exh. T-17, Technical Appendix, Docket No. R77-1.

⁹39 C.F.R. § 3001.30(b).

²See PRC Op. MC76-2 (Opinion and Recommended Decision After Exceptions to Tentative Decision Denying Proposal by the OOC to Expand Availability of Red Tag Service and Institute a Surcharge for Expedited Service), June 16, 1978.

³*Id.* at 12.

⁴The Governors of the Postal Service rejected our recommended decision because the Governors considered the recommended change to be unnecessary. Gov. Dec. MC76-2, Sept. 7, 1978, p. 5.

⁵See PRC Op. R77-1, May 12, 1978, pp. 94-124.

hearing conferences and hearings en banc. Simeon M. Bright, Vice-Chairman, will be the presiding officer in such proceedings.¹⁰ Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

The Officer of the Commission (OOC) designated to represent the general public¹¹ in this proceeding will be Stephen L. Sharfman, Assistant General Counsel, Litigation (Acting). During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he or any such personnel will participate in or advise as to any Commission decision in the case.¹² The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.¹³

Since the posture of this case is somewhat different from our normal classification case—i.e., although the Commission is initiating the case pursuant to 39 U.S.C. 3623(b) the central issue is an outgrowth of a proposal made by the Service in Docket No. R77-1—we are varying our usual procedural schedule. The Postal Service will have until March 15, 1979 to prepare and file a direct case which is responsive to the issues raised in this order. We believe that the Postal Service, as the repository of the relevant data, as well as the agency charged with administration of red-tag second-class service, is in the best position to take the lead in this area. Of course, other parties, including the OOC, will have an opportunity to file rebuttal, or, if the Service fails to respond to this directive, an opportunity to make the initial proposal. Therefore, we will give the other parties until June 15, 1979 to file their cases-in-chief.

A tentative schedule of proceedings is included in Appendix B. Procedural dates which are not yet firm will be set at a future date, after a prehearing conference.

The Postal Service's case-in-chief will conform to the requirements of section 64 of the rules of practice. The OOC's case-in-chief will conform, as nearly as practicable, to the requirements of section 64 of the rules of practice.

The Commission orders: (A) The United States Postal Service is joined as a party to this docketed proceeding, initiated pursuant to 39 U.S.C. 3623(b), and each of the persons identified in Appendix A to this Order is hereby made an intervenor or a limited participator in this proceeding, subject to the provisions of paragraph (b), below. If any intervenor or limited participator desires to change their status, they may file an appropriate petition or motion by January 20, 1979.

(B) The participation of the intervenors and limited participators ordered by paragraph (A), above, is subject to the rules and regulations of the Commission: *Provided, however*, that their participation shall be limited to matters affecting rights and interests specifically set forth in their initial petitions to intervene and requests to become limited participators in Docket No. MC76-2, and *Provided, further*, that the participation of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Petitions for leave to intervene by persons other than those listed in Appendix A must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268, on or before January 20, 1979, and must be in accordance with § 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing. Alternatively, these persons may seek limited participation, if they do not wish to become parties and may do so, on or before January 20, 1979, by filing a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules (39 CFR 3001.19b).

(D) The participants shall serve copies of all documents, including prepared direct evidence, upon representatives of the Postal Service, the OOC, intervenors, and limited participators. For purposes of such service, where service upon more than one representative has been requested in a petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and request filed jointly and severally by two

or more persons, only the first two named representatives in the petition need be served.

(E) The Commission will sit en banc, with Simeon M. Bright, Vice-Chairman, as presiding officer, in the above-captioned proceeding.

(F) Stephen L. Sharfman, Assistant General Counsel, Litigation (Acting), is hereby designated as the Officer of the Commission (OOC) to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC, who shall separately be served three copies of all documents.

(G) The Postal Service's case-in-chief shall conform to the requirements of section 64 of the rules of practice. The case-in-chief of the OOC shall conform, as nearly as practicable, to the requirements of section 64 of the rules of practice.

(H) The Postal Service shall file its direct case by March 15, 1979. If the Postal Service takes no position on the need for or amount of a red-tag surcharge (or non-red-tag discount, it shall nevertheless file testimony on data responsive to the issues raised in this Order as soon as possible but no later than March 15, 1979.

By the Commission.

DAVID F. HARRIS,
Secretary.

APPENDIX A. SERVICE LIST

MAIL CLASSIFICATION SCHEDULE, 1978

Name and Representative

- United States Postal Service—Harold J. Hughes, Esquire, Assistant General Counsel, Office of Rate & Classification Law (Classification Division), U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.
- Agricultural Publishers Association, Inc. (LP)—Frank R. Cawley, Esquire, Washington Representative, Agricultural Publishers Association, Inc., Post Office Box 2351, Falls Church, Virginia 22042.
- American Business Press, Inc.—Robert A. Saltzstein, Esquire, Wyatt and Saltzstein, 1725 DeSales St., N.W., Washington, D.C. 20036; and Stephen M. Feldman, Esquire, Wyatt and Saltzstein, 1725 DeSales St., N.W., Washington, D.C. 20036.
- American Library Association (LP)—William D. North, Esquire, Kirkland and Ellis, 200 E. Randolph Drive, Chicago, Illinois 60601; and Miss Eileen D. Cooke, The American Library Association, 110 Maryland Avenue, N.E., Washington, D.C. 20002.
- American Newspaper Publishers Association—Jerry W. Friedheim, Executive Vice President, American Newspaper Publishers Association, 11600 Sunrise Valley Drive, Reston, Virginia 22091; and Richard Littell, Esquire, Dickstein, Shapiro and Morin, 10th Floor, 2101 L Street, N.W., Washington, D.C. 20037.
- American Retail Federation—William Kay Daines, Esquire, American Retail Federation, 1616 H Street, N.W., Washington, D.C. 20006; and Charles A. Washer, Es-

¹⁰ 39 C.F.R. §§ 3001.5(e), 3001.23.

¹¹ See 39 U.S.C. 3624(a) (1970).

¹² See 39 CFR 3001.8.

¹³ *Id.* § 3001.10(c).

quire, P.O. Box 5727, Lighthouse Point, Florida 33064.

Association of American Publishers, Inc., and Book Manufacturers Institute, Inc. (LP)—Richard M. Schmidt, Jr., Esquire, Ian D. Volner, Esquire, Cohn and Marks, 1920 L Street, N.W., Washington, D.C. 20036.

Association of Second Class Mail Publications, Inc. (LP)—Richard D. Green, President, Association of Second Class Mail Publications, Inc., 1518 K Street, N.W., Washington, D.C. 20005.

Catholic Press Association (LP)—Charles Emmet Lucey, Esquire, Harrison, Lucey & Sagle, Suite 500, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Classroom Publishers Association (LP)—Stephen F. Owen, Jr., Esquire, General Counsel, Classroom Publishers Association, Henry Ashton Hart, Counsel, Loomis, Owen, Fellman & Coleman, 2020 K Street, N.W., Suite 800, Washington, D.C. 20006.

Department of Defense—Dellon E. Coker, Chief, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army for The Department of Defense, Washington, D.C. 20310; and John W. Gane, Chief, Operations Division, Army Postal Directorate, Washington, D.C. 20314.

Direct Mail/Marketing Association, Inc. (LP)—Dana T. Ackerly, Esquire, Covington & Burling, 888-16th Street, N.W., Washington, D.C. 20006; and Mr. Arthur Eden, National Economic Research Associates, Inc., 1800 M Street, N.W., Washington, D.C. 20036.

Dow Jones & Company, Inc.—W. Gilbert Faulk, Jr., Esquire, Joseph D. Priory, Esquire, Dow Jones & Company, Inc., P.O. Box 300, Princeton, New Jersey 08540; and Raymond N. Shibley, Esquire, Farmer, Shibley, McGuinn & Flood, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Gestetner Corporation (LP)—Frederick R. Ballen, Esquire, McLaughlin & Stern, Ballen and Miller, 100 East 42nd Street, New York, New York 10017.

Macmillan, Inc. (LP)—Timothy J. May, Esquire, Patton, Boggs & Blow, 2550 M Street, N.W., Suite 800, Washington, D.C. 20037.

Magazine Publishers Association, Inc.—Chapin Carpenter, Jr., Vice President, Magazine Publishers Association, Inc., 1629 K Street, N.W., Suite 603, Washington, D.C. 20006; and John M. Burzio, Esquire, Hydeman, Mason & Goodell, 1220-19th Street, N.W., Suite 700, Washington, D.C. 20036.

Meredith Corporation (LP)—William J. Potts, Jr., Esquire, Haley, Bader & Potts, 1730 M Street, N.W., Washington, D.C. 20036; and Thomas G. Fisher, Esquire, Meredith Corporation, 1716 Locust Street, Des Moines, Iowa 50336.

The National Industrial Traffic League (LP)—E. F. Stadelman, Chairman, Postal Committee, The National Industrial Traffic League, General Traffic Manager, J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, New York 10019; and John F. Donelan, Esquire, John K. Maser III, Esquire, Donelan and Cleary, 914 Washington Building, Washington, D.C. 20005.

National Newspaper Association—Patricia Gallagher, Esquire, National Newspaper Association, 1627 K Street, N.W., Suite 400, Washington, D.C. 20006; and Richard

Littell, Esquire, Dickstein, Shapiro and Morin, 10th Floor, 2101 L Street, N.W., Washington, D.C. 20037.

Pennington, Samuel C.—Samuel C. Pennington, Publisher, Maine Antique Digest, Box 358, Waldoboro, Maine 04572.

Purolator Services, Inc. (LP)—John M. Delany, Esquire, General Counsel, Purolator Services, Inc., 3333 New Hyde Park Road, New Hyde Park, New York 10040; and J. Eugene Marans, Esquire, Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036.

The Reader's Digest Association, Inc.—Timothy J. May, Esquire, Patton, Boggs & Blow, 2550 M Street, N.W., Suite 800, Washington, D.C. 20037.

Time Incorporated—Justin R. Wolf, Esquire, 1625 K Street, N.W., Washington, D.C. 20006.

Officer of the Commission, Postal Rate Commission—Stephen L. Sharfman, Esquire, Assistant General Counsel Litigation (Acting), Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

APPENDIX B.—TENTATIVE HEARING SCHEDULE FOR PROCEEDINGS—DOCKET No. MC79-3

Date and Procedural Stage

March 15, 1979—Filing of the case-in-chief of the Postal Service.

June 1, 1979—Completion of all discovery directed to the Postal Service.

June 15, 1979—Filing of the case-in-chief of each participant (including that of OOC).

June 25, 1979—Beginning of hearings; Completion of evidentiary hearings as to cases-in-chief; Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.); Beginning of evidentiary hearings on rebuttal evidence; Close of evidentiary record; Initial briefs filed; Reply briefs filed; and Oral argument (if scheduled).

[FR Doc. 79-870 Filed 1-9-79; 8:45 am]

[7905-01-M]

RAILROAD RETIREMENT BOARD

IMPROVING GOVERNMENT REGULATIONS

Final Report

AGENCY: Railroad Retirement Board.

ACTION: Final report as required under Executive Order 12044.

SUMMARY: In accordance with the directive contained in Executive Order 12044 the Railroad Retirement Board has reviewed its current procedures for the development and adoption of rules and regulations and pursuant to the Executive Order hereby issues this final report.

EFFECTIVE DATE: October 11, 1978.

FOR FURTHER INFORMATION CONTACT:

R. F. Butler, Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312-751-4920

The United States Railroad Retirement Board is charged with the administration of the Railroad Retirement Act of 1974 (45 U.S.C. 231, *et seq.*) and the Railroad Unemployment Insurance Act (45 U.S.C. 351, *et seq.*). The Railroad Retirement Act provides for the payment of retirement and disability benefits to retired railroad employees and their spouses and survivors. The Railroad Unemployment Insurance Act provides for the payment of unemployment and sickness benefits to qualified individuals. The primary function of the Board under these two Acts is that of paying benefits to qualified individuals. For the most part, the rules and regulations issued by the Board cover the procedures to be followed by applicants in claiming benefits and by Board employees in adjudicating claims for benefits as well as the substantive requirements for entitlement to benefits.

Under the procedure followed by the Board in the development of rules and regulations prior to this Executive Order, the various bureaus of the Board as well as the Chief Executive Officer and the three-member Board have the authority to suggest that new regulations be developed or that existing regulations be changed. The development of a proposed new or revised regulation is actually conducted by the bureau most directly concerned with the subject matter of the proposed regulation or by the bureau of law. In the development stage there generally is coordination between the developing bureau and any other bureau or bureaus that might be interested in the regulation. When a draft of the proposed regulation has been completed, a copy of the draft is distributed to the various bureaus of the Board together with a request that such bureaus review the proposed draft and submit any comments and suggestions concerning the draft to the developing bureau. Upon receipt of the comments and suggestions from the various bureaus, the developing bureau reviews the comments and makes any changes that would be advisable. The proposed regulations along with the comments received from the other bureaus are then submitted to the Board's Chief Executive Officer who reviews the documents submitted and refers the documents to the three-member Board with his or her recommendations.

The three-member Board is the only body of the Railroad Retirement Board authorized to promulgate regulations. When the Board receives proposed regulations, the Board members review the proposal individually and place the proposed regulations on the agenda of an upcoming meeting of the

Board at which the proposal will be considered.

The Railroad Retirement Board, as an agency composed of representatives of the parties to disputes before it, is exempt from the majority of the provisions of the Administrative Procedure Act, including the provisions thereof governing the procedures to be followed in rule making. See 5 U.S.C. 551(1)(E). Thus, except where specifically directed by statute, the Board is not required to give general notice of proposed rule making by publication of such in the FEDERAL REGISTER 30 days prior to the effective date of the regulation, nor is the Board required to give interested persons the opportunity to comment on proposed rules.

If the Board approves proposed regulations submitted to it, the regulations, as adopted, are forwarded to the FEDERAL REGISTER for publication as final rules.

