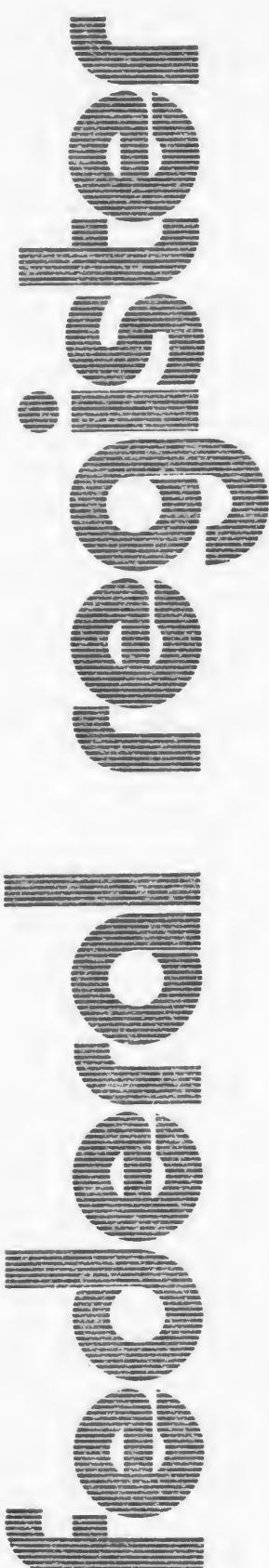


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Monday	Tuesday	Wednesday	Thursday	Friday
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CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
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Documents normally scheduled for publication on a day that will be a Federal 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.)**

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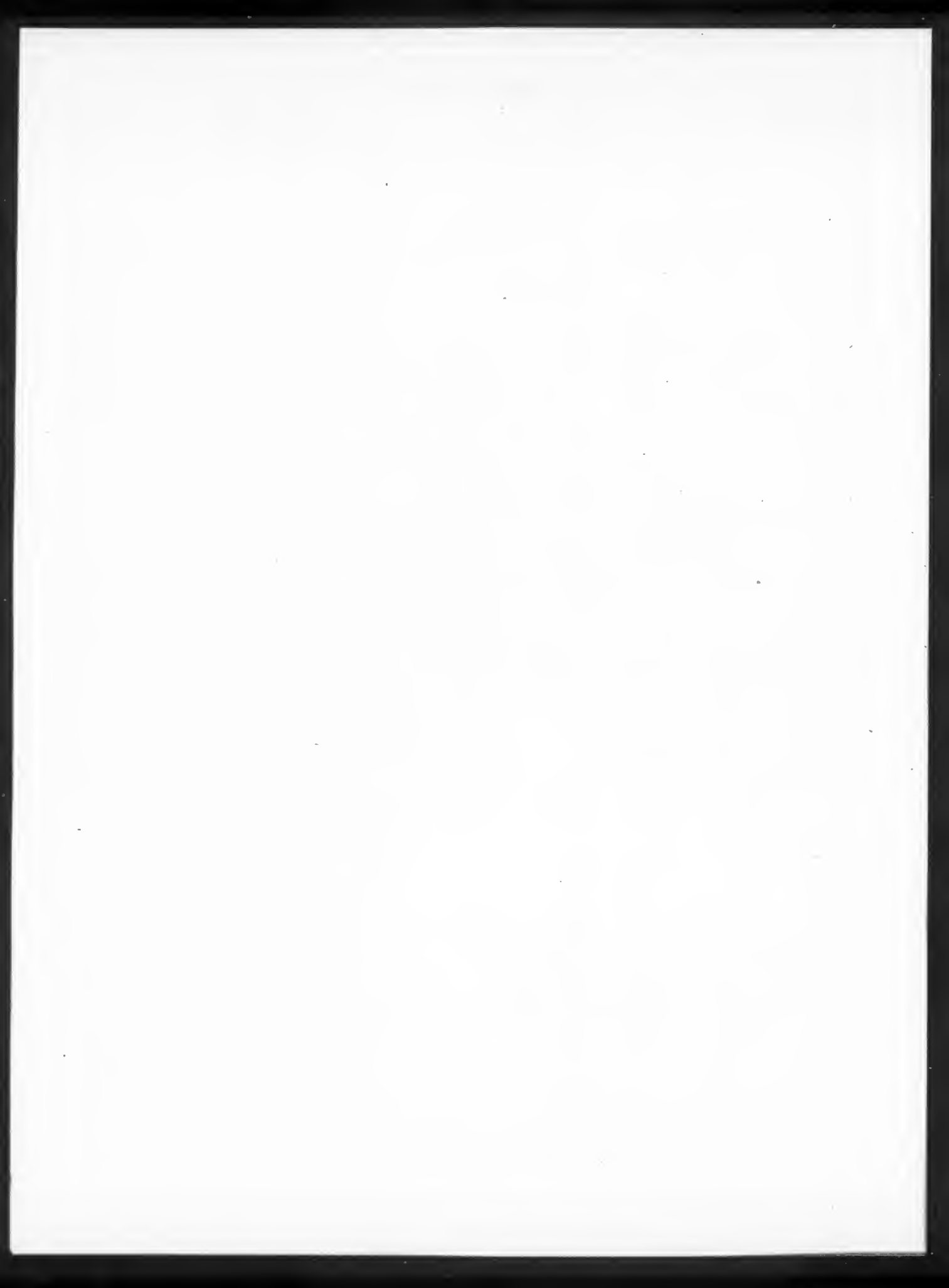
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National Poison Prevention Week, 1979

By the President of the United States of America

A Proclamation

Since the first Poison Prevention Week was observed in 1962, we have seen a 75 percent drop in childhood accidental fatal poisonings, according to the latest figures from the National Center for Health Statistics.

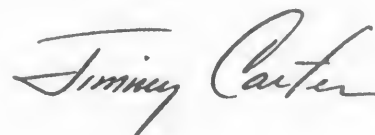
Ingestions by youngsters of household products sold in safety packaging were down as well. But, because not all substances can be packaged safely, it is up to everyone responsible for child care to guard against these dangers in the way we store, handle, and dispose of potentially hazardous household products.

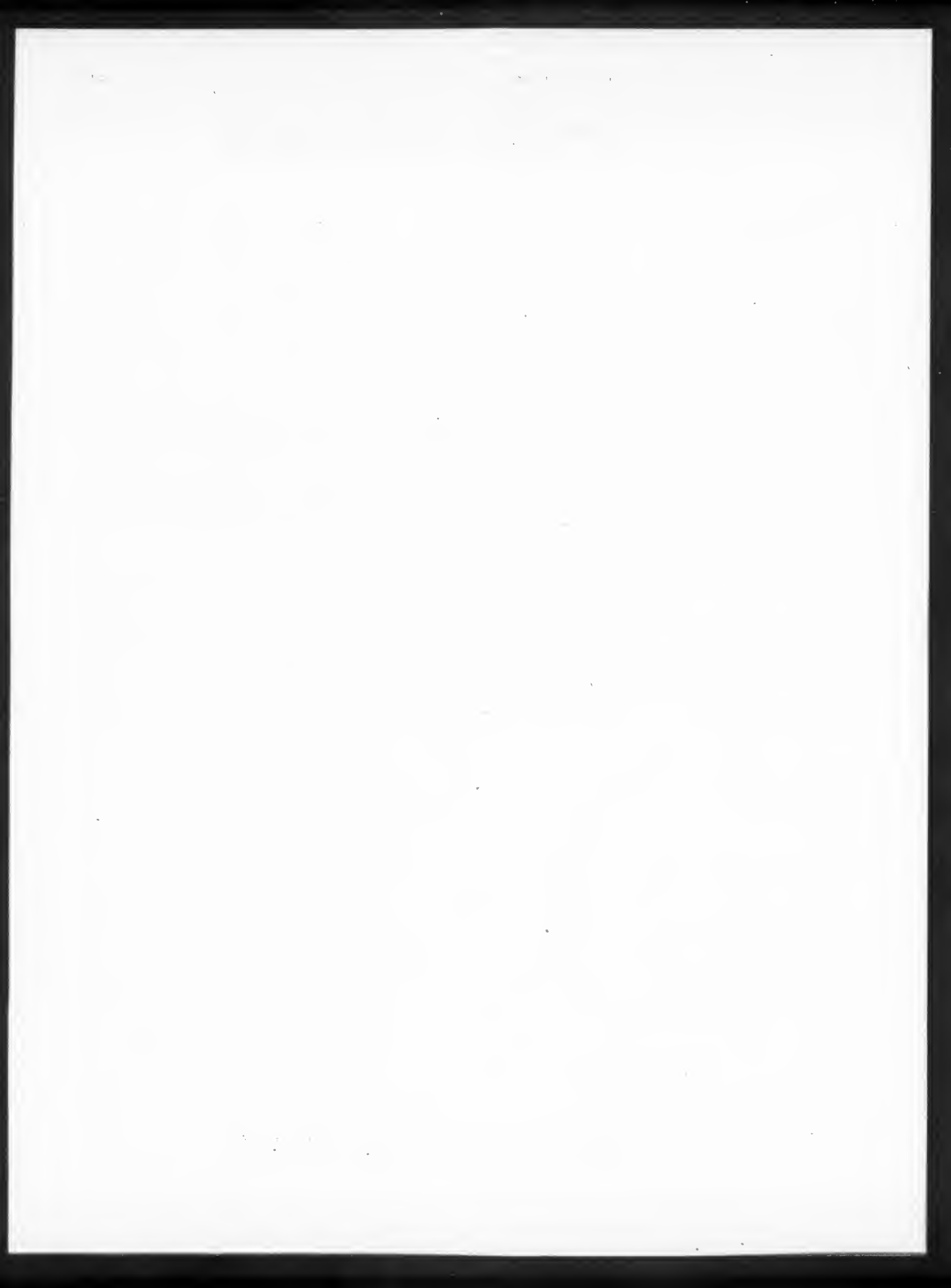
Accordingly, by joint resolution of September 26, 1961 (75 Stat. 681, 36 U.S.C. 165), Congress has requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate the week beginning March 18, 1979, as National Poison Prevention Week. It is particularly important during this International Year of the Child that we become aware of this specific need for child protection.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