Having reviewed the procedure outlined above together with the Executive Order, the Board has determined that certain changes would be required in the pre-existing procedure to bring it into compliance with the requirements of the Executive Order. The Board, however, does believe that the pre-existing procedure fulfilled, for the most part, the objectives of the Executive Order as enumerated in Section 1 thereof. By providing for coordination of the various interested bureaus of the Board in the actual development of the proposed regulation, the procedure provides a mechanism for an examination of the need for the regulation and for a review of other alternatives. Further, the makeup of the Board itself, as composed of members representing railroad labor and railroad management and the public, provides for the actual participation in rule making by all parties directly interested in the matters considered as regulations.

In accordance with the requirements of the Executive Order, the Board has amended its prior procedure for the development and adoption of regulations as explained below.

Prior to the commencement of the development of any regulation, the Board official proposing the development of a regulation must notify the Board's Chief Executive Officer as to the nature of the proposed regulation, the factors indicating a need for the regulation, and the probable scope and impact of the regulation, if adopted. The Chief Executive Officer must determine, by applying the criteria established by the Board and set out later in this report, whether the proposed regulation constitutes a "significant" regulation. The Chief Executive Officer may, in his or her discretion, classify a proposed regulation as a

"significant" regulation even though it might not be a regulation requiring such classification under the criteria established by the Board.

If the Chief Executive Officer determines that the proposed regulation would not constitute a "significant" regulation, he or she will then refer the proposal back to the official who submitted it for further development and handling in accordance with the procedure described above as the pre-Executive Order procedure. If, however, the Chief Executive Officer determines that the proposed regulation constitutes a "significant" regulation, he or she must submit the proposal to the three-member Board for its review. Upon receipt of the proposal to develop a "significant" regulation, the three-member Board will review the proposal and the issues or problems to which it is addressed to determine the necessity of a regulation covering such issues or problems. The Board will review the proposal from the standpoint of alternate approaches that could be explored in resolving the issues or problems. The Board will tentatively establish a plan to be followed in providing notice of the proposed rulemaking to all interested parties through publication in industry or labor periodicals or otherwise. In addition, the Board will establish a plan for obtaining public comment and shall set target dates for completion of the various stages of the development of the regulation. Finally, the Board must review the proposed "significant" regulation to determine whether, applying the criteria established by the Board, a regulatory analysis must or should be made concerning the proposed regulation.

Upon completion of review of the proposal for development of a "significant" regulation, the Board will refer the proposal with its recommendations back to the Chief Executive Officer who will in turn refer the proposal together with all accompanying materials back to the official who submitted it or to the head of the bureau who he or she feels would be the proper person to conduct the actual development of the regulation.

The actual development and the procedure for submission to the Board of a "significant" regulation will proceed in the same manner as that described earlier in this report as the pre-Executive Order procedure, except that the head of the bureau charged with developing the regulation will provide notice as directed by the Board to the public and to any other governmental units or particular groups who would have an interest in the development of the proposed regulation and will consider and respond to any comments submitted. In addition, the bureau charged with the development of a

"significant" regulation for which the Board has determined that a regulatory analysis should be conducted will conduct and prepare such an analysis.

In approving a proposed "significant" regulation the three-member Board must, at a minimum, determine that:

(1) The proposed regulation is needed;

(2) The direct and indirect effects of the regulation have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or record-keeping requirements necessary for compliance with the regulation;

(7) The name, address, and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

Following initial approval of a "significant" regulation, the Board shall submit the regulation to the FEDERAL REGISTER for publication therein as a proposed regulation. Except where the Board determines that such would be impossible, the Board will provide the public a period of at least 60 days in which to submit comments concerning the proposed regulation prior to its effective date. Where it would be impossible for the Board to allow a 60-day comment period, the submission of the regulation to the FEDERAL REGISTER will be accompanied by a statement as to the reasons why the 60-day period would be impossible. Where a regulatory analysis was made with respect to a regulation, a brief description of the analysis will be published with the proposed regulation along with information as to the availability of the analysis to the public.

The Board's procedures for the development and adoption of regulations have also been amended to provide for the preparation and publication in the FEDERAL REGISTER at least twice a year of an agenda. This agenda will describe the "significant" regulations being developed or reviewed, the need and legal basis for same, and the status of any proposed "significant" regulations previously contained in an agenda. The Chief Executive Officer will oversee the preparation and development of the agenda and will submit it to the three-member Board for approval prior to publication.

The agenda will be maintained in the office of the Chief Executive Officer and copies of the agenda will be available to the public upon request. The Chief Executive Officer will see that the agenda is kept current by adding to its proposals for the development or review of "significant" regulations received subsequent to submission of the agenda to the FEDERAL REGISTER for publication.

In accordance with the requirements of the Executive Order the Board has established criteria which must be reviewed, as explained previously, by the Chief Executive Officer in making his or her determination as to whether a given proposed regulation constitutes a "significant" regulation. The criteria established by the Board are as follows:

- (1) The type and number of individuals, businesses, organizations, and State and local governments affected;
- (2) The compliance and reporting requirements likely to be involved;
- (3) Direct and indirect effects of the regulation including the effect on competition; and
- (4) The relationship of the regulation to those of other programs and agencies.

The Board has also established criteria which must be applied by it at the time of the initial review of a proposal for the development of a "significant" regulation in order to determine whether a regulatory analysis must be conducted in connection therewith. A regulatory analysis must be conducted in connection with the development of a regulation where the regulation would result in:

- (1) An annual effect on the economy of \$100 million or more; or
- (2) A major increase in the costs or prices for individual industries, levels of government or geographic regions.

The Board may in its discretion direct that a regulatory analysis be conducted with respect to any "significant" regulation.

The Executive Order directs that agencies periodically review existing regulations. Many of the regulations of the Railroad Retirement Board which currently appear in title 20 of the Code of Federal Regulations were promulgated under the Railroad Retirement Act of 1937, which was replaced effective January 1, 1975, by the Railroad Retirement Act of 1974. Thus, many of these regulations, particularly those concerning the computation of and entitlement to benefits, are not current, and are in need of revision. In view of this fact, and in accordance with the directive of the Executive Order, the Board has determined to undertake a complete review of all of its existing regulations over the next two years. In connection with this determination the Board has di-

rected its General Counsel to prepare a report outlining the current state of the regulations with advice as to how the regulations should be revised and reorganized. This report has not been completed at this time. However, it is clear that among the parts of the Board's regulations that will be the subject of the initial review, are Part 208, "Eligibility for an annuity," and Part 225, "Computation of annuity." The review and revision of the Board's existing regulations will follow the same procedures as those followed in the development and adoption of new regulations.

Subsequent to the review of all Railroad Retirement Board regulations in accordance with the Board's determination, the Board, in accordance with the Executive Order, will periodically review the regulations which it has adopted. In selecting which regulations to review the Board will apply the following criteria:

- (a) The continued need for the regulation;
- (b) The type and number of complaints or suggestions received;
- (c) The burdens imposed on those directly or indirectly affected by the regulation;
- (d) The need to simplify or clarify language;
- (e) The need to eliminate overlapping and duplicative regulations; and
- (f) The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulations.

The Railroad Retirement Board supports the goals enumerated in the Executive Order and will work with due diligence to attain those goals.

Dated: January 2, 1979.

By Authority of the Board.

R. F. BUTLER,
Secretary.

[FR Doc. 79-844 Filed 1-9-79; 8:45 am]

[4710-07-M]

DEPARTMENT OF STATE

[Public Notice CM-8/146]

STUDY GROUP 2 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on January 31, 1979, in Room 521J at the National Aeronautics and Space Administration, 7th and Independence Avenue, S.W., Washington,

D.C. The meeting will begin at 9:30 a.m.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic), and to interference problems concerning the radioastronomy and radar astronomy services. The purpose of the meeting will be review of the results of the Special Preparatory Meeting for the 1979 World Administrative Radio Conference, and preparation of the work plan for the next CCIR Plenary cycle.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: January 3, 1979.

GORDON L. HUFFCUTT,
Chairman,

U.S. CCIR National Committee.

[FR Doc 79-853 Filed 1-9-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Customs Service

[055507]

AMERICAN MANUFACTURER'S PETITION

Decision to Revoke Duty-Free Treatment Under the Generalized System of Preferences for Microscope Slides and Micro Cover Glasses; Notice of Petitioner's Desire to Contest This Decision

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

ACTION: Notice of (1) decision on American manufacturer's petition, and (2) receipt of notice of petitioner's desire to contest the decision.

SUMMARY: In response to an American manufacturer's petition to revoke duty-free treatment of microscope slides and micro cover glasses under the Generalized System of Preferences, the Customs Service advised the petitioner that such treatment had been authorized by Executive Order and was in conformity with applicable law. Upon being informed that its petition had been denied, the petitioner has filed notice of its desire to contest the Customs Service's decision;

FOR FURTHER INFORMATION CONTACT:

William E. Brooks, Special Projects and Programs branch, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (566-5786).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 13, 1978, a petition was filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), on behalf of Erie Scientific Company (a division of Sybron Corporation), an American manufacturer of microscope slides and micro cover glasses. The petition requested that the duty-free treatment accorded under the Generalized System of Preferences (GSP) to microscope slides and micro cover glasses be withdrawn. Notice of receipt of this petition was published in the Federal Register on March 10, 1978 (43 FR 9911).

The petitioner contended that microscope slides and micro cover glasses were "import sensitive" items, and not properly designated as articles eligible to receive duty-free treatment under the GSP. Title V of the Trade Act of 1974 (19 U.S.C. 2461-2465) authorizes the President to establish a Generalized System of Preferences which would permit the duty-free entry of eligible merchandise imported directly into the United States from countries determined to be "beneficiary developing countries." However, section 503(c)(1) of the Trade Act (19 U.S.C. 2463(c)(1)) provides that the President may not designate any article for duty-free GSP treatment if it is among certain enumerated import-sensitive categories, including "import-sensitive semimanufactured and manufactured glass products" (section 503(c)(1)(F)).

DECISION ON PETITION AND RECEIPT OF PETITIONER'S NOTICE OF DESIRE TO CONTEST

By letter dated July 7, 1978, the petitioner was advised that, by Executive Order No. 11888, dated November 24, 1975 (40 FR 55276), the President granted GSP status to laboratory glassware, including glass microscope slides and micro cover glasses, not containing over 95 percent silica by weight, provided for in item 547.55, Tariff Schedules of the United States. The petitioner was informed that, since the slides in question were designated as eligible for duty-free treatment under the GSP, the Customs Service will continue to accord them duty-free treatment upon their entry into the United States and compliance with GSP requirements. The Customs service believes that this treatment is in conformity with the current law and the Executive Order issued thereunder.

In response to this decision, the petitioner filed its notice of desire to contest, in accordance with section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.23 of the Customs Regulations (19 CFR 175.23). However, under section 516(e) of the

Tariff act of 1930, as amended (19 U.S.C. 1526(e)), current Customs practice will continue so long as no decision of the United States Customs Court or the United States Court of Customs and Patent Appeals not in harmony with this practice is published.

AUTHORITY

This notice is being published in accordance with section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24 of the Customs Regulations (19 CFR 175.24).

Dated: January 4, 1979.

ROBERT E. CHASEN,
Commissioner of Customs.

[FR Doc. 79-848 Filed 1-9-79; 8:45 am]

[4810-22-M]

Customs Service

[TMK-2-R:ER]

COLT COMMUNICATIONS, INC.

Notice of Application for Recordation of Trade Name

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124; 19 U.S.C. 1526) of the trade name COLT COMMUNICATIONS, INC. used by Colt Communications, Inc., a corporation organized under the laws of the State of Illinois located at 5424 West Touhy Avenue, Skokie, Illinois 60077.

The application states that the trade name is applied to citizens band two way radio transceivers manufactured in Japan and Korea.

The application states further that no foreign firm is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than February 9, 1979.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

Dated: January 4, 1979

DONALD W. LEWIS,
*Acting Assistant Commissioner,
Regulations and Rulings.*

[FR Doc. 79-849 Filed 1-9-79; 8:45 am]

[4810-22-M]

[T.D. 79-11]

FORT INCORPORATED

Recordation of Trade Name

On November 24, 1978, there was published in the FEDERAL REGISTER (43 FR 55029) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Fort Incorporated. The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than February 9, 1979. No responses were received in opposition to the application.

The name "Fort Incorporated" is hereby recorded as the trade name of Fort Incorporated, a corporation organized under the laws of the State of Rhode Island, located at 54 Taylor Drive (P.O. Box 4830), E. Providence, Rhode Island 02916, when applied to jewelry, jewelry items, souvenirs and novelties, manufactured in the United States. No foreign person, partnership, association or corporation is authorized to use the trade name.

Dated: January 4, 1979.

DONALD W. LEWIS,
*Acting Assistant Commissioner,
Regulations and Rulings.*

[FR Doc. 79-850 Filed 1-9-79; 8:45 am]

[4810-22-M]

[T.D. 79-10; Customs Delegation Order No. 55]

ORDER OF THE COMMISSIONER OF CUSTOMS, DELEGATING CERTAIN FUNCTIONS, RIGHTS, PRIVILEGES POWERS, AND DUTIES TO SPECIFIED CUSTOMS OFFICERS

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Delegation of authority.

SUMMARY: This document delegates to certain specified Customs officers the authority to summon importers, require the production of records, and examine importers and records relating to importations. Specifically, the designated Customs officers would be given the authority to

- (a) Summon, upon reasonable notice,
 - (1) Any person involved in the importation of merchandise,
 - (2) Any person who has possession, custody, or care of relevant records, or
 - (3) Any other person deemed proper,
- (b) Require the production of records,
- (c) Examine records, and
- (d) Take testimony under oath

in order to determine the correctness of an entry, the liability of any person for duties and taxes, or the amount of fines and penalties, or to ensure compliance with applicable laws and regulations administered by the Customs Service.

This delegation order is necessary to efficiently and effectively administer Customs authority to summon importers and examine records relating to importations.

EFFECTIVE DATE: January 9, 1979.

FOR FURTHER INFORMATION CONTACT:

John E. Elkins, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION: The Customs Procedural Reform and Simplification Act of 1978, Pub. L. 95-410, 92 Stat. 888, amended section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), to permit appropriate Customs officers to summon importers, require the production of records, and examine importers and records relating to importations. Specifically, authority is given to

- (a) Summon, upon reasonable notice,
- (1) Any person involved in the importation of merchandise,
- (2) Any person who has possession, custody, or care of relevant records, or
- (3) Any other person deemed proper,
- (b) Require the production of records,
- (c) Examine records, and
- (d) Take testimony under oath

in order to determine the correctness of an entry, the liability of any person for duties and taxes, or the amount of fines and penalties, or to ensure compliance with applicable laws and regulations administered by the Customs Service.

To efficiently and effectively administer the provisions of 19 U.S.C. 1509, this delegation order gives the authority to summon importers and examine records to the Assistant Commissioner (Investigations); Regional directors of investigations; Assistant regional directors of investigations; Customs attaches; Senior Customs representatives; Special agents in charge; Regional commissioners; Assistant regional commissioners of operations; District directors; Area directors; Assistant Commissioner (Internal Affairs); Headquarters directors, Internal Security Division, Office of Internal Affairs and Regional Directors of internal affairs.

INAPPLICABILITY OF PUBLIC NOTICE AND DELAYED EFFECTIVE DATE REQUIREMENTS

Because this rule relates solely to agency organization, procedure, or practice, notice and public procedure thereon are unnecessary and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

Conforming amendments to sections of Part 162, Customs Regulations, that are affected by this delegation order will be published in the FEDERAL REGISTER as part of the final rule implementing the requirements of 19 U.S.C. 1509 and various other provisions of the Tariff Act of 1930, as amended by the Customs Procedural Reform and Simplification Act of 1978.

AUTHORITY

This delegation is made under the authority given to the Commissioner of Customs by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended.

DRAFTING INFORMATION

The principal author of this document was John E. Elkins, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

CUSTOMS DELEGATION ORDER No.

By virtue of the authority granted to me by Treasury Department Order No 165, Revised (T.D. 53654, 19 FR 7241), as amended, I delegate to the following specified officers of the Customs Service the functions, rights, privileges, powers, and duties under section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), to

- (a) Summon, upon reasonable notice,
 - (1) Any person involved in the importation of merchandise,
 - (2) Any person who has possession, custody, or care of relevant records, or
 - (3) Any other person deemed proper,
 - (b) Require the production of records,
 - (c) Examine records, and
 - (d) Take testimony under oath
- in order to determine the correctness of an entry, the liability of any person for duties and taxes, or the amount of fines and penalties, or to ensure compliance with applicable laws and regulations administered by the Customs Service:

Assistant Commissioner (Investigations)
Regional directors of investigations
Assistant regional directors of investigations
Customs attaches
Senior Customs representatives
Special agents in charge
Regional commissioners

Assistant regional commissioners of operations
District directors
Area directors
Assistant Commissioner (Internal Affairs)
Headquarter directors, Internal Security Division, Office of Internal Affairs
Regional directors of internal affairs

This order supersedes Customs Delegation Order No. 49, dated May 9, 1975 (T.D. 75-111, 40 FR 22007).

Dated: January 4, 1979.

R. E. CHASEN,
Commissioner of Customs.

[FR Doc. 79-847 Filed 1-9-79; 8:45 am]

[4810-40-M]

Office of the Secretary

[Supplement to Dept. Circular Public Debt Series—No. 31-78]

TREASURY BONDS OF 1994

Interest Rate

JANUARY 5, 1979.

The Secretary of the Treasury announced on January 4, 1979, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 31-78, dated December 28, 1978, will be 9 percent. Interest on the bonds will be payable at the rate of 9 percent per annum.

SUPPLEMENTARY STATEMENT: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

[FR Doc. 79-896 Filed 1-9-79; 8:45 am]

[4810-22-M]

VISCOSE RAYON STAPLE FIBER FROM FRANCE

Antidumping: Modification of Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Modification of Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that certain revisions have been made in the calculation of the weighted average margin relating to viscose rayon staple fiber from France that it was determined is being sold at less than fair value within the Meaning of the Antidumping Act, 1921. As a result of the notice of "Withholding of Appraisal and Determination of Sales at Less Than Fair Value" published in the FEDERAL REGISTER on November 16, 1978, this case was referred

to the International Trade Commission for a determination concerning possible injury to an industry in the United States. The Commission has been advised of this amended determination.

EFFECTIVE DATE: January 10, 1979.
FOR FURTHER INFORMATION CONTACT:

Michael E. Crawford, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On November 16, 1978, a notice of "Withholding of Appraisal and Determination of Sales at Less Than Fair Value" notice was published in the FEDERAL REGISTER (43 FR 53530) regarding viscose rayon staple fiber from France. It was stated in this notice that Rhone Poulenc S.A. had been requested to provide information on certain general and selling expenses attributable to the production and sale of viscose rayon staple fiber by Rhone Poulenc Textiles.

No additional information has been submitted by Rhone Poulenc, S.A. at this time. The amount of general and selling expenses has therefore been derived from information contained in financial statements previously submitted by Rhone Poulenc S.A. The amount for such expenses was calculated by taking the Rhone Poulenc's consolidated figure for administrative and selling expenses and dividing it by the value of total sales. The resulting percentage of sales figure was then applied to estimate the appropriate general and selling expenses for the merchandise here under investigation. This amount was then added to prior data concerning costs incurred in production to obtain a new total cost figure.

Using the resulting figure in the cost of production calculation results in several changes. First, as the figure for general expenses has been increased, the total cost to produce has been raised. As a result, only 0.82 percent of home market sales were found to be above the cost to produce. Since that number of sales is too small to serve as a basis for determining foreign market value, constructed value was used to determine home market price for comparison purposes. The general expenses calculated in accordance with the procedure described above exceeded the statute's minimum of 10 percent of the cost of materials and labor, and, accordingly, the higher figure was used.

Moreover, the statutorily mandated minimum of 8 percent of the sum of the cost of materials, labor and general expenses was also added to reflect profit.

The net result of the above-mentioned recalculation is that the weighted average margin has risen from approximately 14.6 percent to approximately 24 percent.

The United States International Trade Commission has been advised of this amended determination.

This amended 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.*

JANUARY 4, 1979.

[FR Doc. 79-857 Filed 1-9-79; 8:45 am]

[4810-22-M]

VISCOSE RAYON STAPLE FIBER FROM
FINLAND

Antidumping: Modification of Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Modification of Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that certain revisions have been made in the calculation of the weighted average margin relating to viscose rayon staple fiber from Finland that earlier was determined to be sold at less than fair value within the meaning of the Antidumping Act, 1921. As a result of the earlier "Withholding of Appraisal and Determination of Sales at Less Than Fair Value" notice, this case was referred to the International Trade Commission for a determination concerning possible injury to an industry in the United States. The Commission has been advised of this amended determination.

EFFECTIVE DATE: January 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael E. Crawford, Operations Officer, Office of Operations, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On November 16, 1978, a "Withholding of Appraisal and Determination of Sales at Less Than Fair Value" notice was published in the FEDERAL REGISTER (43 FR 53531-32). Since the publication of that notice, a mathematical error has been found relating to the amount of selling expenses deducted from the home market price. Also, clarifying data has been submitted relating to the cost of production of the subject merchandise.

A mathematical error was made when converting the amount of com-

mission on U.S. sales (stated in cents per pound) to an equivalent amount to compare with the home market selling expenses which were stated in Finnmarks per kilogram. The error occurred through a failure to convert the amount per pound to an equivalent amount per kilogram.

Because of clarifying data that has been submitted, a change in the calculation of the cost to produce is necessary. The new information shows that the allocation of general expenses was made among machine lines producing different types of fiber, based on machine line capacity, and that the per unit general expenses were computed by dividing the quantity of production into the amount of general expenses allocated to the particular machine line for rayon staple fiber. Originally, it was thought that the manufacturer based its allocation of expenses on plant capacity instead of actual utilization. As a result of this change, the cost for general expenses and the total cost to produce the subject merchandise is lower. Another result of this change is that now 100 percent of the home market sales are above the cost to produce, thereby permitting use of a greater number of home market sales in calculating the weighted average home market price. The result is to reduce the weighted average price against which sales to the United States were compared.

The net result of the above mentioned changes is that the weighted average margin between home market and United States sales has dropped from approximately 11.77 percent to approximately 8.7 percent.

The United States International Trade Commission has been advised of this amended determination.

This amended 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.*

JANUARY 4, 1979.

[FR Doc. 79-858 Filed 1-9-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

120-BED NURSING HOME CARE UNIT, VAMC
ATLANTA, GA.

Proposed Action

The Veterans Administration proposes to locate a 120-Bed Nursing Home Care Unit at the Veterans Administration Medical Center, Atlanta, Georgia. It has been determined that the proposed project will be located in the 100-year Floodplain of South Fork Peachtree Creek.

The Veterans Administration has worked in close coordination with the Corps of Engineers and DeKalb County, Georgia, in defining the limits of the existing flood hazard and determining the impact of placing the proposed project on the site. Through this coordinated effort a concept of elevating the building on stilts has been developed. The Corps has studied the forecasted impact of the proposed structure as conceived and found that it will have no significant impact on the floodplain and meets the requirements of the Federal Insurance Agency Guidelines for placing construction in a flood prone area.

The Veterans Administration has solicited comments from the State and local levels and has received no negative responses. This Notice of Proposed Action completes the announcement requirements in Executive Order 11988, Floodplain Management Guidelines (February 1978). The VA is now proceeding with further project development and implementation.

Comments on this proposed action should be addressed to:

Mr. V. P. Miller, Assistant Administrator for Construction (08), Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420.

Dated: January 4, 1979.

MAURY S. CRALLE, JR.,
Assistant Deputy Administrator
for Financial Management to
Construction.

[FR Doc. 79-854 Filed 1-9-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241; Rule 19, 34th Revised Exemption No. 12]

ATLANTA & SAINT ANDREWS BAY RAILWAY CO., ET AL.

Exemption Under Mandatory Car Service Rules

To all railroads:

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service

Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 409, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" or "XMI", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car service Rules 1(a), 2(a), and 2(b).

*Atlanta & Saint Andrews Bay Railway Company

Reporting Marks: ASAB
Atlantic and Western Railway

Reporting Marks: ATW
Chicago & Illinois Midland Railway Company

Reporting Marks: CIM
Fonda, Johnstown and Gloversville Railroad Company

Reporting Marks: FJG
Hillsdale County Railway Company Inc.

Reporting Marks: HCRC
Maryland and Pennsylvania Railroad Company

Reporting Marks: MPA
Pickens Railroad Company

Reporting Marks: PICK

XXX
Wellsville, Addison & Galetton Railroad Corporation

Reporting Marks: WAG

Effective January 2, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 26, 1978.

INTERSTATE COMMERCE
COMMISSION,

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-879 Filed 1-9-79; 8:45 am]

[7035-01-M]

[Ex Parte No. 241; Rule 19, 23rd Revised Exemption No. 129]

CHICAGO, WEST PULLMAN & SOUTHERN RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service

*Addition.

XXX Roscoe, Snyder and Pacific Railway Company deleted.

Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 409, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car service Rules 1(a), 2(a), and 2(b).

XXX

Chicago, West Pullman & Southern Railroad Company

Reporting Marks: CWP
Detroit and Mackinac Railway Company

Reporting Marks: D&M-DM
Illinois Terminal Railroad Company

Reporting Marks: ITC
Louisville, New Albany & Corydon Railroad Company

Reporting Marks: LNAC
Richmond, Fredericksburg and Potomac Railroad Company

Reporting Marks: RFP

Effective 12:01 a.m., January 2, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 26, 1978.

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-883 Filed 1-9-79; 8:45 am]

[7035-01-M]

[Ex Parte No. MC-64; General Temporary Order No. 14, Extension and Modification]

EMERGENCY TEMPORARY AUTHORITY

Decided: January 4, 1979.

The characteristics of the meat packing industry require modification of our normal practice in handling requests for emergency temporary authority. There is an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation system of the nation.

To meet this need, the Commission issued General Temporary Order No. 14, effective October 1, 1978. That order provided a more flexible way for applicants to obtain emergency temporary authority to render the required motor carrier service. The procedures used improved motor carrier service. The procedures used improved and expedited processing techniques and permitted the meat packer industry to move its shipments during months of chronic refrigerated motor carrier shortages. This need will continue through the first 3 months of 1979.

Therefore, General Temporary Order No. 14 procedures will be extended for the period January 1

XXX Atlanta & Saint Andrews Bay Railway Co. deleted.

through March 31, 1979. Additionally, the order will be modified in two ways: (1) the procedures will extend to the full range of meat packer commodities, and (2) pursuant to the recent "Notice of Elimination of Notification Procedure in the Processing of Emergency Temporary Authority Applications Under 49 U.S.C. 10928," General Temporary Order No. 14 will be modified to excise such requirements.

It is ordered:

Pursuant to 49 U.S.C. 10928,¹ applications for emergency temporary authority to transport meat, meat products, meat by-products, and articles distributed by meat packinghouses, by motor vehicle shall, for a period of 90 days beginning January 1, 1979, and ending March 31, 1979, be governed by the following procedures to expedite the filing and processing of those applications:

(1) A meat packer, upon failing to find a carrier authorized to perform the needed peak service, may file a verified statement to that effect in support of an applicant for ETA to provide the service. The district supervisor receiving the application will accept the statement as evidence of the matters recited, and will make a recommendation without notifying other district offices or other carriers.

(2) These procedures are intended to result in liberal grants of authority, if shown needed. In an ETA application, where the supporting packer cannot pin-point the time or destination of the shipment(s), but can, on the basis of prior experience, show a likely time period up to 30 days and a likely destination area in designated States, the field staff and Commission, respectively, will consider that showing in making a recommendation and rendering a decision.