[FR Doc 79-4741
Filed 2-8-79; 4:32 pm]
Billing code 3195-01-M





Memorandum of February 8, 1979

**Determination Under Section 202(b) of the Trade Act;
Clothespins**

Memorandum for the Special Representative for Trade Negotiations

Pursuant to section 202(b)(1) of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC), transmitted to me on December 12, 1978, concerning the results of its investigation of import injury which was established on its own motion. The investigation was initiated as an outgrowth of information collected in conjunction with Commission investigations Nos. TA-406-2, TA-406-3, and TA-406-4, conducted under section 406(a) of the Trade Act of 1974 and concerning clothespins from the People's Republic of China, the Polish People's Republic, and the Socialist Republic of Romania. All four investigations have concerned clothespins imported under items 790.05, 790.07, and 790.08 of the TSUS.

After considering all relevant aspects of the case, including those considerations set forth in section 202(c) of the Trade Act of 1974, I have decided to accept a variation of the injury relief recommendation made by the USITC. Within 15 days, I will issue a Presidential Proclamation authorizing that a three-year global import quota be established on wood and plastic clothespins (TSUS item 790.05) with a dutiable value not over \$1.70 per gross in the amount of two million gross pins. The quota, administered quarterly on a *pro rata* basis, will be allocated as follows:

<i>Category</i>	<i>Yearly quota allocation</i>
Valued not over 80 cents per gross	500,000 gross
Valued over 80 cents per gross but not over \$1.35 per gross	600,000 gross
Valued over \$1.35 per gross but not over \$1.70 per gross	900,000 gross
Total	2,000,000 gross

During the course of each year, as it becomes apparent that the quota for any price bracket will not be filled for the year, then the remainder of the allocation may be reapportioned among the brackets whose quotas have been filled.

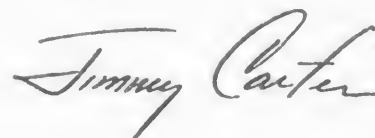
Relief is warranted for the following reasons:

1. The social costs of denying relief would be very high, since producers are located in isolated regions in the Northeast where alternative employment is scarce.
2. Assistance will not be costly and will not impose an inflationary burden on the economy. The major clothespin manufacturers have provided commitments to comply with the Administration's anti-inflation program.

THE PRESIDENT

3. Major clothespin producers have given their assurances that the relief period will be used to modernize facilities, improve distributional channels and promote their product. These steps should put them in a better competitive position once relief is lifted.

This determination is to be published in the FEDERAL REGISTER.

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned to the right of the typed text.

THE WHITE HOUSE,
Washington, February 8, 1979.

[FR Doc 79-4742
Filed 2-8-79; 4:33 pm]
Billing code 3195-01-M

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

[Docket No. AO-353-A2]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This decision amends the Federal marketing order regulating handling of fresh grapefruit grown in the Interior District in Florida. Growers approved the amendment in a referendum held November 13-22, 1978. The amendment provides for selection of an administrative committee separate from Order 905, for a public member on such committee, changes the definition of the standard unit of measure, and authorizes including export shipments in the computation of handlers' prorate bases.

EFFECTIVE DATE: March 14, 1979.

FOR FURTHER INFORMATION OR A FINAL IMPACT STATEMENT CONTACT:

Charles R. Brader, Fruit & Vegetable Division, AMS, USDA, Washington, D.C. 20250. (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings and determinations*—The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provi-

sions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of grapefruit grown in the Interior District in Florida in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapefruit grown in the Interior District in Florida which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of grapefruit grown in the Interior District in Florida is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "MARKETING AGREEMENT, AS FURTHER AMENDED, REGULATING THE HANDLING OF GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associ-

ations of producers who are not engaged in processing, distributing, or shipping grapefruit covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1977, through July 31, 1978, handled not less than 50 percent of the volume of such grapefruit covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1977, through July 31, 1978, (which has been deemed to be a representative period), have been engaged within the Interior District in Florida, in the production of grapefruit for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of grapefruit grown in the Interior District in Florida, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Section 913.6 is revised to read:

§ 913.6 Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof.

2. Section 913.7 is revised to read:

§ 913.7 Carton or standard packed carton.

"Carton or standard packed carton" means a unit of measure equivalent to four-fifths (4/5) of a U.S. bushel of grapefruit, whether in bulk or in any container.

3. Sections 913.8 through 913.11 are redesignated as §§ 913.9 through 913.12 and new § 913.8 is inserted reading as follows:

§ 913.8 Producer.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Interior District

¹ Filed as part of the original document.

and who has a proprietary interest in the grapefruit so produced.

§§ 913.9 through 913.12 [Redesignated from §§ 913.8 through 913.11]

§ 913.12 [Redesignated from § 913.11 and Amended]

4. Section 913.11 *Interior district or district* (herein redesignated as § 913.12 *Interior district or district*) contains two erroneous references to "Township 18"; such references are corrected to read "Township 15".

5. Section 913.20 is redesignated as § 913.15 and the following two new sections are inserted:

§ 913.13 **Grower districts.**

(a) "Grower District 1" shall include the Counties of Hillsborough, Pinellas, Pasco, Hernando, Citrus, Sumter, and Lake.

(b) "Grower District 2" shall include the Counties of Osceola, Orange, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, and Suwannee, and County Commissioner's Districts 1, 2, and 3 of Volusia County, and that part of the Counties of Indian River and Brevard which is included in the Interior District.

(c) "Grower District 3" shall include the Counties of Manatee, Sarasota, Hardee, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Monroe, Dade, Broward, and the parts of the Counties of Palm Beach and Martin which are included in the Interior District.

(d) "Grower District 4" shall include the County of Polk.

§ 913.14 **Redistricting.**

(a) The committee may, with the approval of the Secretary, redefine the grower districts into which the Interior District is divided or reapportion or otherwise change the grower membership of grower districts, or both: *Provided*, That the membership shall consist of at least six but not more than seven grower members, and any such change shall be based, so far as practicable, upon the respective averages for the immediately preceding five fiscal periods of (1) the volume of grapefruit shipped from each grower district; (2) the total number of acres of grapefruit in each such district; and (3) the volume of grapefruit produced in each such district.

(b) The committee shall consider such redistricting and reapportionment during the 1980-81 fiscal period, and only in each fifth fiscal period thereafter, and each such redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

6. Redesignated § 913.15 is revised to read as follows:

§ 913.15 **Establishment and membership.**

(a) There is hereby established an Interior Grapefruit Marketing Committee consisting of at least 6 but not more than 7 grower members, and 6 shipper members. Grower members shall be persons who are not shippers or employees of shippers. Shipper members shall be shippers or employees of shippers. The committee may be increased by one non-industry member nominated by the committee and selected by the Secretary. The committee, with the approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the non-industry member.

(b) Each member shall have an alternate who shall have the same qualifications as the member for whom he or she is an alternate.

7. Insert the following new sections:

§ 913.16 **Term of office.**

The term of office of members and alternate members shall begin on the first day of August and continue for 1 year and until their successors are selected and have qualified. The consecutive terms of members shall be limited to three terms. The consecutive terms of office of alternate members shall not be so limited. Members, their alternates, and their respective successors shall be nominated and selected by the Secretary as provided in § 913.17.

§ 913.17 **Nominations.**

(a) *Grower members.* (1) The committee shall give public notice of a meeting of producers in each grower district to be held not later than July 10 of each year, for the purpose of making nominations for grower members and alternate grower members. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Each nominee shall be a producer in the grower district from which he is nominated. In voting for nominees, each producer shall be entitled to cast one vote for each nominee in each of the districts in which he or she is a producer. At least two of the nominees for member and their alter-

nates shall be affiliated with a bona fide cooperative marketing organization, and at least two member nominees and their alternates shall not be so affiliated.

(b) *Shipper members.* (1) The committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than July 10 of each year, for the purpose of making nominations for shipper members and their alternates. The committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and balloting thereat. The chairman of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July.

(2) Nominations of at least two members and their alternates shall be made by bona fide cooperative marketing organizations which are handlers. Nominations of at least two members and their alternates shall be made by handlers who are not so affiliated. In voting for nominees, each handler or his or her authorized representative shall be entitled to cast one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period.

§ 913.18 **Selection.**

(a) The initial members of the committee and their respective alternates shall be the members and alternates of the Citrus Administrative Committee under Order No. 905 (7 CFR Part 905) who are representing the Interior District and who are serving on the effective date of this amendment. Each member and alternate shall serve until a successor has been selected and qualified.