(3) Grants of authority made within the 90-day period shall continue in effect for the term indicated even though the term of the grant extends beyond March 31, 1979.

This expedited procedure is available upon condition that the applicant carrier complies with all applicable requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and that the tariff publications quote rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized.

Service performed under emergency temporary authority granted pursuant to this procedure shall in no way constitute evidence or a showing warranting future issuance of a certificate of public convenience and necessity or permit, as provided in 49 U.S.C. 10922 and 10923.

¹Formerly Section 210a(a) of the Interstate Commerce Act.

Notice of this decision shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission: Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Commissioner Clapp dissenting in part.

H. G. HOMME, Jr.,
Secretary.

COMMISSIONER CLAPP (DISSENTING IN PART)

I am opposed to the elimination of the notification procedure here. This modification parallels the policy adopted by the Commission in "Notice of Elimination of Notification Procedure in the Processing of Emergency Temporary Authority Application Under 49 U.S.C. 10928," decided December 1, 1978—an action which I believe was taken by the Commission without the notice and public comment required by the Administrative Procedure Act.

[FR Doc. 79-884, Filed 1-9-79; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON
CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 3, 1979.

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 January 22, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107012 (Sub-E390), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative:

David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated*, (1) From points in AL, to points in ME, NH and VT (*Milan, IN and points in KY). (2) From points in AL, to points in MA and RI (3) From points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega and Tallapoosa Counties, AL, to points in CT; points in Morris, Sussex, Warren, Hunterdon, Mercer, Middlesex, Somerset, Union, Bergen, Essex, Hudson and Passaic Counties, NJ; points in Barbour, Berkley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (4) From points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike and Russell Counties, AL, to points in Tolland and Windham Counties, CT; points in Barbour, Berkley, Doddridge Grant Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (5) From points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker and Winston Counties, AL, to points in CT, DE, MD, NJ; Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (6) From points in De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL, to points in CT; Points in New Castle County, DE; Baltimore, Baltimore City, Carroll, Cecil, Frederick, Hartford, Howard, Kent, Allegany, Garrett and Washington Counties, MD; points in NJ; Points in Barbour, Berkley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (7) From points in

Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL, to points in CT; points in New Castle County; DE; Points in Allegany, Garrett and Washington Counties, MD; points in NJ; points in Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (Eliminate gateway of Milan, IN unless otherwise indicated by an asterisk above.)

MC 107012 (Sub-E391), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated*, (1) From points in AZ, to points in GA, KY, NC, SC, TN and VA (points in Greene County, AR)*. (2) From points in Cochise, Gila, Graham and Greenlee Counties, AZ, 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 and Morgan Counties, AL (points in Greene County, AR)*. 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, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (points in Greene County, AR)*. Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasella, Washington, Winona and Wright Counties, MN (Burlington, IA)*; 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 and Yalobusha Counties, MS (points in Greene County, AR)*. (4) From points in Maricopa, Pima, Pinal and Santa Cruz Counties, AZ, to points in AL (points in Greene County, AR); points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in FL (points in Greene County, AR)*; points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roscau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasella, Washington, Winona and Wright Counties, MN (Burlington, IA)*; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union,

Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasella, Washington, Winona and Wright Counties, MN (Burlington, IA)*; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (points in Greene County, AR)*. (3) From points in Apache, Coconino, Mohave, Navajo and Yavapai Counties, AZ, to points in AL (points in Greene County, AR)*; points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR)*; points in FL (points in Greene County, AR)*; points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasella, Washington, Winona and Wright Counties, MN (Burlington, IA)*; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union,

and Wright Counties, MN (Burlington, IA)*; 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 and Yalobusha Counties, MS (points in Greene County, AR)*. (4) From points in Maricopa, Pima, Pinal and Santa Cruz Counties, AZ, to points in AL (points in Greene County, AR); points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in FL (points in Greene County, AR)*; points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roscau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasella, Washington, Winona and Wright Counties, MN (Burlington, IA)*; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union,

Webster and Yalobusha Counties, MS (points in Greene County, AR)*. (5) From Points in Yuma County, AZ, to points in AL (points in Greene County, AR)*; points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County AR)*; points in FL (points in Greene County, AR)*; points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (Burlington, IA)*; points in Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunica, Union, Webster and Yalobusha Counties, MS (points in Greene County, AR). (Eliminate gateways indicated by asterisks above.)

MC 107012 (Sub-E-392), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Forth Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated. 1.)* From points in AR, to points in KY, NC and VA (points in Greene County, AR) 2.) From points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier and Yell Counties, AR, 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 and Morgan Counties, AL (points in Greene County, AR) points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA (points in Greene County, AR)* points in Charlotte, De Sota, 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, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (points in Greene County, AR)* points in GA)*; (points in Greene County, AR)*; points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties, ID (points in Greene County, AR)* points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in Greene County, AR)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (Burlington, IA) points in MT (points in Greene County, AR)*; points in ND (points in Greene County, AR)*; points in OR (points in Greene County, AR)*; points in SC (points in Greene County, AR)*; 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, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in Greene County, AR)*; points in WA (points in Greene County, AR)*. 3.) From points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita and Union Counties, AR, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, 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 and Yolo Counties, CA (points in Greene County, AR) points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO (points in Greene County, AR)*; points in ID (points in Greene County, AR); points in IA (points in Greene County, AR) points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabauunsee and Wyandotte Counties, KS (points in Greene County, AR)* points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle,

Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin and Yellow Medicine Counties, MN (Burlington, IA)*; points in MT (points in Greene County, AR) points in Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties; NV (points in Greene County, AR)*; points in ND (points in Greene County, AR) points in OR (points in Greene County, AR); points in Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC (points in Greene County, AR) points in SD (points in Greene County, AR)*; points in Anderson, Blount, Campbell, Carter, Claiborne, Coker, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in Greene County, AR); points in Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah Wasatch, Weber, Carbon, Daggett, Duchesne, Emery, Grand, San Juan, Uintah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT (points in Greene County, AR) points in WA (points in Greene County, AR); points in WY (points in Greene County, AR). 4.) From points in Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren and Washington Counties, AR, to points in AL (points in Greene County, AR) points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA (points in Greene County, AR)*; points in FL (points in Greene County, AR); points in GA (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winneshiek, Worth and Wright Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore,

Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA), points in 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, Tunica, Union, Webster and Yalobusha Counties, MS (points in Greene County, AR)*; points in Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Divide, McKenzie and Williams Counties, ND (*Burlington, IA); points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson and Josephine Counties, OR (points in Greene County, AR) points in SC (points in Greene County, AR); points in TN (points in Greene County, AR) points in Clark, Cowditz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish and Whatcom Counties, WA (points in Greene County, AR)*. 5.) From points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Iard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winneshiek, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA (*Burlington, IA); points in MN (*Burlington, IA); points in ND (*Burlington, IA); points in SD (*Burlington, IA). 6.) From points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR, to points in Barbour, Bullock, Coffee,

Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike and Russell Counties, AL (points in Greene County, AR)*; points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz and Yuma Counties, AZ (points in Greene County, AR)*; points in CA (points in Greene County, AR)*; points in CO (points in Greene County, AR)*; 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, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (points in Greene County, AR); points in GA (points in Greene County, AR); points in ID (points in Greene County, AR)*; points in IA (points in Greene County, AR); points in KS (points in Greene County, AR); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin and Yellow Medicine Counties, MN (*Burlington, IA); points in MT (points in Greene County, AR); points in NV (points in Greene County, AR); points in ND (points in Greene County, AR); points in OR (points in Greene County, AR); points in SC (points in Greene County, AR); points in SD (points in Greene County, AR); points in Anderson, Blount, Campbell, Carter, Claiborne, Coker, 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 and Weakley Counties, TN (points in Greene County, AR); points in UT (points in Greene County, AR); points in WA (points in Greene County, AR); points in WY (points in Greene County, AR). (Eliminate gateways indicated by asterisks above)

MC 107012 (Sub-E417), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated*, from points in NH, to points in Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall, Ohio, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Eliminate gateway of Cleveland, OH.)

MC 107012 (Sub-E418), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above.) *New Furniture, Crated*, (1) From points in NH, to points in AL and MS (*points in KY). (2) From points in NH, to points in WI (*Cleveland, OH). (3) From points in Coos County, NH, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, FL (*points in KY); points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin,

Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (*State of KY 38A + 48A); Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (*points in KY). (4) From points in Cheshire, Hillsboro and Sullivan Counties, NH, to points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL (*points in KY); points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (*points in KY); points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN

(points in KY). (5) From points in Carroll and Grafton Counties, NH, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (*points in KY); points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (*points in KY); points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (*points in KY). (6) From points in Belknap, Merrimack, Rockingham and Strafford Counties, NH, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade,

Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (*points in KY); points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (*points in KY); points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (*points in KY). (Gateways eliminated indicated by asterisks above).

MC 107012 (Sub-E419), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture, Crated*. (1) From points in NM, to points in AL, FL, GA, MS and SC (*Camden, AR) (2) From points in NM, to points in KY, NC, TN and VA (*points in Greene County, AR 61A plus 49A) (3) From points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance and Valencia Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA; (*Burlington, IA); points in LA (*Camden, AR); *points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the

Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA) (4) From points in McKinley, Rio Arriba and San Juan Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in LA (*Camden, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA) (5) From points in Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay and Roosevelt Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (*Camden, AR); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA). (7) From points in Colfax, Harding, Mora, Taos and Union Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points LA (*Camden, AR). (Eliminate gateways points indicated by asterisks).

Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA). (6) From points in Cato, Dona Ana, Grant, Kidalgo, Luna, Otero, Sierra and Socorro Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana, Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Reo River, Sabine and Webster Parishes, LA (*Camden, AR); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA). (7) From points in Colfax, Harding, Mora, Taos and Union Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points LA (*Camden, AR). (Eliminate gateways points indicated by asterisks).

MC-107012 (Sub-E420), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture, Crated*, 1.) From points in NY, to points in AL, FL, and GA (*Points in TN).

(2) From points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne and Yates Counties, NY to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN); points in Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN).

(3) From points in Allegany, Cattaraugus, Chataqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avcry, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN) points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH) points in Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN).

(4) From points in Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Sullivan, Ulster and Westchester Counties, NY, to points in buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN) points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN).

(5) From points in Suffolk County, NY, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN) points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango and Warren Counties, PA (*Newton Falls, OH) points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN). (Eliminate gateways indicated by asterisks above).

MC 111401 (Sub-E50) (correction), filed May 14, 1974, published in the FEDERAL REGISTER, issue of April 15, 1975, and republished, as corrected, this issue. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same as above). *Petrochemicals*, in bulk, in tank vehicles, from points in KS located on and south of State Hwy 96 and on and west of State Hwy 99 to points in AR, IA, and MO. (2) *Petrochemicals*, in bulk, in tank vehicles, from points in KS on and West of U.S. Hwy 77, to points in AR. (3) *Petrochemicals*, in bulk, in tank vehicles, from points in KS on and east and south of a line beginning at the KS-OK state line and extending along KS Hwy 14, then along KS Hwy 14 to junction U.S. Hwy 54, then east along U.S. Hwy 54 to the KS-MO state line, to points in IA and

NE. (Gateway eliminated: points of Wichita, KS). The purpose of this republication is to add part (2) and (3), previously omitted, to the territorial description.

MC 111401 (Sub-E56) (clarification), filed May 12, 1974, published in the FEDERAL REGISTER, issue of June 11, 1975, and republished, as clarified, this issue. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same as above). *Petroleum products* (except lubricating oils), in bulk, in tank vehicles, from points in KS on and east of U.S. Hwy 77 and on and north of U.S. Hwy 24 to points in Louisiana, (Eliminate gateways: Points of Ardmore, Cleveland, Cushing, Ducan, Tulsa, and Wynnewood, OK.) This republication is to clarify that this letter-notice is the correct E-56.

NOTE.—A letter-notice under Sub-E56 was published on May 23, 1975, erroneously, and republished under the correct number E-56, on June 9, 1975.

MC 111401 (Sub-E86) (clarification), filed May 4, 1975, published in the FEDERAL REGISTER, issue of May 23, 1975 (under Sub-E56), republished as corrected under Sub-E86 in the FEDERAL REGISTER, issue of June 9, 1975, and republished as clarified, this issue. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same as above). *Liquid petrochemicals*, in bulk, in tank vehicles, from points in TX located on, south and east of a line beginning at Galveston and extending along I Hwy 45 to junction U.S. Hwy 90, then along U.S. Hwy 90 to junction U.S. Hwy 77, then along U.S. Hwy 77 to the U.S.-Mexico International Boundary line, to points in AL, AR, LA, MS, and MO. (Gateway eliminated: points of Texas City, TX.) This republication is to clarify Sub E-86 and to include the correct destination territory.

MC 123407 (Sub-E651), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board, materials and accessories used in the installation of composition board, and ceiling tile* (except lumber, commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior to subsequent movement by water, or by water-rail or by air, from points in ME, NH, VT, MA, RI, CT, NY, NJ, MD, DE, DC, MI, PA, Newport News and Norfolk, VA, and points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Jackson, and Mason Counties, WV, to points in NM.

(Gateway eliminated points of Dubuque, IA.)

MC 124174 (Sub-E63), filed November 2, 1976; Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above) *Hides, skins, and pieces thereof, and tannery products, tannery-by-products, and supplies* (except commodities in bulk, in tank vehicles), from all points in Mississippi, to points in IN on and east of a line from U.S. Hwy 41 at the KY-IN border to U.S. Hwy 50 to the IN-IL border; points in IL on and northeast of a line from U.S. Hwy 50 at the IN-IL border west to U.S. Hwy 51, north on U.S. Hwy 51 to state Hwy 29, to state Hwy 125, to U.S. Hwy 67, to state Hwy 9 to the IL-IA border; points in IA on and north-east of a line from U.S. Hwy 61 at the border of IA and MS River north to U.S. Hwy 34, to U.S. Hwy 63, to U.S. Hwy 30, to U.S. Hwy 65, to state Hwy 3, to U.S. Hwy 169 to the IA-MN border; points in MN on and northeast of a line from U.S. Hwy 169 at the IA-MN border, to state Hwy 68, to U.S. Hwy 14, to U.S. Hwy 59, to state Hwy 68 to the MN-SD border; points in SD on and north of a line from state Hwy 22 at the MN-SD border, to U.S. Hwy 81 to U.S. Hwy 212 west to the SD-WY border; points in GA on and north of a line from U.S. Hwy 41 & 76 at the GA-TN border to state Hwy 52 to state Hwy 136, to U.S. Hwy 19, to state Hwy 20, to state Hwy 13, to U.S. Hwy 23, to U.S. Hwy 23 & 41 to GA-NC border; points in TN on and east of a line from U.S. Hwy 27 at Chattanooga, north on U.S. Hwy 27 to the TN-KY border; points in KY on and north-east of a line from U.S. Hwy 27 at the KY-TN border to state Hwy 92, to U.S. Hwy 25W, to U.S. Hwy 25, to Daniel Boone Parkway, east on Parkway to state Hwy 15 at Bonnyman, north on state Hwy 15 to U.S. Hwy 60, to U.S. Hwy 62, to state Hwy 44 to U.S. Hwy 31W & 60 to U.S. Hwy 60, to U.S. Hwy 231 at the KY-IN border; points in VA; WV; MD; NJ; MA; VT; NH; ME; NY; PA; OH; MI; WI; and Hazelwood, NC. (Eliminate gateway points of Chattanooga, TN, and Evansville, IN.)

MC 124174 (Sub-E64), filed November 2, 1976; Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above) *Hides, skins, and pieces thereof, and tannery products, tannery-by-products, and supplies* (except commodities in bulk, in tank vehicles), from all points in WY on and north of a line beginning at the ID-WY line, then east on U.S. Hwy 20, then east on U.S. Hwy 14 to Sheridan, then east on I-90 to Moorcraft, then east on U.S. Hwy 16 to the Weston and Crook County line

then east to the SD-WY state line, to points in TX on and east of unnumbered Hwy from Mexico-U.S. boundary approximately 4 miles south of Del Rio, TX to Del Rio then north on U.S. Hwy 277, to U.S. Hwy 283, to the OK-TX state line. (Eliminate gateway points of Salina, KS.)

MC 124174 (Sub-E65), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products and supplies*, (except commodities in bulk, in tank vehicles) from points in ND on and North of a line beginning at the MO-ND line, then east on U.S. Hwy 2 to U.S. Hwy 40, then north on U.S. Hwy. 40 to the ND-Canadian line, to points in MN on and south of a line beginning at the MN-WY line, then west on State Hwy 48, to State Hwy 23, then southwest on State Hwy 23 to State Hwy 15, then south on State Hwy 15 to U.S. Hwy 14, then east on U.S. Hwy 14 to State Hwy 60, then west on State Hwy 60 to State Hwy 86, then south on State Hwy 86 to the IA-MN State line. (Eliminate gateway: point of St. Paul, MN).

MC 124174 (Sub-E66), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles), from all points in MS, points in TN on and east of a line from I Hwy 24 at the GA-TN border to Nashville, to U.S. Hwy 31E, to State Hwy 25, to State Hwy 53 to the TN-KY border; points in GA on and east of a line from I Hwy 24 at the GA-TN border along said border to U.S. Hwy 41 & 76, to U.S. Hwy 41, to State Hwy 92, to U.S. Hwy 19, to State Hwy 20, to I Hwy 85; points in on and east of a line from U.S. Hwy 41 at Chicago, to U.S. Hwy 14 to the IL-WI border; points in WI on and east of a line from U.S. Hwy 14 at the IL-WI border to State Hwy 15 to State Hwy 67, to State Hwy 33, to State Hwy 26, to U.S. Hwy 45, to U.S. Hwy 8, to State Hwy 47, to U.S. Hwy 51, to U.S. Hwy 2, to State Hwy 122 at the WI-Lake Superior border; points in VA; KY; WV; MD; NJ; MA; VT; NH; ME; NY; PA; OH; IN; MI; and Hazelwood, NC. (Gateway eliminated: points in Chicago, IL; Nashville, TN; New Albany, IN; and St. Louis, MO.)

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-878 Filed 1-9-79; 8:45 am]

[7035-01-M]

[Notice No. 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 3, 1979.

The following are notices of filing of applications for temporary authority under Section 210(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 protestant must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information. Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 2900 (Sub-344 TA), filed November 21, 1978. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S.E. Somers, Jr., P.O. Box 2408, Jacksonville, FL 32203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except Classes A and B explosives, those of unusual value, commodities in bulk, those requiring special equipment and household goods as defined by the Commission), (1) Between Knoxville, TN and Lexington, KY: From Knoxville, TN over Interstate Highway 75 to Lexington, KY., and return over the same route. (2) Be-

tween Lexington, KY and Cincinnati, OH: From Lexington, KY over Interstate Highway 78 to Cincinnati, OH and return over the same route. (3) Between Nashville, TN and Lexington, KY: From Nashville, TN over U.S. Highway 31E to junction U.S. Highway 62, then over U.S. 62 to junction U.S. Highway 60, then over U.S. Highway 60 to Lexington, KY and return over the same route. (4) Between Charleston, WV and Lexington, KY: From Charleston, WV over Interstate Highway 64 to Lexington, KY and return over the same route. (5) Between Lexington, KY and New Albany, IN: From Lexington, KY over Interstate Highway 64 to New Albany, IN and return over the same route. (6) Serving all intermediate and off-route points in Anderson, Bourbon, Boyle, Clark, Fayette, Franklin, Garrard, Harrison, Jessamine, Madison, Mercer, Montgomery, Scott and Woodford Counties, KY in connection with routes (1) through (5) above, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (29) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 26825 (Sub-17TA), filed November 21, 1978. Applicant: ANDREWS VAN LINES, INC., Seventh St., and Park Avenue, Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Room heating devices, from Seattle, WA., to Springfield, OH., restricted to the transportation of traffic having a prior movement by air or water, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Robert H. Hayes President, Energy Mart, Inc., 14 Buxton Avenue, Springfield, OH 45505. SEND PROTESTS TO: Carroll Russell DS, ICC, Suit 620, 110 North 14th Street, Omaha, NE 68102.

MC 28905 (Sub-7TA), filed November 21, 1978. Applicant: RISBERG'S TRUCK LINE, 2339 S.E., Grand Avenue, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW., 23rd Avenue, Portland, OR 97210. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, (except those of unusual value, uncrated household goods, commodities in bulk, and those requiring special equipment), Between Portland, OR, and Bend, OR, serving the intermediate points of Warm Springs, Madras, Terrebonne, Prine-

ville Junction and Redmond, OR, and the off-route points of Culver, Metolius, Sisters and Prineville, OR: From Portland, over U.S. Highway 26 to Junction U.S. Highway 97, thence over U.S. Highway 97 to Bend, and return over the same route. Between Portland and Bend, OR, as an alternate route for operating convenience only, serving no intermediate points: From Portland over Interstate Highway 5 to Junction U.S. Highway 22 at or near Salem, OR, thence over U.S. Highway 22 to Junction U.S. Highway 20, thence over U.S. Highway 22 to Junction U.S. Highway 20, thence over U.S. Highway 20 to Bend and return over the same route, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (25) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Odoms DS, ICC, 114 Pioneer Courthouse, 555 SW., Yamhill Street, Portland, OR 97204.

MC 42146 (Sub.-20TA), filed November 21, 1978. Applicant: A. G. BOONE COMPANY, 1812 W. Morehead Street, P.O. Box 8126, Charlotte, NC 28208. Representative: Floyd C. Hartsell, P.O. Box 8126, Charlotte, NC 28208. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale, retail and chain-grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business for the account of Rainbo Baking Co., between points and places in Mecklenburg County, NC and Washington County, TN., on the one hand and on the other, points and places in the State of NC, State of SC, State of TN, State of VA, Baltimore County, MD, Blair County, PA and Brooklyn, NY., under a continuing contract or contracts, with Rainbo Baking Company, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Rainbo Baking Company, 4825 Hovis Road, Charlotte, NC 28208. SEND PROTESTS TO: Terrell Price DS, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, NC 28205.

MC 52704 (Sub.-196TA), filed November 21, 1978. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, Lafayette, AL 36863. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. (1) Molded rubber and rubber and plastic combined products, from the facilities of Entek Corporation of America at or

near Irving, TX., to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, VA, WV and DC; and (2) Materials, equipment and supplies used in the manufacture and distribution of molded rubber and rubber and plastic combined products, (except commodities in bulk), from points in the States named in (1) above, to the facilities of Entek Corporation of America at or near Irving, TX., for 180 days. SUPPORTING SHIPPER(S): Entek Corporation of America, 104 County Line Road, Irving, TX 75060. SEND PROTESTS TO: Mabel E. Holston Trans. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 56679 (Sub-108TA); filed November 2, 1978. Applicant: BROWN TRANSPORT CORP., 352 University Avenue, S.W., Atlanta, GA 30315. Representative: Leonard S. Cassell, 352 University Ave., S.W., Atlanta, GA 30315. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, with usual exceptions, (1) Between Ocoee, TN, and New Orleans, LA.: Form Ocoee, TN, over U.S. Highway 64 to its Junction with Interstate 75 at or near Cleveland, TN, then over Interstate 75 to its junction with Interstate 24, then over Interstate 24 to its junction with Interstate 59, then over Interstate 59 to its junction with Interstate 10, then over Interstate 10 to New Orleans, LA., and return over the same route, serving all intermediate points in AL, MS, and LA. (2) Between Atlanta, GA, and New Orleans, LA.: From Atlanta, GA, over Interstate 85 to its Junction with Interstate 65 at or near Montgomery, AL., then over Interstate 65 to its temporary termination, then over AL, Highway 59 to its Junction with U.S. Highway 31, at or near Bay Minette, AL., then over U.S. Highway 31 to Mobile, AL, then over Interstate 10 to its Junction with U.S. Highway 90, then over U.S. Highway 90 to New Orleans, LA. and return over the same route, serving all intermediate points in AL, MS, and LA. (3) Between Columbus, GA, and Vicksburg, MS., and return over the same route, serving all intermediate points in AL and MS. (4) Between Atlanta, GA, and Hamilton, AL.: From Atlanta over U.S. Highway 278 to Hamilton, AL., and return over the same route, serving all intermediate points in AL. (5) Between Birmingham, AL, and Southaven, MS.: From Birmingham, AL., over U.S. Highway 79 to Junction U.S. 51, then over U.S. 51 to Southaven, MS., and return over the same route, serving all intermediate points in AL., and MS. (6) Between Corinth, MS, and Mobile, AL.: From Corinth, MS, over U.S. Highway 45 to Mobile, AL., and return over the same route, serving all intermediate points.

(7) Between Dothan, AL. and Natchez, MS.: From Dothan, AL. over U.S. Highway 84 to Natchez, MS. and return over the same route, serving all intermediate points. (8) Between Andalusia, AL. and Flomaton, AL.: From Andalusia, AL. over U.S. Highway 29 to Junction with U.S. Highway 31, then over U.S. Highway 31 to Flomaton, AL., and return over the same route serving all intermediate points. (9) Between Dothan, AL. and the AL-TN line North of Athens, AL.: From Dothan, AL. over U.S. Highway 231 to Montgomery, AL., then over Interstate 65 to AL-TN line and return over the same route serving all intermediate points. (10) Between Atlanta, GA. and Birmingham, AL. From Atlanta, GA., over Interstate 20 to Birmingham, LA., and return over the same route, serving all intermediate points in AL. (11) Between Dothan, AL. and Gadsden, AL.: From Dothan, AL. over U.S. Highway 431 to Gadsden, AL. and return over the same route, serving all intermediate points in AL. (12) Between Junction Interstate 59 and Alabama Highway 5 and Mobile, AL.: From Junction Interstate 59 and Alabama Highway 5 over Alabama Highway 5 to its Junction with U.S. Highway 43, then over U.S. Highway 43 to Mobile, AL., and return over the same route, serving all intermediate points. (13) Between Junction U.S. Highway 72 and U.S. Highway 41 and Southaven, MS.: From U.S. Highways 72 and 41 over U.S. Highway 72 to Junction U.S. Highways 51 and 72, then over U.S. Highway 51 to Southaven, MS., and return over the same route, serving all intermediate points in AL., and MS. (14) Between Memphis, TN. and New Orleans, LA.: From Southaven, MS., over U.S. Highway 51 to Horn Lake, MS., then over unnumbered highway to Walls, MS., then over U.S. Highway 61 to New Orleans, LA., and return over the same route serving all intermediate points. (15) Between Southaven, MS. and New Orleans, LA.: From Southaven, MS., over U.S. Highway 51 to Horn Lake, MS., then over unnumbered highway to Walls, MS., then over U.S. Highway 61 to New Orleans, LA., and return over the same route serving all intermediate points. (16) Between Montgomery, AL. and Greenville, MS.: From Montgomery, AL., over U.S. Highway 82 to Greenville, MS., and return over the same route, serving all intermediate points. (17) Between Dalton, GA., and Junction U.S. Highway 41 and U.S. Highway 72.: From Dalton, GA. over U.S. Highway 41 to Junction U.S. Highway 72 and return over the same routes serving no intermediate points. (18) Between Dalton, GA. and Gadsden, AL.: From Dalton, GA., over U.S. Highway 41 to Junction U.S. Highway 411, then over U.S. Highway 411 to

Gadsden, AL., and return over the same route serving all intermediate points in AL. (19) Between Flomaton, AL., and Bay Minette, AL.: From Flomaton, AL., over U.S. Highway 31 to Bay Minette, AL., and return over the same route, serving all intermediate points. (20) Between Ocoee, TN., and Charlotte, NC.: From Ocoee, TN., over U.S. Highway 64 to Junction U.S. Highway 74, then over U.S. Highway 74 to Charlotte, NC., and return over the same route, serving all intermediate points in NC., serving as off-route points in connection with the above-described routes, all points in AL and MS, those within 20 miles of New Orleans, LA, those within 20 miles of Dalton, GA; and serving the Commercial Zones of the termini in the above routes, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (274) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Sara K. Davis Trans. Asst., ICC, 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA. 30309.