(b) *Successor grower members.* From the nominations made pursuant to § 913.17(a) or from other qualified persons, the Secretary shall select one member and one alternate member each to represent Grower Districts 2 and 3, two members and two alternates to represent Grower District 1, three members and three alternates to represent Grower District 4, or such other number of members and alternate members from each district as may be prescribed pursuant to § 913.14. At least two such members and their alternates shall be affiliated with bona fide cooperative marketing organizations, and at least two such

members and their alternates shall not be so affiliated.

(c) *Successor shipper members.* From the nominations made pursuant to § 913.17(b) or from other qualified persons, the Secretary shall select members and alternates of the committee. At least two members and their alternates shall represent bona fide cooperative marketing organizations which are handlers, and at least two members and their alternates shall represent handlers who are not so affiliated.

§ 913.19 Failure to nominate.

In the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of § 913.17, the Secretary may select such member or alternate member without regard to nominations.

§ 913.20 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 913.20 [Redesignated as § 913.15]

8. Section 913.21 is revised to read:

§ 913.21 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his or her absence, or (2) in the event of his or her removal, resignation, disqualification, or death, and until a successor for his or her unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this part as to nominations.

9. Section 913.31 is revised to read:

§ 913.31 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico by such handler as the first handler

thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period: *Provided*, That if the computation of the prorate bases of handlers includes all fruit handled as specified pursuant to § 913.43(e), each handler's pro rata share shall be the proportion his or her total shipments bear to the total shipments of all handlers. The Secretary shall fix the rate of assessment per standard packed carton of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped to the applicable destinations during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

10. Sections 913.41 and 913.42 are revised to read:

§ 913.41 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during the next succeeding week: *Provided*, That volume regulations shall not be recommended after such regulations have been effective for an aggregate of 14 weeks during any fiscal period.

(b) In making its recommendation, the committee shall give due consideration to the following factors:

- (1) Market prices for grapefruit;
- (2) Supply, maturity, and conditions of grapefruit in the production area;
- (3) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;
- (4) Trend and level in consumer income; and
- (5) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 913.42, has fixed the quantity of grapefruit which may be so handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the com-

mittee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 913.42 Issuance of volume regulation.

Whenever the Secretary finds, from information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled to destinations outside the regulation area but within the 48 contiguous States of the United States (including the District of Columbia), Canada, or Mexico during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That such regulations during each fiscal period shall not in the aggregate limit the volume of grapefruit shipments for more than 14 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price of grapefruit specified therefor in the act. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

11. Section 913.43 is revised to read:

§ 913.43 Prorate bases.

(a) Each person who desires to handle grapefruit shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 913.44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of grapefruit to destinations outside the regulation area in the 48 contiguous

RULES AND REGULATIONS

States of the United States (including the District of Columbia), Canada, or Mexico in the current season and his shipments to such destinations in the immediately preceding seasons, if any, within the representative period, in which he shipped grapefruit and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 51 weeks for each of such immediately preceding seasons within the representative period in which the handler so shipped grapefruit. For purposes of this section "representative period" means the three preceding seasons together with the current season; the term "season" means the 51 week period beginning with the first full week in August of any year; and the term "current season" means the period beginning with the first full week in August of the current fiscal period through the fourth full week preceding the week of regulation: *Provided*, That when official shipping records are available to the committee the term "current season" shall extend through the third full week preceding the week of regulation.

(e) If the committee determines that it is desirable and appropriate to include in the computation of prorate bases of handlers all grapefruit handled during the representative period by each handler applicant, it may, upon the approval of the Secretary, include all such fruit in such computation.

§ 913.45 [Amended]

12. In § 913.45 *Overshipment* the references to "500 boxes" and "1,000 boxes", respectively, are changed to "1,000 cartons" and "2,000 cartons", respectively.

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

Effective date: March 14, 1979.

Signed at Washington, D.C., on: February 2, 1979.

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

[FR Doc. 79-4635 Filed 2-9-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE
COMMISSION

[Docket 8992-0]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Coca-Cola Bottling Co., of New York, Inc.

AGENCY: Federal Trade Commission.

ACTION: Dismissal Order.

SUMMARY: This order dismisses a complaint issued against a New York City producer and marketer of various products, including soft drinks and wine, for alleged violations of Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The Commission, in dismissing the complaint, held that evidence failed to establish that the firm's merger with Franzia Bros. Winery would substantially lessen competition.

DATES: Complaint issued Sept. 10, 1974. Dismissal order issued Jan. 23, 1979.*

FOR FURTHER INFORMATION CONTACT:

Joseph S. Brownman, FTC/CSH, Washington, D.C. (202) 724-1679.

SUPPLEMENTARY INFORMATION: In the Matter of Coca-Cola Bottling Company of New York, Inc., a corporation.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The final order of dismissal is as follows:

FINAL ORDER

This matter has been heard by the Commission upon the appeal of complaint counsel from the initial decision and upon briefs and oral argument in support of and in opposition to the appeal. For the reasons stated in the accompanying Opinion, the Commission has denied the appeal. Therefore,

It is ordered, That pp. 1-99 of the Initial Decision of the administrative law judge be adopted as the Findings of Fact of the Commission, except for Finding 65, final two sentences; Findings 210-211; Finding 237; Finding 332; and after changing in Finding 145, line 4, "two" to "one" and deleting "(1) That there are many actual or potential distributors available for wine producers and * * *". In addition, these findings and initial decision, pp. 100-112 are not adopted to the extent inconsistent with the accompanying opinion.

It is further ordered, That the complaint be dismissed.

*Copies of the Complaint, Initial Decision, Opinion of the Commission and Final Order are filed with the original document.

By the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4568 Filed 2-9-79; 8:45 am]

[6750-01-M]

[Docket No. C-2951]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Zayre Corp.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Framingham, Mass. discount department store chain to cease inducing or receiving discriminatory promotional allowances, services or facilities from its suppliers; and would prohibit the firm from boycotting or decreasing its purchases from recalcitrant suppliers. The company is also required to maintain specified records for a five-year period; and bear all costs of any trade show it sponsors, organizes or directs.

DATES: Complaint and order issued January 19, 1979.¹

FOR FURTHER INFORMATION CONTACT:

Harry Garfield, Acting Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Rm. 1301, Boston, Mass. 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION: On Tuesday, September 12, 1978, there was published in the FEDERAL REGISTER, 43 FR 40537, a proposed consent agreement with analysis in the Matter of Zayre Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Sub-

¹Copies of the Complaint and Decision and Order filed with the original document.

part—Boycotting Seller-Suppliers: § 13.302 Boycotting seller-suppliers. Subpart—Coercing and Intimidating: § 13.370 Suppliers and sellers. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart—Discriminating In Price Under Section 5, Federal Trade Commission Act: § 13.892 Knowingly inducing or receiving discriminating payments. Subpart—Enforcing Dealings or Payments Wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45))

By the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-4606 Filed 2-9-79; 8:45 am]

[7040-01-M]

Title 18—Conservation of Power,
Water Resources

CHAPTER VIII—SUSQUEHANNA
RIVER BASIN COMMISSION

PART 803—REVIEW OF PRODUCTS

Water Conservation Policy and
Standards for the Susquehanna
River Basin

AGENCY: Susquehanna River Basin
Commission.

ACTION: Final rule.

SUMMARY: The Commission by this action establishes a water conservation policy requiring new users and suppliers to maximize their water use efficiency by using available, feasible water conservation technology. Existing water users and suppliers would also have to comply with the conservation requirement within a reasonable time. In conjunction with adoption of the policy, the Commission by this action also amends its regulations governing review of projects.

DATE: Effective January 11, 1979.

FOR FURTHER INFORMATION
CONTACT:

Robert J. Bielo, Executive Director,
Susquehanna River Basin Commission,
1721 N. Front Street, Harris-
burg, Pa, 17102, (717) 238-0422.

SUPPLEMENTARY INFORMATION:
A notice of proposed rulemaking and
public hearing was published in the
FEDERAL REGISTER on October 12, 1978
(43 FR 46980).

COMMENTS RECEIVED AND RE-
SPONSES: Several comments were re-

ceived in regard to the proposed policy and standards. A summary of the comments and the Commission's responses follow:

1. *Comment:* Water meters are not always practical measuring devices of industrial water use within an industrial manufacturing or processing system.

Response: The Commission amended Section 803.63(b)(2) by deleting the words, "Install meters as necessary * * *," and substituting the words, "Install meters or other suitable devices or utilize acceptable flow measuring methods * * *"

2. *Comment:* The standards are vague and undefined, or the standards are too specific for certain users and suppliers.

Response: There is a need to retain flexibility, and, therefore, many requirements were purposely left in general form. This is recognition on the part of the Commission that conservation methods must be molded to fit the individual needs and systems of public water suppliers, industrial users and agricultural users, and gives the Commission the flexibility to accept proposals from sponsors which introduce new ideas and concepts. The Commission will study each applicant's situation to assure that the regulation's application is reasonable in the light of the objectives the Commission seeks to achieve.

3. *Comment:* Regulations are unnecessary because consumptive use is the real concern which the Commission has already addressed in other regulations.

Response: Even if a particular use is not consumptive, there is a potential for loss in the withdrawal and circulation system due to leakage and evaporation. Certainly not all of the water lost through such occurrences finds its way back into the basin.

More importantly, the temporary withdrawal of water from the system makes that much less available for use within the system. Water may not always be returned at the point of taking, placing a hardship on the reach of stream in between taking and discharge. Further, water returning may not be of the same quality or usability. It may be returned at a higher temperature or it may contain chemical or biological pollutants. All of these considerations as well as the need to save energy and reduce treatment costs favor the implementation of a water conservation policy applicable to nonconsumptive uses.