MC 105375 (Sub-83 TA), filed November 21, 1978. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., 1680 Fourth Avenue, Newport, MN 55055. *Chemicals*, (in bulk), from the plantsite of Minnesota Mining and Manufacturing Company at or near Cordova, IL, to the plantsite of Minnesota Mining and Manufacturing Company at or near Brookings, SD, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Minnesota Mining and Mfg. Company, 3M Center, 224-1E, St. Paul, MN 55101. SEND PROTESTS TO: Delores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 106037 (Sub-5 TA), filed November 21, 1978. Applicant: ROADWAY TRANSPORT LIMITED, 25 Selfield Road, Rexdale, Ontario, Canada M9W 1E8. Representative: Robert G. Gawley, P.O. Box 184, Buffalo, NY 14221. *Trucks and buses and parts and accessories thereof*, moving at the same time with the vehicles of which they are a part and on which they are to be installed in initial and secondary movements in driveway and truckaway service, for 90 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): General Motors of Canada Limited, Oshawa, Ontario L1G 1K7. SEND PROTESTS TO: ICC, 910 Federal

Building, 111 West Huron St., Buffalo, NY 14202.

MC 107012 (Sub-323 TA), filed November 21, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. *New furniture*, from Red Lion, Mifflinburg and Stewartstown, PA, to points in North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER(S): Yorktown Cabinet Division of Wickes Corporation, Redco Avenue, Red Lion, PA 17356. SEND PROTESTS TO: J. H. Gray DS, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

NOTE: Common control may be involved.

MC 107743 (Sub-53 TA), filed November 21, 1978. Applicant: SYSTEM TRANSPORT, INC., E. 11707 Montgomery, P.O. Box 3456 TA, Spokane, WA 99220. Representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. *Drilling mud, clay, gilsonite and lignite*, (except in bulk), from MT, ND, SD, NV, WY, TO TX, OK, OR, WA, ID, CA, IL, IN, MO, PA, OH, WI, MI AND IA., for 180 days. SUPPORTING SHIPPER(S): Dresser Industries, Inc., P.O. Box 6504, Houston, TX. SEND PROTESTS TO: Hugh H. Chaffee DS, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 108297 (Sub-29TA) filed November 21, 1978. Applicant: FOX TRANSPORT SYSTEM, 21 S. 5th Street, Philadelphia, PA 19106. Representative: James J. Fox (same address as applicant). *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in and south of the counties of Bradford, Lycoming, Clinton, Clearfield, Jefferson, Butler and Mercer, PA., on the one hand, and, on the other, points in New Jersey, West Chester, Nassau Counties, NY; Baltimore County and Baltimore, MD; Philadelphia, PA., and New York, NY., and their commercial zones, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (11) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: T. M. Esposito Trans. Asst., 600 Arch Street, Room 3238, Philadelphia, PA 19106.*

MC 109443 (Sub-28TA) filed November 21, 1978. Applicant: SEABOARD TANK LINES, INC., Monahan Avenue, Dunmore, PA 18512. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, MI 18517. *Dry Litharge*, (in bulk, in tank vehicles) from Dunmore, PA., to points in N.C., for 150 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Gould, Inc., Metals Division, P.O. Box 43484, St. Paul, MN 55164. SEND PROTESTS TO: Paul J. Kenworthy DS, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 109449 (Sub-20TA) filed November 21, 1978. Applicant: KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN 55987. Representative: Gary Huntbatch, Junction Avenue, Winona, MN 55987. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Huron, SD and Austin, MN., to points in West Virginia, OH and points in PA., west of Highway 219, for 180 days. SUPPORTING SHIPPER(S): Geo. A. Hormel & Co., P. O. Box 800, Austin, MN 55912. SEND PROTESTS TO: Delores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th St., Minneapolis, MN 55401.

MC111611 (Sub-42TA) filed November 21, 1978. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine Street, San Francisco, CA 94111. (1) *Plastic containers and bottles and related materials*. From the plant sites and/or warehouses of IMCO Container Company at or near Lewistown, PA, to points in places in Ohio, Illinois, Indiana, Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, and MA.; and (2) *Plastic containers and bottles and related materials*, from the plant sites and/or warehouses of IMCO Container Company at or near Harrisonburg, VA; Rockaway, NJ; Jeffersonville, IN; Vandalia, IL; Pittsfield, MA; and Goleta, LaMirada and Union City, CA, to Lewistown, PA., for 180 days. SUPPORTING SHIPPER(S): IMCO Container Company, 75th & Cleveland Streets, Kansas City, MO 64132. SEND PROTESTS TO: Charles F. Myers DS, ICC, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 115495 (Sub-39 TA), filed November 9, 1978. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, IL 60174. Representative: Irving R. Segal, Schnader, Harrison, Segal & Lewis, 1719 Packard Building, Philadelphia, PA 19102 and Everett Hutchinson, Fulbright & Jaworski, Suite 400, 1150 Connecticut

Ave., N.W., Washington, D.C. 20036. *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between department stores, specialty shops and retail stores or the branches or warehouses of such stores; or between department stores, specialty shops and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. (1) Between points in Area A, which includes: (1) California, Oregon and Washington, (2) those parts of Idaho and Nevada within an area described is follows: (a) that part of Idaho north and west of a line beginning at a point on the Washington-Idaho State line near Lewiston, Idaho, thence extending southeasterly along U.S. Highway 95 to Grangeville, Idaho, thence northeasterly along Idaho Highway 13 to junction Idaho Highway 9, thence along Idaho Highway 9 to eastern boundary of Nez Perce County, Idaho, thence northerly along the eastern boundaries of Nez Perce, Latah, Benewah, and Kootenai Counties, Idaho, to U.S. Highway 10, thence easterly along U.S. Highway 10 to the Idaho-Montana State line, thence northerly along the Idaho-Montana State line to the United States-Canada Boundary line; (b) that part of Idaho bounded by a line beginning at the Oregon-Idaho State line, thence extending easterly along U.S. Highway 30-N to Weiser, Idaho, thence southerly along U.S. Highway 95 to junction Idaho Highway 52, thence easterly along Idaho Highway 52 to Horse Shoe Bend, Idaho, thence southerly along Idaho Highway 15 to Boise, Idaho, thence westerly along U.S. Highway 30 to Nampa, Idaho, thence westerly along Idaho Highway 72 to junction U.S. Highway 95, thence southerly along U.S. Highway 95 to the Oregon-Idaho State line, and thence northerly along the Oregon-Idaho State line to the point of beginning; (c) that part of Nevada bounded by a line beginning at a point on the California-Nevada State line, near Verdi, Nev., thence extending easterly along U.S. Highway 40 (Interstate Highway 80) to junction Alternate U.S. Highway 95, thence easterly along Alternate U.S. Highway 95 through Hazen, Nev., to junction U.S. Highway 50, thence westerly along U.S. Highway 50 to Carson City, Nev., thence southerly along U.S. Highway 395 to the California-Nevada State line, and thence northerly along the California-Nevada State line to the point of beginning; and (d) that part of Nevada bounded by a line beginning at a point on the California-Nevada

State line, thence extending northerly along U.S. Highway 91 (Interstate Highway 15) to Las Vegas, Nev., thence southeasterly along U.S. Highway 93 to junction U.S. Highway 95, thence southerly along U.S. Highway 95 to the California-Nevada State line, and thence northwesterly along the California-Nevada State line to the point of beginning; and Fallon and Boulder City, Nev., including all points on the described highways and those on the described county lines which do not coincide with State lines, and (3) those parts of Arizona within an area described as follows: (a) Phoenix and points within 25 miles of the Phoenix United States Post Office. (b) Tucson and points within 15 miles of the Tucson United States Post Office. (c) Yuma and Somerton. (d) On and within two miles of: U.S. Highways 66 and 89, and Arizona Highways 84, 87 and 187, between Flagstaff and Nogales, through Prescott, Wickenburg, Phoenix, Mesa, Coolidge, Tucson, and Casa Grange. Arizona Highway 187 between Florence and Coolidge. U.S. Highways 60, 70 and 80 between Buckeye and Globe through Florence Junction. U.S. Highway 80 between Tucson and Douglas. On the one hand, and, on the other, points in Area B which includes: (1) Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming; and points in Pennsylvania, West Virginia, and Virginia within ten miles of the Pennsylvania-Ohio, the West Virginia-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee and the Virginia-North Carolina State lines. (2) all points in Idaho, Nevada and Arizona not included in Area A. 2. Between points in Area B above, restricted against the transportation of traffic originating at and destined to points in Texas, Oklahoma, and Kansas, that part of Nebraska on, south, and within 10 miles north of a line beginning at the Nebraska-Colorado state line and extending along U.S. Highway 138 to junction with U.S. Highway 30, and thence along U.S. Highway 30 to the Nebraska-Iowa State line, Fort Smith, Fayetteville and points in Benton, Carroll, and Boone Counties, AR, and those points in Arkansas on and west of U.S. Highway 71, points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchaan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt,

Howard, Jackson, Jasper, Johnson, LaClede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Claire, Saline, Schuyler, Stone, Sullivan, Tancy, Vernon, Webster, and North Counties, MO, except between Omaha, NE; Kansas City, KS, and the counties in western Missouri named herein. Restricted against the transportation of traffic between Memphis, TN, and points in its commercial zone, as defined at 49 C.F.R. § 1048.33 (December 20, 1967), on the one hand, and, on the other, points in AR. Restricted against the transportation of traffic between Memphis, TN, on the one hand, and, on the other, points in that part of Mississippi on and north of U.S. Highway 80. Restricted against the movement of traffic between Denver, CO, on the one hand, and, on the other, points in Kansas and those in that part of Nebraska on and south, and within 10 miles north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 138 to junction U.S. Highway 30 and thence along U.S. Highway 30 to the Nebraska-Iowa State line.

Subject to the following restrictions:

No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment.

No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, for 180 days. SUPPORTING SHIPPER(S): There are approximately (103) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst. ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 116254 (Sub-218TA), filed November 21, 1978. Applicant: CHEMHAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Randy C. Luffman, P.O. Box 339, Florence, AL 35630. *Sodium silicate, (in bulk, in collapsible rubber containers or collapsible rubber tanks)*, from DuPont plant sites at East Chicago, IN, Fortville, IN and Cleveland, OH., to the DuPont plant at New Johnsonville, TN., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): E. I. DuPont de Nemours & Company, 1007 Market Street, Wilmington, DE 19898.

SEND PROTESTS TO: Mabel E. Holston Trans. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 116254 (Sub-219TA), filed November 21, 1978. Applicant: CHEMHAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Randy C. Luffman, P.O. Box 339, Florence, AL 35630. *Inedible tallow*, From Montgomery, AL., to points in LA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): John Morrell & Co., 203 S. LaSalle St., Chicago, IL 60604. SEND PROTESTS TO: Mabel E. Holston Trans. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 116459 (Sub-77TA), filed November 21, 1978. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, TN 37405. Representative: Charles Williams (same address as applicant), *Asphalt and asphalt products, (in bulk, in tank vehicles)*, from Atlanta and Lithonia, GA., to points in TN., for 180 days. SUPPORTING SHIPPER(S): Amoco Oil, Mail Code 1402, P.O. Box 6110-A, Chicago, IL 60680. SEND PROTESTS TO: Glenda Kuss Trans. Asst., ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 118535 (Sub-61TA), filed November 21, 1978. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, MO 64730. Representative: Tom Ventura (same address as applicant). *Lead and lead alloys, (except commodities which because of size or weight require the use of special equipment)*, From Frisco, TX., to points in Arkansas, Colorado, Iowa, Illinois, Kansas, Louisiana, Missouri, Nebraska, Oklahoma & TN., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Gould, Inc., Metals Divisions, Mendota Heights, MN 55050. SEND PROTESTS TO: John V. Barry DS, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 123233 (Sub-87TA), filed November 21, 1978. Applicant: PROVOST CARTAGE, INC., 7887 Grenache Street, Ville d'Anjou, Quebec, Canada H1J 1C4. Representative: Gilbert G. Beriault (same address as applicant). *HVP Sauce (Soya Sauce)*, in bulk, in tank vehicles, From Harbor Beach, MI, to the port of entry on the International Boundary Line between the United States and Canada located at Port Huron, MI, restricted to traffic moving in foreign commerce only, for 90 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): RJR Foods, Ltd., 20 Sicard Street, Ste-Therese, Quebec, Canada. SEND PROTESTS TO: ICC, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

MC 124692 (Sub-250 TA), filed November 21, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). *Insulated building and roofing panels, and equipment, materials and supplies used in the installation thereof, (except commodities in bulk)*, from the facilities of Panel Era Corporation, at Dallas, TX, to points in the United States in, east and north of MN, IA, MO, KY and VA, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Panel Era Corporation, 1857 South 3850 West, Salt Lake City, UT 84104. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 125692 (Sub-251TA), filed November 21, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). *Insulated building and roofing panels, and equipment, materials and supplies used in the installation thereof, (except commodities in bulk)*, from the facilities of Panel Era Corporation at Salt Lake City, UT, to points in the United States in and west of MN, IA, MO, OK and TX, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Panel Era Corporation, 8157 South 3850 West, Salt Lake City, UT 84104. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 127187 (Sub-45TA), filed November 21, 1978. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., P.O. Box 415, Fertus Falls, MN 56537. Representative: James B. Howland, 414 Gate City Bldg., P.O. Box 1630, Fargo, ND 58102. *Agricultural chemicals, (except in bulk)*, from Great Falls, MT., to (1) Denver, CO; Sioux City, IA; Kansas City, KS; Kansas City, MO; Omaha, NE; Fargo, Grand Forks and Minot, ND; and points in ID, OR and WA; (2) ports of entry on the United States-Canada Boundary Line located at points in MT. RESTRICTION: Restricted in Part (2) to the transportation of traffic destined to Alberta, and Saskatchewan, Canada, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Falls Chemicals, Inc., P.O. Box 6323, Great Falls, MT 59401. SEND PROTESTS TO: Ronald R. Mau DS, ICC, Room 268 Federal Bldg., & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 127187 (Sub-45TA), filed November 21, 1978. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., P.O. Box 415, Fertus Falls, MN 56537. Representative: James B. Howland, 414 Gate City Bldg., P.O. Box 1630, Fargo, ND 58102. *Agricultural chemicals, (except in bulk)*, from Great Falls, MT., to (1) Denver, CO; Sioux City, IA; Kansas City, KS; Kansas City, MO; Omaha, NE; Fargo, Grand Forks and Minot, ND; and points in ID, OR and WA; (2) ports of entry on the United States-Canada Boundary Line located at points in MT. RESTRICTION: Restricted in Part (2) to the transportation of traffic destined to Alberta, and Saskatchewan, Canada, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Falls Chemicals, Inc., P.O. Box 6323, Great Falls, MT 59401. SEND PROTESTS TO: Ronald R. Mau DS, ICC, Room 268 Federal Bldg., & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 134645 (Sub-27TA), filed November 21, 1978. Applicant: LIVESTOCK SERVICE, INC., P. O. Box 944, 1430 Second Avenue South, St. Cloud, MN

56301. Representative: Robert P. Sack, P. O. Box 6010, West St. Paul, MN 55113. *Fresh meats, suspended*, from Huron, SD., to Los Angeles County, CA., for 180 days. SUPPORTING SHIPPER(S): Huron Dressed Beef, Inc., Huron, SD. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., ICC, 414 Federal Building & U. S. Court House, 110 South 4th St., Minneapolis, MN 55401.