4. *Comment:* There is no need for regulation of industrial water use since there is sufficient economic incentive for conservation.

Response: The Commission recognizes that economic incentives, brought about primarily by rising

energy costs, have prompted water conservation by many users, particularly industrial users. To the extent this has occurred, the Commission's policy will be complementary, and it does not argue against adoption of the proposed policy. Further energy savings may be experienced as incidental to implementation of water conservation programs and techniques by all users.

5. *Comment:* Costs of installing water conservation devices will exceed savings. New pricing structures will affect municipal revenues. Business and industries will be driven out by new water pricing structures based on conservation.

Response: The water supplier is not asked to directly bear the cost of installing certain water saving devices, but only to require that customers install such devices. As to water conservation pricing, innovative pricing schemes such as "seasonal" or "peak-responsibility" pricing can reduce peaks while requiring peak users to bear the full burden of their consumption pattern. Rather than being arbitrary, such pricing mechanisms bring about a closer relationship between the costs to the users and the benefits received than does either a declining block rate or a flat rate. Additionally, the price charged other systems would more accurately reflect true costs of supplying that water. Second, because of the acknowledged low price elasticity of demand for most classes of water users, modest rate increases will offset most, if not all, of the revenues lost through decreased consumption. Third, from our review of economic development literature, we found no indication that the price (as opposed to the availability) of water is a key variable in all industrial decisions regarding plant location.

6. *Comment:* Energy conservation and wastewater treatment costs are not legitimate concerns of the Commission and are not, therefore, justification for imposing regulations.

Response: Use of energy and the cost of treatment could impinge upon the quality and quantity of the basin's water resources making these legitimate ancillary concerns of the Commission. If more energy is used, then generating facilities in the basin take more water for cooling in order to produce more electricity. Reduction of treatment costs by reducing wastewater flows is a desirable incidental benefit from water conservation.

7. *Comment:* SRBC does not have the statutory authority to promulgate such a policy and standards.

Response: Article 3, Section 3.5(1) of the Susquehanna River Basin Compact, Pub. L. 91-575, 84 Stat. 1509 et seq., provides, inter alia, that, "The

[4410-01-M]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 816-79]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart M—Land and Natural Resources Division

ASSIGNMENT OF LITIGATION RESPONSIBILITIES

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order reassigns responsibility for civil and criminal litigation involving enforcement of certain federal statutes from the Civil and Criminal Divisions to the Land and Natural Resources Division.

EFFECTIVE DATE: February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

James W. Moorman, Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, (202-633-2701).

By virtue of the authority vested in me by 28 U.S.C. 509 and 510 and 5 U.S.C. 301, Subpart M of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding a new paragraph (j) to § 0.65 to read as follows:

§ 0.65 General functions.

(j) Criminal suits and civil penalty and forfeiture actions relating to wildlife law enforcement under the Endangered Species Act of 1973 (16 U.S.C. 1531-1543); the Lacey Act and related provisions (18 U.S.C. 41-44, 47); the Black Bass Act (16 U.S.C. 851-856); the Airborne Hunting Act (16 U.S.C. 742j-1); the Migratory Bird Act (16 U.S.C. 701, *et seq.*); the Wild Horses and Wild Burros Act (16 U.S.C. 1331-1340); the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d); and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Dated: February 1, 1979.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 79-4566 Filed 2-9-79; 8:45 am]

tory agencies to take full advantage of their ongoing programs and capabilities.

18 CFR Part 803, Subpart D is amended by adding a new section, § 803.63, to read as follows:

• • • • •
§ 803.63 Water Conservation Requirements.

Any project sponsor proposing to withdraw water from surface or groundwater sources or both shall comply with the following requirements:

(a) Public water supply utilities. As circumstances warrant, the utility shall:

(1) Reduce distribution system losses to a level not exceeding 20 percent of the gross withdrawal.

(2) Install meters for all users and/or otherwise establish a program of water conservation that will include:

(i) The installation of water conservation devices, as applicable, by all classes of users;

(ii) Preparation and distribution of literature to customers describing available water conservation techniques; and

(iii) Implementation of a water pricing structure which encourages conservation.

(b) Industrial water users. Industrial users shall:

(1) Establish a company representative to manage plant water use.

(2) Install meters or other suitable devices or utilize acceptable flow measuring methods for accurate determination of water use by various parts of the company operation.

(3) Install flow control devices, which match the needs of the equipment being used for production.

(4) Evaluate and implement applicable recirculation and reuse practices.

(c) Agricultural irrigation. Water users for irrigation purposes shall:

(1) Utilize irrigation systems properly designed for the farm's respective soil characteristics, topography, and cropping systems.

(2) Irrigate for food crops only as necessary to achieve optimum crop production, except in periods of prolonged drought when irrigation is applied to protect against crop failure.

Dated: January 31, 1979.

ROBERT J. BIELO,
Executive Director.

[FR Doc. 79-4567 Filed 2-9-79; 8:45 am]

commission shall develop and effectuate plans, policies, and projects relating to water resources, adopt, promote and coordinate policies and standards for water resources conservation, control, utilization, and management." Article 3, Section 3.10 requires that the Commission review and approve projects affecting the water resources of the basin, and the Commission will use these standards to evaluate proposed projects pursuant to this review requirement. Article 15, Section 15.2 gives the Commission the authority to "make and enforce rules and regulations for the effectuation, application and enforcement of the Compact."

8. *Comment:* As applied to existing groundwater users in Pennsylvania, the policy and standards are violative of the due process and just compensation clauses of the fifth and fourteenth amendments of the U.S. Constitution.

Response: Pennsylvania, a common law jurisdiction, applies a doctrine of law to groundwaters which is generally recognized as the American Rule, or reasonable use doctrine of percolating groundwaters. This doctrine recognizes a landowner's right to percolating water in his land to the amount necessary for useful and beneficial purposes on the land from which the water is withdrawn. It does not, however, condone wasting water.

Underlying the Commission's water conservation policy is the management principle of efficient use of water. It is an effort by the Commission to assure continued and future availability of water; not to deny water when and where needed. The Commission's policy would not interfere with existing rights and may, in fact, enhance them.

The water conservation policy adopted by the Commission is as follows:

Now therefore be it resolved that:

1. The Commission hereby adopts a water conservation policy (a) to require new industrial, commercial, municipal and agricultural water users in the Susquehanna River Basin to maximize their water use efficiency by utilizing available, feasible water conservation technologies including the reuse of water, metering, pressure control and other use reduction techniques and (b) to require within reasonable time and as may be feasible existing users adopt similar water conservation practices.

2. To implement this policy, the Commission shall develop a water conservation program consisting of appropriate standards, economic incentives, and measures to promote the public understanding of conservation benefits and costs.

3. The Commission shall coordinate implementation of its conservation program with the appropriate signa-

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 7-79-1R]

PART 127—SECURITY ZONES

Security Zone—Vicinity of Kennedy Space Center, Merritt Island, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Security Zone regulations establishes the specified area in the vicinity of the Kennedy Space Center, Merritt Island, Florida as a security zone. The security zone is established to prevent interference with or sabotage to any space vehicles landing or being launched from the Kennedy Space Center and to safely control vessel movement within the immediate vicinity of Kennedy Space Center prior to, during, and immediately after the launching or landing of a space vehicle.

EFFECTIVE DATES: This amendment becomes effective March 1, 1979 and is effective until further notice.

FOR FURTHER INFORMATION CONTACT:

LTJG C. T. SCHMINCKE or LTJG S. D. HEATH, c/o Commanding Officer, USCG Marine Safety Office; Room 213, 2831 Talleyrand Avenue, Jacksonville, Florida 32206; Telephone: (904) 791-2648.

SUPPLEMENTARY INFORMATION: Beginning in March 1979, tests will be conducted at Cape Kennedy, FL on the Orbital Lander. Test flights and landings will be conducted periodically during the period between March 1979 and September 1980.

As a result of considerable public interest shown in California and Texas when the Orbital Lander was being tested, it is anticipated that similar interest will exist for the test launchings and landings at Cape Kennedy. Due to this public interest and in the interest of safety during these tests, Kennedy Space Center Security has requested that the existing security zone be expanded. This security zone will be enforced by representatives of the Captain of the Port, Jacksonville, FL. The Captain of the Port will be assisted in enforcing this security zone by the Brevard County Sheriffs Department and the Kennedy Space Center security division.

Prohibited Acts. As provided in the General Security Zone Regulations (33 CFR 127.15) no person or vessel may

enter a security zone unless authorized by the Captain of the Port or District Commander.

Penalties. Violation of this security zone will be prosecuted under the authority of 50 USC 191, which provides for the seizure and forfeiture of vessels and imprisonment for up to 10 years and a fine of up to \$10,000.

Drafting Information: the principal persons involved in the drafting of the rule making are LTJG C. T. SCHMINCKE, Project Officer, LTJG S. D. HEATH, Port Operations Officer, Marine Safety Office, Jacksonville, Florida 32206; telephone (904) 791-2648; The project attorney is LT. J. M. GRIESBAUM, c/o Commander, Seventh Coast Guard District, 51 SW 1st Avenue, Miami, Florida 33130; telephone (305) 350-5653.