MC 138254 (Sub-5TA), filed November 9, 1978. Applicant: NEW ENGLAND SHUTTLE SERVICE, INC., P. O. Box 39, West Dover, VT 05356. Representative: Edward L. Nehez, P. O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Passengers and their baggage* in the same vehicle with passengers, in special operations, in door-to-door service, limited to transportation of no more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, (1) Between Winhall, Jamaica, Stratton and Somerset Townships, VT., on the one hand, and, on the other, Boston, MA, and New York, NY., and points in their respective commercial zones as defined by the Commission; Springfield, Amherst and Worcester, MA; Albany and Albany County Airport, NY; and New Haven, Greenwich, Hartford and Windsor Locks, CT; and (2) Between Dover, Jamaica, Marlboro, Newfane, Searsburg, Somerset, Stratton, Wardsboro, and Winhall Townships, VT., on the one hand, and, on the other Dillant-Hopkins Airport near Keene, NH., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): (1) Dover Corporation-Mt. Snow, West Dover, VT. 05356. (2) Mountain Resorts, Inc., Mt. Snow, VT. 05356. (3) Vermont Equities, Ltd., West Dover, VT. 05356. SEND PROTESTS TO: David A. Demers DS, ICC, P. O. Box 548, 87 State Street, Montpelier, VT. 05602.

MC 138256 (Sub-14TA), filed November 21, 1978. Applicant: INTERIOR TRANSPORT, INC., N. 2128 Waterworks Way, P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boat trailer manufacturing materials consisting of tubular steel*; and (2) *boat trailer parts and related accessories* in (1) from Seattle, WA and Chicago, IL, to the facilities of E-Z Loader Spokane, WA. Shipment of materials described in (2) from E-Z Loader facilities in Spokane to E-Z Loader facilities in OH, under a continuing contract, or contracts, with E-Z Loader Trailer, Inc., for 180 days. An underlying ETA

seeks up to 90 days authority. SUPPORTING SHIPPER(S): E-Z Loader Trailer, Inc., N. 717 Hamilton, Spokane, WA 99220. SEND PROTESTS TO: Hugh H. Chaffee DS, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 138627 (Sub-44TA), filed November 21, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, 7101 Mercy Road, Suite 106, Omaha, NE 68106. *Lumber and lumber mill products*, from Oshkosh, WI, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and SD, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Pluswood, Inc., P.O. Box 2248, Oshkosh, WI 54903. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 139193 (Sub-89TA), filed November 21, 1978. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64123. Representative: Jacob P. Billig, 2033 "K" Street, N.W., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Div., of H. J. Heinz Co., at or near Pittsburgh, PA, to points in Arkansas, Oklahoma and TX, under a continuing contract or contracts, with H. J. Heinz Co., for 180 days. SUPPORTING SHIPPER(S): Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: John V. Barry DS, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 139244 (Sub-2TA), filed November 21, 1978. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corporation in the Chicago, IL, commercial zone to Arkansas, Colorado, Delaware, Florida, Georgia, Iowa, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and WI, under a continuing contract or contracts, with Kaiser Aluminum & Chemical Corporation, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): F. A. Carre Manager Midwest Region, Kaiser Aluminum & Chemical Corporation, 9700 S. Harlem, Bridgeview, IL. 60455. SEND

PROTESTS TO: Charles D. Little DS, ICC, 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, IL. 62701.

MC 141532 (Sub-36 TA), filed November 21, 1978. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, WA 98003. Representative: Miles L. Kavalier, Mandel & Kavalier, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Plastic pipe and plastic pipe fittings*, from points in Bakersfield, Santa Ana and Sun Valley, CA, to points in Idaho, Montana, and UT, for 180 days. SUPPORTING SHIPPER(S): R & G Sloane Manufacturing Co., Inc., 7606 North Clybourn Avenue, Sun Valley, CA 91352. SEND PROTESTS TO: Hugh H. Chaffee DS, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 142672 (Sub-37TA), filed November 21, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. *Candy and confectionery and candy cough drops*, from the facilities of Luden's, Inc., at or near Reading, PA, to points in California, Colorado, Louisiana, Missouri, Oklahoma, Oregon, Texas and WA., for 180 days. SUPPORTING SHIPPER(S): Luden's, Inc., 200 North Eighth Street, Reading, PA. 19609. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, AR 72201.

MC 142672 (Sub-38TA), filed November 21, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. *Candy and confectionery*, from West Reading, PA, to Dallas, TX; Tacoma, WA; Vernon and Union City, CA; Denver, CO; Salt Lake City, UT; and Phoenix, AZ, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): R. M. Palmer Candy Company, 2nd and Franklin Streets, West Reading, PA 19602. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol Little Rock, AR. 72201.

MC 142672 (Sub-39TA), filed November 21, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. *Recreational equipment and related articles; BBQ equipment, NOI and electrical appliances NOI*, from the facilities of Neosho Products Company, at or near Neosho, MO., to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, for 180 days. SUPPORTING SHIPPER(S):

Neosho Products, Division of Sunbeam, P.O. Box 622, Neosho, MO 64850. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142820 (Sub-2TA), filed November 21, 1978. Applicant: ODEX EXPRESS, INC., Bayonne, NJ 07002. Representative: Piken & Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fat and trimming*, (except in bulk), in mechanically refrigerated vehicles, from points in OH, to Carteret, NJ; and (2) *Shortening* (except in bulk), in mechanically refrigerated vehicles, from Carteret, NJ, to points in OH; (3) *Animal feed and feed ingredients, supplements, additives, materials and supplies* for use in the manufacture and promotion of animal feeds, from the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, to points in NY, NJ, CT, PA, MA, RI, NH, VT, and ME. CONDITION: (A) Service in (1) and (2) above to be performed, under a contract or continuing contracts with Intercon Co., Inc., of Carteret, NJ. (B) Service in (3) above to be performed, under a continuing contract or contracts with Kal Kan Foods, Inc., of Vernon, CA, for 180 days. SUPPORTING SHIPPER(S): (1) Intercon Co., Inc., 351 Roosevelt Avenue, Carteret, NJ 07008. (2) Kal Kan Foods, Inc., 3386 E. 44th Street, Vernon CA 90058. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 143846 (Sub-5TA), filed November 21, 1978. Applicant: P. ROSA, INC., 315 Feather Lane, Franklin Lakes, NJ 07417. Representative: Piken & Piken, One Lefrak City Plaza, Flushing, NJ 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, (1) From Baltimore, MD, to points in Vermont, New Hampshire, New York, Ohio, and PA. (2) Between Baltimore, MD and Chicago, IL. (3) From Albany, NY and New York, NY to Baltimore, MD. (4) From New York, NY to Chicago, IL, Cincinnati, OH, Ft. Worth, Dallas, Houston and San Antonio, TX, and Phoenix, AR. (5) From Fort Worth & Dallas, TX, to Baltimore, MD. (6) From Chicago, IL to Albany, NY. (7) Between New York, NY and Baltimore, MD, on the one hand, and points in CA, on the other. (8) From Nashville, TN to Chicago, IL and Baltimore, MD. CONDITION: Service to be performed for and in behalf of Montgomery Ward, under a continuing contract or contracts, with Montgomery Ward & Co., Inc., for 180 days. An underlying ETA seeks

up to 90 days authority. SUPPORTING SHIPPER(S): Montgomery Ward Co., Montgomery Ward Plaza, Chicago, IL 60671. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 144162 (Sub-4TA), filed November 21, 1978. Applicant: TIME CONTRACT CARRIERS, INC., 17734 Sierra Highway, Canyon County, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Los Angeles, CA 90010. (1) *Gift-wrapped and packaged foods, food products and commodities dealt in by retail gift shops*, (except frozen), and (2) *Plants and bulbs* when moving at the same time and in the same vehicle with the commodities in (1) above, from the facilities of Harry and David located at or near Medford, OR, to points in the United States, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Harry and David, 2518 South Pacific Highway, Medford, OR 97501. SEND PROTESTS TO: Irene Carlos Trans. Asst., Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144282 (Sub-4TA), filed November 21, 1978. Applicant: JAMES RECK, d/b/a JAMES RECK TRUCKING, 4029 W. McDowell No. 4, Phoenix, AZ 85009. Representative: Phil B. Hammond, Lewis P. Ames; Shimmel, Hill, Bishop & Gruender, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron Oxide*, From Vernon, CA, to points in AZ, under a continuing contract or contracts, with Pfizer Incorporated, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Pfizer Incorporated, 235 E. 42nd Street, New York, NY 10017. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020 Federal Bldg., 230 N. First Avenue, Phoenix, AZ 85025.

MC 144819 (Sub-4TA), filed November 21, 1978. Applicant: C & N TRANSPORT, INC., 727 South Overhead Drive, Oklahoma City, OK 73108. Representative: C. L. Phillips, 1411 North Classen Terrace Bldg., Oklahoma City, OK 73106. *Meat, meat products, meat by-products and packing house products*, From Sioux City, IA, to points in CA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Armour Food Company, (Fresh meat Division), 111 W. Clarendon, Phoenix, AZ 85077. SEND PROTESTS TO: Connie Stanley Trans. Asst., Room 240, Old Post Office Bldg., 215 N.W., Third Street, Oklahoma City, OK 73102.

MC 145202 (Sub-2TA), filed November 21, 1978. Applicant: K-LINES, LTD., 3225 South 11th Street, Council Bluffs, IA 51501. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing-houses*, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corporation at Storm Lake and Cherokee, IA., to points in FL and GA., under a continuing contract or contracts, with Hygrade Food Products Corporation at Detroit, MI., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): William L. Fidler, Director of Transportation, Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 145397 (Sub-1TA), filed November 21, 1978. Applicant: P. A. JOHNSON & CO., 1220 Monroe Avenue, Riber Forest, IL 60305. Representative: John F. Kelly (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* for the National Starch & Chemical Corporation, to include commodities that require protection from freezing, not to include commodities in bulk), from the plant site of National Starch & Chemical Corporation at Chicago, IL., to points in the states of Indiana, Iowa, Michigan and WI as shown in attached Map restriction above. Authority restricted to seasonal operation, November through April, under a continuing contract or contracts, with National Starch & Chemical Corporation, for 180 days. SUPPORTING SHIPPER(S): National Starch & Chemical Corporation, Henry G. Kavanagh, Traffic Director, P.O. Box 6500, Bridgewater, NJ 08817. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., ICC, 219 South Dearborn St., Room 1386, Chicago, IL 60604.

MC 145640 (Sub-1TA), filed November 21, 1978. Applicant: STEPHEN R. GRIDER, 15571 Victoria Avenue, White Rock, B.C., Canada V4B 1H8. Representative: Craig Gray, 14344 Harris Road, Pitt Meadows, B.C., Canada VOM 1P0. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewer's grain, using sealed opened dum box* with a centre

gate for splitting the loads, from the ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Lynden and Sumas to Lynden, Everson and Sumas, WA., under a continuing contract or contracts, with Miracle Feeds, for 180 days. SUPPORTING SHIPPER(S): Miracle Feeds, 9395 Scott Road, Delta, B.C. SEND PROTESTS TO: Hugh H. Chaffee DS, ICC, 858 Federal Building, Seattle, WA 98174.