In consideration of the above, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.701 to read as follows:

§ 127.701 Vicinity, Kennedy Space Center, Merritt Island, FL.

All land, water, and land and water bounded by and within the perimeter commencing at the intersection of the Cape Canaveral Barge Canal and Banana River at position 28-24.55N, 80-39.8W, due West along the Northern shoreline of the Barge Canal for thirteen hundred (1,300) yards, thence due North to position 28-28.7N, 80-40.5W, on Merritt Island, thence on an irregular line from this position to the Eastern shoreline of the Indian River to a position thirteen hundred (1,300) yards South of NASA Causeway at position 28-30.9N, 80-43.7W, (the line from the Barge Canal to the Eastern shoreline of the Indian River is marked by a three (3) strand barbed wire fence), thence North on the shoreline of the Indian River to the NASA Causeway at position 28-31.5N, 80-43.8W. The line will continue West on the Southern shoreline of the NASA Causeway to NASA gate number three (3) (permanent) then North to the Northern shoreline of NASA Causeway and East on the Northern shoreline of the Causeway back to the shoreline on Merritt Island at position 28-31.6N, 80-43.7W, thence Northwesterly along the shoreline to position 28-41.02N, 80-47.17W (Blackpoint), thence due North to Channel marker #6 on the Intracoastal Waterway, thence North Easterly along the Southern edge of Intracoastal Waterway to the Western entrance to Haulover Canal; thence Northeasterly along the Southern edge of Haulover Canal to the Eastern entrance to the Canal, thence due East to a point in the Atlantic Ocean three (3) miles off shore at position 28-44.7N, 80-37.85W, thence Southerly along a line three (3) miles from the coast to wreck buoy

"WR6" thence to Port Canaveral Channel lighted Buoy "10" thence Westerly along the Northern edge of the Port Canaveral Channel to the Northeast corner of the intersection of the Cape Canaveral Barge Canal and Intracoastal Waterway in the Banana River at Position 28-24.6N, 80-38.7W Northerly along the east side of the Intracoastal Waterway to NASA Causeway East (Orsino Causeway), thence Westerly along the Southern shoreline of NASA Causeway East to the shoreline on Merritt Island at position 28-31.2N, 80-37.4W, thence South on the shoreline to the starting point. The area designated herein shall be closed to all vessels and persons, except those vessels and persons authorized by Commander, Seventh Coast Guard District, or Captain of the Port, Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government. Closure of the Security Zone, or specified portions of it, will be as specified by Captain of the Port, Jacksonville, FL, in locally promulgated announcements. The closing of the area will be signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28-35N, 80-34.6W, and from a 90-foot pole near the shoreline at approximately 28-25.3N, 80-35W. Appropriate local Notice to Mariners will also be broadcast on 2670 KHZ.

(40 Stat. 220 as amended (50 U.S.C. 191), Sect. 1; 63 Stat. 503 (14 U.S.C. 91), sec. 6(b)(1); 80 Stat. 937 (49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949-1953 Comp. 356, 778, 873; 3 CFR 1964-1965 Comp. 349; 33 CFR Part 6; 49 CFR 1.46(b)).

Dated: January 9, 1979.

J. C. HANSON,
Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, Florida.

[FR Doc. 79-4601 Filed 2-9-79; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Gen. Docket No. 78-208; FCC 79-67]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Providing for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz

AGENCY: Federal Communications Commission.

ACTION: Final Order.

SUMMARY: Amendment of the rules to provide for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz, effective permissively immediately and mandatorily on May 1, 1979. This action completes a Commission program to shift from double sideband (DSB) to single sideband emission in the band 2000-2850 kHz, initiated in 1968. This amendment also provides improvements in the maritime mobile service distress system.

EFFECTIVE DATE: March 16, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety & Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 81 and 83—to provide for the use of single sideband emission A3J (suppressed carrier) on the maritime mobile service radiotelephone frequency 2182 kHz; Report and Order (Proceeding Terminated).

Adopted: January 31, 1979.

Released: February 7, 1979.

By the Commission:

1. The Notice of Proposed Rule Making in this proceeding was released on July 21, 1978 (FCC 78-487) and was published in the FEDERAL REGISTER on July 28, 1978 (43 FR 32835). The dates for filing comments and replies have passed.

BACKGROUND

2. In the Notice of Proposed Rule Making we included a comprehensive discussion of the circumstances which caused the Commission to:

—initiate (in 1967 and 1968) its two phase program of (1) shifting short range communications to VHF and (2) converting radiotelephone communications in the 2000-2850 kHz band from double

sideband (DSB) to single sideband (SSB) emission;

—provide for the use of full carrier SSB (A3H), particularly on the frequency 2182 kHz, during the transition from DSB to SSB; and

—provide for completion of the transition to SSB by January 1, 1977.

3. In the Notice of Proposed Rule Making we also gave comprehensive consideration to technical and operational matters involved, on the frequency 2182 kHz, in the termination of use of full carrier (A3H) SSB and initiation of service by suppressed carrier (A3J) SSB. It was our intent and we think we did make clear: (1) that a shift to A3J emission on 2182 kHz would support a substantial improvement in safety system communications between vessels at sea and between vessels and shore; (2) that we recognized there would be a small minority of vessels, generally of foreign registry, which would be unable to employ A3J emission; (3) that, however, the inability of a small minority should not impede enhancement of the safety system for the large majority. Further, it is our understanding that the U.S. Coast Guard, who favor this rule making, can communicate with foreign vessels on 2182 kHz.

COMMENTS

4. Comments were filed by: American Institute of Merchant Shipping (AIMS), American Telephone and Telegraph Company (AT&T), Bartell Marine Electronics, Beacon Marine Corporation, Bibbins & Rice Electronics, Central Committee on Telecommunications of the American Petroleum Institute (API), CME Incorporated, Communications Associates, Inc., Communications, Inc., Connecticut Marine Electronics, Inc., Dolphin Electronics, Inc., DuBose Marine Radio, Inc., Electronic Services, Inc., Florida Diesel & Marine Service, Inc., Gulf Radiotelephone & Electronics, Inc., Hull Electronics Company, Jerry's Marine Electronics, Jensen Communications, Inc., Konel Corporation, Larry Smith Electronics, Inc., MacDougalls Cape Cod Marine Service, Inc., Marine Electronics and Hardware, Inc., RADCOM, Inc., Radio Technical Committee of the United States Power Squadrons (USPS), R. H. Sassaman Co., Inc., Rockwell International Corporation (Rockwell), Seacoast Electronics, Inc., SGC, Inc., and Technical Electronics Corp.

SUMMARY OF COMMENTS

5. Of the twenty-nine persons filing comments, twenty-six strongly support the proposed rule amendments and urge that they be finalized quickly. AT&T, USPS and Rockwell support the rule making in principle, and offer no objection to the shift of 2182 kHz

to A3J emission if that shift is on a permissive basis effective November 1, 1978. Alternatively, if the Commission intends that the shift be on a mandatory basis effective November 1, 1978, AT&T, USPS and Rockwell address practical difficulties which they would face in compliance on such short notice. If the shift is to be made on a mandatory basis, AT&T, USPS and Rockwell suggest:

—AT&T: (1) If the emission on 2182 kHz is to be limited to suppressed carrier (A3J), postpone the effective deadline date for 120 days; and

(2) In regard to working frequencies, permit public coast class II-B stations to use either reduced carrier (A3A) or suppressed carrier (A3J).

—USPS: Provide a transition period which, preferably, ends after the winter lay up.

—Rockwell: Provide a transition period of one to two years.

6. AT&T. The Notice of Proposed Rule Making did not take into consideration and, thus, did not directly treat the two matters raised by AT&T. We overlooked the fact that the Public Coast Class II-B stations operated by the Bell System companies maintain a watch on 2182 kHz¹ by means of a special function² receiver. AT&T states, quite reasonably, that they require 120 days to make changes so that those receivers will operate with A3J emission. As to the second matter, the proposed rules when applied to Public Coast Class II-B stations, inadvertently affect the emission employed on working frequencies used for public correspondence.

7. USPS, comments fully support the conversion from emission A3J to emission A3J on 2182 kHz. With regard to a final date after which only emission A3J will be permitted on 2182 kHz, the USPS states that in order to complete a conversion involving a large number of vessels, it is essential that time be provided in which to permit the present users to have their transmitters modified as a part of regular servicing or during at least one winter lay up. On the other hand, if vessels, on a permissive basis, may commence use of emission A3J on 2182 kHz on November 1, 1978, the USPS offers no objection to the program commencing on that date.

8. ROCKWELL,³ in their comments support the conversion from emission

¹For calls from ship stations desiring to establish communications on the Public Coast Class II-B public correspondence working frequencies.

²Designated "CODAN", which for proper operation requires that the transmitting (ship) station provide either a full or a reduced carrier.

³Rockwell International acquired Collins Radio Company in 1973. Collins Radio was one of the leaders in the development and marketing of viable single sideband equip-

Footnotes continued on next page

A3H to emission A3J on 2182 kHz, but urge, in regard to a mandatory date for completion of this conversion, that a period of one and preferably two years be provided. On the other hand, Rockwell does not oppose a date such as November 1, 1979, after which emission A3J will be permitted as the preferred (primary) emission to be employed for radiotelephone communications on the frequency 2182 kHz. Rockwell is the only manufacturer of marine equipment which expresses the need for time in which to modify their transmitters in order to convert from emission A3H to emission A3J on 2182 kHz.