MC 145745 (Sub-1TA), filed November 21, 1978. Applicant: GODFREY LUMBER COMPANY, INC., P.O. Box 615, Statesville, NC 28677. Representative: Wilson W. Godfrey, 1715 Amity Hill Road, Statesville, NC 28677. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecker bodies*, from Chattanooga, and Newbern, TN., to Statesville, NC., under a continuing contract, or contracts, with Auto Equipment, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Auto Equipment, Inc., Route 1, Box 358, Statesville, NC 28677. SEND PROTESTS TO: Terrell Price DS, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 145794TA, filed November 21, 1978. Applicant: ARD'S TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, Sr., Saleeby, Cox, Driggers & Blodsoe, P.O. Box 519, Hartsville, SC 29532. *Steel and steel products and wire and wire products*, between the facilities of the ACCO Corp., Darlington County, SC., and the facilities of Nucor Corp., Darlington and Florence Counties, SC., on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Florida, Indiana, Kentucky, Missouri, North Carolina, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and WV., for 180 days. SUPPORTING SHIPPER(S): Vulcraft Division, Nucor Corporation, P.O. Box F-2, Florence, SC 29502. (2) Page Fence Division, Acco Corporation, P.O. Box 25, Darlington, SC 29532. SEND PROTESTS TO: E. E. Strotheid DS, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 145795TA, filed November 21, 1978. Applicant: HERBERT E. CRAVEN, JR., d/b/a HERBERT E. CRAVEN & SON, P.O. Box 124, Ladson, SC 29456. Representative: Falcon B. Hawkins, Hawkins & Morris, 141 East Bay Street, Charleston, SC 29401. *Dry fertilizer and dry fertilizer materials*, (in bulk and in bags), from Cloy, GA., to the facilities of Goldkist, Inc., in Allendale, Anderson, Bamberg,

Calhoun, Charleston, Clarendon, Greenville, Edgefield, Laurens, Lee, Newberry, Orangeburg and Williamsburg Counties, SC., for 180 days. SUPPORTING SHIPPER(S): Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301. SEND PROTESTS TO: E. E. Strotheid DS, Room 302, 1400 Building, 1400 Pickens Streets, Columbia, SC 29201.

By the Commission.

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

[FR Doc. 79-880 Filed 1-9-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. P-15]

ST. LOUIS SOUTHWESTERN RAILWAY
COMPANY

Passenger Train Operation; Decision

Decided: December 26, 1978.

The National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Laredo, Texas. The operation of these trains requires the use of the tracks and other facilities of the Missouri Pacific Railroad Company (MP) between St. Louis, Missouri, and Laredo. A portion of these MP tracks between Little Rock, Arkansas, and Texarkana, Arkansas-Texas, are temporarily out of service because of a derailment. An alternate route is available between these points via the lines of the MP between Little Rock and Pine Bluff, Arkansas, and thence via the lines of the St. Louis Southwestern Railway Company between Pine Bluff and Texarkana.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, (a) Pursuant to the authority vested in me by order of the Commission served December 10, 1978, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the St. Louis Southwestern Railway Company be, and it is hereby directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between a connection with the Missouri Pacific Railroad Company at Pine Bluff, Arkansas, and a connection with the Missouri Pacific at Texarkana, Arkansas-Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no

agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

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

(d) *Effective date*. This order shall become effective at 2:00 p.m., CST December 26, 1978.

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., CST December 29, 1978, unless otherwise modified, changed or suspended by order of this Commission.

This order shall be served upon the St. Louis Southwestern Railway Company and upon the National Railroad Passenger Corporation, and a copy of this order shall be filed with the Director, Office of the Federal Register.

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-891 Filed 1-9-79; 8:45 am]

[7035-01-M]

[Revised I.C.C. Order No. P-15]

CHICAGO, ROCK ISLAND AND PACIFIC
RAILROAD CO.

Passenger Train Operation; Decision

Decided December 27, 1978.

The National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Laredo, Texas. The operation of these trains requires the use of the tracks and other facilities of the Missouri Pacific Railroad Company (MP) between St. Louis, Missouri, and Laredo. A portion of these MP tracks between Little Rock, Arkansas, and Texarkana, Arkansas-Texas, are temporarily out of service because of a derailment. An alternate route is available between these points via the lines of the MP between Little Rock and Haskells, Arkansas, and thence via the lines of the Chicago, Rock Island and Pacific Railroad Company between Haskells and Benton, Arkansas, and thence via the lines of the MP.

It is the opinion of the Commission that the use of such alternate route is

NOTICES

necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served December 10, 1976, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the Chicago, Rock Island and Pacific Railroad Company be, and it is hereby directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between a connection with the Missouri Pacific Railroad Company at Haskells, Arkansas, and a connection with the Missouri Pacific at Benton, Arkansas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between

said carriers, or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

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

(d) *Effective date.* This order shall become effective at 2:00 p.m., CST December 27, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., CST December 29, 1978, unless otherwise modified, changed or suspended by order of this Commission.

This order shall be served upon the Chicago, Rock Island and Pacific Railroad Company and upon the National Railroad Passenger Corporation, and a copy of this order shall be filed with the Director, Office of the FEDERAL REGISTER

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-882 Filed 1-9-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

CONTENTS

	<i>Items</i>
Civil Aeronautics Board.....	1
Commodity Futures Trading Commission	2, 3
Federal Deposit Insurance Corporation	4
National Transportation Safety Board	5
Occupational Safety and health Review Commission	6
Parole Commission	7
Renegotiation Board	8

[6320-01-M]

[M-189; JANUARY 4, 1979.]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., January 11, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 29044, Part 252—Final Rule on Segregation of Smokers. (OGC)
3. Amendment of Board's *Ex Parte* Rules, 14 CFR 300.2, 300.3. (OGC)
4. Docket 30362—Fees for shippers on air freight shipments. (Memo 7190-B, OGC.)
5. Docket 30537, Draft final rule to eliminate CAB Form 41 Schedule P-13, "Passenger Revenue and Traffic Data by Type of Fare—48 States." (Memo 7550-A, BAS, BPDA, OEA, OGC.)
6. Docket 28115—*Midwest-Atlanta Nonstop Service Investigation*—draft tentative decision. (Memo 8084-A, OGC.)
7. Docket 29790—*Dallas/Fort Worth-Western Mexico Route Proceeding*, Designation of the carrier to serve Route B.3, United States-Mexico Air Transport Agreement, January 1, 1978. Memorandum of Issues and Request for Instructions. (OGC, BIA.)
8. Docket 28475, St. Louis-Kansas City Subpart M Proceeding. (Memo 5708-D, OGC.)
9. Docket 33171, Dismissal of an application for approval of interlocking directors. Hawaiian Airlines, Inc., et al. (BPDA)
10. Dockets 33580, 33629, 33672, 33821, 33863, 33878, and 33997, Applications for certificate amendments nonstop Denver-Detroit authority in the following: Frontier, Braniff, Northwest, Allegheny, Continental, American and Ozark. (BPDA)
11. Dockets 33223, 33462, 33548, 33948, Federal Express petition for an order to show cause on its certificate application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh/St. Louis nonstop authority; Wright's petition for an order to show cause on its certificate amendment ap-

plication for Midway-Cleveland/Detroit nonstop authority; Ozark's application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh nonstop authority and its motion to consolidate with Federal Express, application; Frontier's application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh/St. Louis nonstop authority and its motion to consolidate with Federal Express application and for dismissal of its application; American's answer requesting some of the same authority. (Memo 8373-B, BPDA.)

12. Dockets 32801 (United), 32864 (Southern), 32917 (American), 33596 (Allegheny), 34112 (Continental), 29622 (Delta), 34221 (Ozark), 33628 (American), 33679 (Braniff), 33746 (Allegheny), 33888 (Continental), 33892 (Southern), 33999 (Ozark), 34192 (Piedmont), requesting authority between Memphis and various points; Dockets 34073 (United), 34113 (Continental), 34169 (Delta); exemption requests. (Memo 8414, BPDA.)

13. Dockets 33115 (Braniff), 33298 and 33202 (Airwest), 33315 (American), 33524 (Western), 33543 (TWA), 33607 (Continental), 33674 (Northwest), 33671 (Allegheny), 33996 and 34067 (Ozark), requesting certificate authority between Salt Lake City and various points. (Memo 8412, 8412-A, BPDA, BALJ.)

14. Docket 32696, order 78-9-150, Frontier's application to serve Redding, Calif., and order to show cause. (BPDA)

15. Dockets 31128, 31213, 31244, 31529, and 32791—Service to Fort Myers. (Memo 8233, BPDA, OCCR, BALJ, OGC.)

16. Air Carrier rules pertaining to transportation of pregnant women. (Memo 8387, BPDA.)

17. Docket 33288—Petition by Governor, State of Illinois; City of Rockford, Ill.; Greater Rockford Airport Authority; et al. for show-cause order to hyphenate Chicago, Ill., and Rockford, Ill. on certificates of airlines serving Chicago but not authorized to serve Rockford. (Memo 8418, BPDA.)

18. Docket 33960, Allegheny's notice of termination of services at Utica, N.Y., under sections 401(j) and 419(a)(3). The Board is acting on the request by Oneida County to prohibit Allegheny's withdrawal. (BPDA)

19. Dockets 34148, 34149, 34260, and 34262—Airwest's notices of intent to suspend services at Bakersfield, Calif., and Medford, Oreg., respectively, in 90 days. (Memo 8415, BPDA.)

20. Docket 31233, Air New England application requesting dual authorization—instant order responds to petitions for reconsideration filed by Air New England and Commuter Airline Association of America, Inc. (Memo 8061-B, BPDA.)

21. Dockets 34055 and 34083; applications of North Central Airlines and Braniff Airways for an exemption under 416(b) from the service-commencement requirement of section 401(d)(5)(H)(i) of the unused authority provisions. (BPDA)

22. Docket 34306, complaint of TWA against American's "Winter Sale" fares alleging that the filing should have been

made on 60-days notice rather than 45-days notice provided by American. (BPDA)

23. United States-Mideast and Far East fare increases filed by Pan American. (Memo 8419, BPDA, BIA.)

24. 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, 8322-A, BPDA, BIA, OGC.)

25. Dockets 33112 and 33283, Waiver of separation of functions rule (section 300.4 in *TXI-National Acquisition Case*. (Memo 8242-D, BCP, OGC.)

26. Recommended reply to the Department of State's request for views on granting Japan authority to serve San Juan. (BIA, BPDA, OEA, memo 8359.)

STATUS: Open. Closed—Item 26.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:

This memo contains possible strategy and positions to be taken by the United States in its negotiations with Japan. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve an agreement which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b (9)(B) and that the meeting on this item should be closed:

Chairman Marvin S. Cohen
Member Elizabeth E. Bailey
Member Gloria Schaffer

Member O'Melia was not present.

PERSONS EXPECTED TO ATTEND:

Board Members: Chairman Marvin S. Cohen, Member Richard J. O'Melia, Member Elizabeth E. Bailey, and Member Gloria Schaffer.

Assistants to Board Members: Mr. David M. Kirstein, Mr. Sanford Rederer, and Mr. Stephen H. Lachter.

Office of the Managing Director: Mr. John R. Hancock.

Bureau of International Affairs: Mr. Donald A. Farmer, Jr., Ms. Sandra W. Gerson, Mr. David A. Levitt, Mr. Edward R.

Wilbur, Mr. Ronald C. Miller, Mr. Richard M. Loughlin, and Mr. Willard L. Demory.

Office of the General Counsel: Mr. Phillip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.

Bureau of Pricing and Domestic Aviation: Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. Herbert Aswall, Mr. Douglas V. Leister, and Mr. James L. Deegan.

Office of Economic Analysis: Mr. Robert H. Frank and Mr. Richard H. Klem.

Bureau of Consumer Protection: Mr. Reuben B. Robertson.

Office of the Secretary: Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR section 310b.5(9)(B) and that this meeting may be closed to public observation.

PHILLIP J. BAKES, JR.,
General Counsel.

[S-42-79 Filed 1-8-79; 10:45 am]

[6351-01-M]

2

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., January 9, 1979.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter/settlement offer.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-41-79 Filed 1-8-79; 10:45 am]

[6350-01-M]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., January 19, 1979.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial session.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-48-79 Filed 1-8-79; 3:44 pm]

[6714-01-M]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF AGENCY MEETING

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Saturday, January 6, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the deposit liabilities of Toney Brothers Bank, Doerun, Georgia, which was closed by the Commissioner of the Department of Banking and Finance of the State of Georgia on January 5, 1979; (2) approve a resulting application from American Banking Co., Moultrie, Ga., for consent to purchase certain assets of and assume the liability to pay deposits made in the closed bank and for consent to operate the sole office of Toney Brothers Bank as a branch of American Banking Co.; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by American Banking Co.

In calling the meeting, the Board determined, on motion of Director William M. Isaac (Appointive), seconded by Acting Chairman John G. Heilmann, that Corporation business required its consideration of the matter on less than 7 days notice to the public; that no earlier notice of the meeting was practicable; and that the meeting could be closed to public observation pursuant to subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)), since the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: January 8, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-46-79 Filed 1-8-79; 2:52 pm]

[4910-58-M]

5

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER", CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 1288, January 4, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m. Thursday, January 11, 1979, [NM-79-1].

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

1. *Aircraft Incident Report*—E.S.M. Group, Inc., Cessna Citation, N51MW, North Central Airlines, Inc., DC-9-30, N957N, LaGuardia Airport, Flushing, N.Y., June 21, 1978.

2. *Marine Accident Reports*—U.S.S. L. Y. Spear collision with Liberian Motor Tankship *Zephyros*, Lower Mississippi River, February 22, 1978.

3. *Letter to Federal Aviation Administration re Recommendation A-75-28*, overboard leakage of fluids subject to freezing.

4. *Discussion of reassignment of duties*, Oakland Field Chief.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-47-79 Filed 1-8-79; 2:54 pm]

[7600-01-M]

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m., January 18, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Patricia Bausell, 202-634-4015.

Date: January 8, 1979.

[S-43-79 1-8-79; 12:45 am]

[4410-01-M]

7

PAROLE COMMISSION.

National Commissioners—the Commissioners presently maintaining offices at Washington, D.C. Headquarters.

TIME AND DATE: 9:30 a.m., Wednesday, January 10, 1979.

PLACE: Room 831, 320 First Street N.W., Washington, D.C. 20537.

STATUS: Closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 20 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-45-79 Filed 1-8-79; 2:38 pm]

[7910-01-M]

8

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 1511, January 5, 1979.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, January 9, 1979.

CHANGE IN MEETING: Meeting is cancelled.

CONTACT PERSON FOR MORE INFORMATION: Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street, N.W., Washington, D.C. 20446, 202-254-8277.

Dated January 5, 1979.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-44-79 Filed 1-8-79; 2:38 pm]