9. Rockwell advises that some modification is required to each Rockwell transmitter now in service and, further, advises that it will be necessary to issue instructions and perhaps change kits to effect these modifications. Rockwell suggests, as a means of expediting the transition, that the Commission consider including in this Report and Order a blanket approval of, as relates to type acceptance requirements, these transmitter modifications. Rockwell does not, however, identify the nature of these modifications or provide guidance as to the extent of modification required.

DISPOSITION OF COMMENTS

10. As stated in paragraph 5, above, twenty-six of the commenters strongly supported the proposed rule amendments and urged that they be finalized quickly. The other (3) commenters offered no objection to the proposed amendments if initiated on a permissive basis. We are, therefore, authorizing coast and ship stations to use emission A3J on 2182 kHz effective immediately, as set forth in the attached Appendix. The date for termination of use of emission A3H on 2182 kHz is treated in paragraph 15, below.

11. As summarized above: AT&T advises that they require 120 days in which to modify the receivers with which they guard 2182 kHz at Public Coast II-B stations; USPS advises a transition ending after the winter lay up is preferred; and Rockwell urges a transition of one to two years be provided. The requirements of AT&T and USPS can be satisfied if the transition to A3J emission on 2183 kHz is terminated on April 30, 1979.

Footnotes continued from last page
 ments for use by Government and non-Government stations in the fixed, aviation and maritime services. Collins for many years was, and may still be, one of the stronger advocates of use of the suppressed carrier mode of single sideband. Collins fully supported the Commission's (1968) program to convert maritime radiotelephone communications in the 2000-2850 kHz band from double sideband to single sideband emission. In that proceeding they urged that upon completion, the program result in the use of suppressed carrier emission.

12. With regard to the transition requested by Rockwell, we are not persuaded that a transition of one to two years is necessary. While fitted with Rockwell SSB equipment, we would expect that number, relative to the total users of 2182 kHz, to be comparatively small. It seems reasonable to expect that many of those vessels could be converted by April 30, 1979, which would leave an even smaller number of unconverted after April 30, 1979. Rather than provide an extended transition period to accommodate a relatively few vessels, we prefer that Rockwell advise us, for example, during March 1979, of the vessels which will be unconverted on April 30, 1979, and to request a waiver, for a reasonable period of time, beyond that date.

13. Accordingly, as set forth in the attached Appendix, we are adopting the date of April 30, 1979, as the final date for transition from emission A3H to emission A3J on the frequency 2182 kHz by public coast stations and U.S. vessels operating in waters of the United States. This requirement does not change the present and continuing requirement that United States registry vessels transiting International waters, national waters of other countries, or for communication with foreign ship and coast stations, have the capability to employ emission A3H on 2182 kHz.

14. We are not adopting Rockwell's suggestion that we extend a blanket authorization to modify their transmitters to operate emission A3J on 2182 kHz. It is not necessary that we treat that matter in a rule making proceeding. We will, therefore, await receipt from Rockwell of a more detailed description of the nature of these modifications.

15. With regard to AT&T's request that Public Coast II-B stations be permitted to continue to employ emission A3A on their working frequencies, we concur. It is noted that AT&T recently completed extensive modifications, which are based on the use of emission A3A, to improve service at these stations. This rule making was not intended to extend to emissions employed on working frequencies of Public Coast II-B stations. The concerned rules have been amended to correct this inadvertence, as set forth in the attached Appendix.

16. In Appendix B to their comments, AT&T suggests that A3A emission be included aboard vessels mandatorily fitted with a radio-telephone installation pursuant to Subparts S and T of the rules (to comply with Parts II and II of Title III of the Communications Act of 1934, as

⁴The proposed amendments would be to §§ 83.484, 83.514 and 83.517 of the rules.

amended). We are not adopting this suggestion on the basis: (1) that use of emission A3A is limited to ship station transmissions on the working frequencies received by Public Coast Class II-B stations; (2) that the primary safety watch in the 2000-2850 kHz band is provided by the United States Coast Guard on the frequency 2182 kHz where emission A3J is specified; (3) that the guard by Public Coast Class II-B stations on the frequency 2182 kHz will be with emission A3J effective May 1, 1979; (4) that we are continuing the requirement that ship stations provide a capability to transmit and receive with emission A3H; however, this is necessary to assure that the vessel can communicate with foreign coast stations and with vessels of foreign registry; and (5) we do not require that vessels fitted pursuant to Subpart T of the rules communicate with or have the capability to communicate with Public Coast Class II-B stations on their working frequencies. It is our view that an inadequate basis exists to additionally require that the concerned vessels provide the capability to transmit and to receive with emission A3A.

17. In reviewing Parts 81 and 83 as a follow-on of the Notice of Proposed Rule Making in this matter, we note that there are a number of places where changes are required in order to provide uniformity in the rules based on the decisions reached in this proceeding. These changes are of an editorial nature and are included in the attached Appendix.

18. In adopting the change from A3H to A3J on 2182 kHz it is recognized that vessels going on international voyages will have to use A3H on 2182 kHz to communicate with foreign coast stations and foreign ship stations. Such use is permitted by § 83.171.

19. Regarding questions on matters covered by this document contact Walter E. Weaver, (202) 632-7197.

20. Accordingly, *it is ordered*, That pursuant to the authority contained in Section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 81 and 83 of the Commission's rules ARE AMENDED, as set forth in the attached Appendix, effective March 16, 1979.

21. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS
 COMMISSION,
 WILLIAM J. TRICARICO,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

RULES AND REGULATIONS

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. § 81.104, paragraphs (b) and (d) are amended to read as follows:

§ 81.104 Facilities required for coast stations.

(b) Each coast station using telephony on frequencies in the band 1605-3500 kHz shall be equipped and licensed to transmit on the frequency 2182 kHz and at least one working frequency in that band.

(d) Each coast station licensed to transmit on frequencies in the band 1605-3500 kHz shall be capable of receiving A3J¹ emission on the frequency 2182 kHz and receiving A3A or A3J on at least one working frequency in that band.

¹Transition to A3J to be completed on or before April 30, 1979.

Frequency band (kHz)	Class of Station	Class of emission	Transmitter power
2000 to 4000 ¹	Any	A3A, A3J	800 watts by day. 400 watts by night.
4000 to 27500	Class I	A3A, A3J	50 kilowatts.
	Class II	A3A, A3J	1000 watts.

¹When using 2182 kHz for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 50 watts for A3J emission.

(e) For marine fixed and marine receiver-test stations, transmitter power shall not exceed 150 watts for A3A and A3J emissions and 50 watts for F3 emissions.

(g) For coast stations in the Alaska area, transmitter power in the bands below 12,000 kHz shall not exceed the indicated values:

Frequency band (kHz)	Class of emission	Transmitter power (watts)
400-525	A1 and A3, or A3H.	265
1605-12,000 ¹	A1, A3A and A3J..	150

¹When using 2182 kHz for purposes other than distress calls and distress traffic, and urgency and safety signals and messages, the carrier power of limited coast stations shall not exceed 50 watts for A3J emission.

2. In § 81.132, paragraphs (a)(2)(i) and (a)(3) are amended to read as follows:

§ 81.132 Authorized classes of emission.

Frequency band	Classes of emission
(a)(2) Coast stations using radiotelephony; (i) For frequencies below 23 MHz in § 81.304(a): 2182 kHz	A3J as specified in 81.304(c).
(a)(3) Marine fixed and marine receiver-test stations: 2000 to 2850 kHz except for 2182 kHz. 2182 kHz	A3A and A3J. A3J ¹ .

¹Transition to A3J to be completed on or before April 30, 1979.

3. In § 81.134, the table and footnote 1 of paragraph (c)(1) and paragraphs (e) and (g) are amended to read as follows:

§ 81.134 Transmitter power.

(c)(1) * * *

4. In § 81.191, paragraph (c)(1) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

(c)(1) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 1605 to 3500 kHz shall, during its hours of service for telephony, maintain an efficient watch for reception of A3J¹ emission on the carrier frequency 2182 kHz whenever such station is not being used for transmission on that frequency: *Provided*, That the Commission may exempt any coast

¹The transition from emission A3H to emission A3J shall be completed on or before April 30, 1979.

station from compliance with this requirement if it considers that the frequency 2182 kHz is adequately guarded by other stations or that circumstances relative to the operation or location of the involved coast stations are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph. The watch referred to in this subparagraph will not be deemed "efficient" unless the coast station is capable of normally receiving A3J¹ emission on 2182 kHz for mobile stations within the associated working frequency service area of the coast station, including periods of time when the coast station is transmitting on any other authorized frequency.

5. In § 81.304, paragraph (c) is amended to read as follows and paragraph (d) is deleted and designated Reserved.

§ 81.304 Frequencies available.

(c) Except as provided in Section 81.142(d) and 81.191(c)(1), public coast stations are required to have the capabilities of using A3A, A3H, and A3J emission.

(d) [Reserved]

6. In § 81.360, paragraph (a)(1)(v) is amended to read as follows:

§ 81.360 Frequencies available below 4000 kHz.

(a)(1)(v) On 2182 kHz, limited coast stations are required to have the capability to receive A3J¹ emission.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.104 [Amended]

1. In § 83.104, subparagraph (i) is deleted.

2. In § 83.106, paragraph (a) is amended to read as follows:

§ 83.106 Required frequencies for radiotelephony.

(a) Each ship radiotelephone station licensed to operate in the band 1605 to 3500 kHz shall be able to receive and transmit the emission A3J² on the car-

¹The transition from A3H emission to A3J emission shall be completed on or before April 30, 1979.

²Capability for A3J emission 2182 kHz shall be completed on or before April 30, 1979.

rier frequency 2182 kHz. Ship stations are, additionally, authorized to receive and transmit using emission A3H for communications with foreign coast stations and with vessels of foreign registry. If the station is used for other than safety communications, it shall be capable also of receiving and transmitting the emission A3A and A3J on at least two other frequencies in that band. For ship stations on vessels operating (1) exclusively on the Mississippi River and its connecting waterways, and (2) also on high frequency bands above 3500 kHz, such stations may be equipped with only one, instead of two, other frequencies within the band 1605-3500 kHz in addition to the frequency 2182 kHz.

3. In § 83.132, paragraph (a)(2)(i) is amended to read as follows:

§ 83.132 Authorized classes of emission.

Frequency band	Classes of emission
2182 kHz	A3J ¹
All other frequencies	A3A, A3J ²

(a)(2) Stations using radiotelephony: (i) For frequencies below 23 MHz designated in § 83.351:

2182 kHz	A3J ¹
All other frequencies	A3A, A3J ²

¹Ship stations are, additionally, authorized to receive and transmit using emission A3H for communication with foreign coast stations and with vessels of foreign registry.

²The transition to emission A3J shall be completed on or before April 30, 1979.

³Additionally, emission A3H is authorized on 3023.5 and 5680 kHz until February 1, 1982.

Frequency band	Emission	Carrier frequency
405-535 kHz	A2	500 kHz ¹
1605-3500 kHz	A3J ¹	2182 kHz
118-135 MHz	A2, A3, A9	121.5 MHz
	A3	123.1 MHz
156-162 MHz	F3	156.8 MHz
225-399.9 MHz	A9	243 MHz

¹Capability for A3J emission on 2182 kHz shall be completed on or before April 30, 1979.

²The maximum transmitter power obtainable shall be used.

6. In § 83.242, paragraph (b) is amended to read as follows:

§ 83.242 Transmission of distress message by a station not itself in distress.

(b) The transmission of a distress message under the conditions prescribed in paragraph (a) of this section shall be made on either or all of the international distress frequencies (500

4. In § 83.201, paragraph (b) is amended to read as follows:

§ 83.201 Watch required during silence periods.

(b) Except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station licensed to transmit by telephony on one or more frequencies within the band 1605-3500 kHz shall, during its hours of service for telephony, maintain an efficient watch on the authorized carrier frequency 2182 kHz, whenever such station is not being used for transmission on that frequency or for communication on other frequencies in this band. Such watch shall, insofar as possible, be maintained at least twice each hour for 3 minutes commencing at x h. 00 and x h. 30, Greenwich mean time. Except for messages of distress, urgency and vital navigational warnings, ship stations shall not transmit on 2182 kHz during the silence periods.

5. In § 83.233, the table is amended to read as follows:

§ 83.233 Frequencies for use in distress.

In case of distress, mobile stations shall, in the bands set forth below, use the frequencies specified when requesting assistance from the maritime service. The preferred types of emission are shown. When a ship station cannot transmit on the designated frequency, it shall use any available frequency on which attention might be attracted.

kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone) or on any other available frequency on which attention might be attracted.

7. In § 83.248, paragraph (a) is amended to read as follows:

§ 83.248 Urgency message.

(a) The urgency signal and call, and the message following it, shall be sent

on one of the international distress frequencies (500 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

8. In § 83.249, paragraph (d) is amended to read as follows:

§ 83.249 Safety signals.

(d) The safety signal and call shall be sent on one of the international distress frequencies (500 kHz radiotelegraph; 2182 kHz or 156.8 MHz radiotelephone). However, stations which cannot transmit on a distress frequency may use any other available frequency on which attention might be attracted.

9. In § 83.365, paragraph (a)(4) is amended to read as follows:

§ 83.365 Procedure in testing.

(a)(4) Testing of transmitters shall, insofar as practicable, be confined to working frequencies without two way communications. However, 2182 kHz and 156.8 MHz may be used to contact other ship or coast stations when signal reports are necessary. U.S. Coast Guard stations may be contacted on 2182 kHz for test purposes only:

(i) When tests are being conducted during inspections by Commission representatives or when qualified radio technicians are installing equipment or correcting deficiencies in the station radiotelephone equipment. In these cases the test shall be identified as "FCC" or "technical" and logged accordingly; or

(ii) (As an interim measure pending final resolution in Docket No. 21089.) When short tests, by vessels which continue to rely upon the use of DSB equipment for distress and safety purposes, are required as a means to evaluate the compatibility of that equipment with an SSB emission A3J system.

10. § 83.484, paragraphs (a) and (d)(2) are amended to read as follows:

§ 83.484 Radiotelephone transmitter.

(a) The transmitter shall be capable of effective transmission of A3H and A3J¹ emissions on 2182 kHz, 2638 kHz,

¹Capability for A3J emission on 2182 kHz shall be completed on or before April 30, 1979.

RULES AND REGULATIONS

in accordance with § 83.351, and at least two other frequencies within the band 1605 to 3500 kHz available for ship-to-shore or ship-to-ship communication.

(d) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts peak envelope power for A3H and A3J¹ emissions on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

11. In § 83.488, paragraph (a) is amended to read as follows:

§ 83.488 Radiotelephone receivers.

(a) The receiver used for maintaining the watch required by §§ 83.202(b) and 83.203(b) shall be capable of effective reception of A3H and A3J¹ emissions, shall be connected to the antenna system specified by § 83.494, and shall be preset to, and capable of accurate and convenient selection of, the frequencies 2182 kHz, 2638 kHz, and the receiving frequencies associated with the transmitting frequencies provided pursuant to § 83.484(a).

12. In § 83.514, paragraph (a)(1) is amended to read as follows:

§ 83.514 Radiotelephone installation.

(a)(1) The radiotelephone installation shall include a transmitter capable of effective transmission of A3H and A3J¹ emissions and a receiver capable of effective reception of A3H and A3J emissions within the band 1605 to 2850 kHz; or alternatively, if the vessel is within communication range of a public coast station or U.S. Coast Guard station operating in the band 156 to 162 MHz which maintains an efficient watch for the reception of F3 emission on 156.8 MHz at all times while the vessel is navigated in waters specified in § 83.511, and the vessel while so navigated is never more than 20 nautical miles from a 156.800 MHz receiving location of such station, the

¹ Capability for A3J emission of 2182 KHz shall be completed on or before April 30, 1979.

radiotelephone installation may, in lieu of medium frequency equipment, including a transmitter and receiver capable of effective transmission and reception of F3 emission within the band 156 to 162 MHz.

13. In § 83.517, paragraphs (a) and (c)(2) are amended to read as follows:

§ 83.517 Medium frequency transmitter.

(a) The transmitter shall have a peak envelope output power of at least 50 watts for A3H and A3J¹ emissions on 2182 kHz, in accordance with § 83.351, and at least one ship-to-shore working frequency within the band 1605 to 2850 kHz enabling communication with a public coast station serving the region in which the vessel is navigated.

(c)(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 50 watts peak envelope power for A3H and A3J emissions on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 Ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 Ohms nominal impedance; *Provided, however,* That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

14. In § 83.519, paragraph (a) is amended to read as follows:

§ 83.519 Radiotelephone receivers.

(a) If a medium frequency radiotelephone installation is provided, the receiver used for maintaining the watch required by § 83.202(c) shall be capable of effective reception of A3H and A3J emissions, shall be connected to the antenna system specified by § 83.526, and shall be preset to, and capable of accurate and convenient selection of, the frequencies 2182 kHz, 2638 kHz,

and the receiving frequency(s) associated with the ship-to-shore transmitting frequency(s) provided pursuant to § 83.517(a).

[FR Doc. 79-4586 Filed 2-9-79; 8:45 am]

[6712-01-M]

[Docket No. 19665; FCC 79-66]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Providing Frequencies, Standards and Procedures for On-Board Communications in the Industrial and Maritime Services

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: This rulemaking provides for the use of non-voice communications on on-board frequencies in the maritime mobile radio service. Provisions for non-voice on-board communications (communications within the confines or immediate vicinity of a vessel) were requested in comments filed in response to the initial Notice of Proposed Rule Making in this proceeding. The additional communications capability is intended to provide for actuation of certain remote devices on-board ships.

EFFECTIVE DATE: March 16, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Safety and Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION: In the matter of amendments of Parts 2, 81, 83 and 91—to provide frequencies, standards and procedures for on-board communications in the Industrial and Maritime Services; Second Report and Order (Proceeding Terminated).

Adopted: January 31, 1979.

Released: February 7, 1979.

By the Commission:

1. A tabulation of the documents released by the Commission in this proceeding is set forth below:

Classification	Released date	FCC No.	Federal Register reference No.	Federal Register date
Notice of Proposed Rule Making	Jan. 9, 1973.....	FCC 73-6.....	38 FR 1513.....	Jan. 15, 1973.
First Report and Order	Sept. 6, 1973.....	FCC 73-884 (42 FCC 2d 746).	38 FR 25177.....	Sept. 12, 1973.
Further Notice of Proposed Rule Making.	Sept. 6, 1973.....	FCC 73-885 (42 FCC 2d 761).	38 FR 25196.....	Sept. 12, 1973.

Classification	Released date	FCC No.	Federal Register reference No.	Federal Register date
Order.....	Oct. 18, 1973 ¹	38 FR 29818.....	Oct. 29, 1973.
Memorandum Opinion and Order.	Jan. 27, 1978 ²	FCC 78-29.....	43 FR 4260.....	Feb. 1, 1978.

¹A 2 week extension was requested on Oct. 10, 1973, by the Central Committee on Communication Facilities of the American Petroleum Institute, which was granted in this Order.
²Requests for Reconsideration were filed on Oct. 10, 1973, by the Central Committee on Communication Facilities of the American Petroleum Institute and on Oct. 12, 1973, by the American Institute of Merchant Shipping, which were considered and treated in this Memorandum Opinion and Order.

BACKGROUND

2. The rulemaking in this proceeding was initiated to fulfill the recommendations of Special Committee 62 of the Radio Technical Commission for Marine Services (RTCM). RTCM is an Industry/Government advisory group of persons associated with the maritime services. Special Committee 62 (SC 62) was formed to consider and to make recommendations in regard to operational and technical matters involved in the use of on-board communications aboard ship. The first meeting of SC 62 was held on April 30, 1969, and the final meeting was held on June 2, 1972. The Report of SC 62 is dated January 18, 1973.

3. In general, on-board communications are those which occur within the confines of a vessel, or are within the immediate vicinity of that vessel. They involve voice communications for the most part however, there is a requirement to also use those same frequencies for non-voice communications (emission F2), intended primarily to provide a radio signalling facility which will actuate remote devices from a central location. Such uses include those functions having to do with operational maneuvering and navigation of the vessel. Because these functions can have major impact upon the safety of life and property, it is agreed that the transmitted control signals must be unambiguous and distinctive, in order that their effect is limited to the vessel for which they are intended.

4. The Further Notice of Proposed Rule Making is directed to the coded information for an F2 transmittal signal which is unambiguous and distinctive. To attain that objective, it is, in our view, necessary to prescribe the coding and technical standards applicable to this signalling system. New Section 83.835, set forth in the attached Appendix, is limited to technical considerations having to do with assuring that the transmitted control signals are unambiguous and distinctive and, thereby, to assure that the functional directives transmitted are limited to the vessel for which they are intended.

COMMENTERS

5. Timely comments were filed by

the Central Committee on Communication Facilities of the American Petroleum Institute (API) and the American Institute of Merchant Shipping (AIMS). No other comments were filed.

DISCUSSION AND DISPOSITION

6. API and AIMS, in response to the Notice of Proposed Rule Making (FCC 73-6), urged the Commission to also authorize the use of emission F2 for certain intraship non-voice functions. To comply with that request the Commission released its Further Notice of Proposed Rule Making to promulgate the proposed rules and to afford the public opportunity to comment thereon.

7. In their comments, API states, "The Central Committee is not thoroughly convinced that rigid rules and standards to govern the use of non-voice emission with on-board stations should be adopted at this time." API also states, "The Commission is urged to adopt at an early date those rules it has proposed to govern the use of non-voice emissions with on-board stations." Since API does not suggest or request any changes to the proposed rules, but does urge that they be adopted as proposed, we are construing API's comments as support for adoption of the proposed rules without change.

8. In their comments, AIMS expresses their continued support of the rulemaking, that is, that "The use of non-voice (F2) emissions on the frequencies allocated for on-board communications is a vital and necessary additional facility to the on-board communication service." Further, AIMS states their agreement "with the Commission that the coded information for the F2 transmitted signal must be unambiguous and distinctive." In their comments in response to the Notice of Proposed Rule Making (FCC 73-6), concerning the industry need that the Commission provide for non-voice emissions, AIMS set forth only one function, that we provide for the use of a radio-controlled anchor drop system. Provision for this system was included in the Further Notice of Proposed Rule Making.

9. In their comments to the Further Notice of Proposed Rule Making,

AIMS summarizes their view of the major requirements and features of the new non-voice facility, that is: "in principle, non-voice communications are intended primarily to provide a radio signalling facility which will actuate remote devices from a central location. (A secondary use is to actuate a centrally located device from various remote locations; this is considered to be essentially identical to the primary use.)" Within that framework, AIMS expands the radio-control non-voice functions to include the following:

- a. Shirt pocket indicators (i.e., radio pagers);
- b. Five or six different commands (i.e., crane controls);
- c. Devices requiring perhaps 50 commands (automated cargo transfer operation); and
- d. Devices requiring commands and other information (e.g., monitoring system containing data readouts).

10. To assure that we do not lose sight of the original industry need for and purpose for which the Commission provided frequencies for on-board communications, we refer to the report prepared by the Radio Technical Commission for Marine Services (Special Committee 62) on On-Board Communications, dated January 18, 1973, and therein to that part of the report which sets forth the points of communication, in particular, to paragraph 7.0, which reads:

7.0 There was unanimous agreement in the Committee that "on-board" communications should be available to meet all of the voice communication needs for internal communication within the confines of a vessel. There was less than complete agreement in regard to use of "on-board" communications for various purposes beyond the limits of a vessel.

11. We refer, further, to paragraphs 7.4 and 7.4.1 of the same part of that report, which read:

7.4 There was general agreement that "on-board facilities should be available for other vessel internal communications of brief duration," such as paging, cordless microphone and radio remote supervisory control transmissions.

7.4.1 With regard to radio remote supervisory control transmissions, the Committee discussions were directed, for the most part, to the function of dropping the anchor. It was recognized that with overlapping signal levels in restricted waters, such as ports, harbors, and waterways, that transmission would have to employ a system of coding distinctive for each vessel, in order to avoid the dropping of anchors of other vessels. It was anticipated that as the system of radio remote control developed there could be a larger number of functions carried out aboard ship, tugs and barges

by such a system, possibly causing undue interference.

12. It is our opinion that the basic requirement for on-board communications is for a two-way voice system. While we are firmly of the view that the limited number of channels available for on-board communications should not be opened up for on-board telemetry or radio remote control applications, we feel that the public interest requires that provision be included in the rules for the execution, by radio remote control, of operational commands relating to the maneuvering or navigation of a vessel. In that regard, the comments of both API and AIMS, in response to the Notice of Proposed Rule Making (FCC 73-6), specifically urged provision be included in the rules to permit the use of a radio remote controlled anchor-drop system. Our general concurrence with this approach is discussed in paragraphs 11 through 14 of the First Report and Order (FCC 73-884). More specifically, in the Further Notice of Proposed Rule Making (FCC 73-885) we proposed a system permitting the use of the on-board channels, through a radio remote control system, for a multiplicity of vessel operational commands, which includes the use of radio remote control anchor-drop systems as urged by API and AIMS.

13. In the Notice of Proposed Rule Making (FCC 73-6) we did not include provisions for the use of radio paging or for cordless microphones. In the comments filed in response thereto, no person requested that provision be made for the use of either of these devices. In the First Report and Order (FCC 73-884) we did not include provision for the use of either or both of these two devices. There are two reasons why provision for the use of these devices was not included in the Notice of Proposed Rule Making (FCC 73-6) or in the First Report and Order (FCC 73-884). First, experience in the Land Mobile Services has brought us to the conclusion that two-way communications and radio paging on the same frequency are not satisfactory.¹ Second, the work of RTCM Special Committee 62 extended over a period of four years, was participated in by all segments of the industry, did develop a need for voice paging (F3), but did not develop a need for a signalling system (F2) for paging.

14. We recognize, of course, that the types of uses set forth in the RTCM Report on On-Board Communications will change as the needs of the industry change. If there is an industry need for an (F2) signalling system for paging, it will have to be documented in a convincing manner. We will at that time examine further the matter

of compatibility of two-way communications and paging, together with the impact which the use of (F2) paging would have upon on-board communications. We are, therefore, not adopting at this time AIMS recommendation that provision be included in the rules for the use of (F2) radio pagers.

15. As listed in paragraph 9, above, AIMS also urges that the permitted uses of radio remote control on on-board channels be expanded to include devices for "crane controls" and for "automated cargo transfer operation." As stated in paragraph 9, above, it is our view that these channels should not be opened up for radio remote control. With regard to these two uses, we have no basis to presume that these uses, singly or together, would be compatible with a two-way voice communication system. Further, we discussed in detail in the First Report and Order (FCC 73-884) the reasons why we did not propose to authorize use of the on-board channels for the loading or unloading of cargo. Accordingly, we are rejecting AIMS recommendation that provision be included in the rules permitting the use of F2 emission for radio remote control for "crane controls" and for "automated cargo transfer operation."

16. The fourth use of F2 emission urged by AIMS is listed, also, in paragraph 9, above. This F2 use appears to be for the purpose of telemetry, however, it could include, in addition, radio remote control. AIMS describes this F2 use as being for "devices requiring commands and other information (monitoring system containing data readouts, for instance)." We presume that such F2 transmissions would be coded and would contain information in either analog or digital form. Regardless of whether this F2 use is one of telemetry or of radio remote control, or contains information in analog or digital form, such F2 use is, in our view, clearly not compatible with a two-way voice system. The two-way voice use would have to be carried out at those times when the on-board channel was not in use for F2. This would relegate the two-way voice use to a secondary status, which would be contrary to the primary purpose for which the on-board channels were made available. For these reasons, we are not adopting AIMS recommendation that provision be included in the rules for the use of F2 emission for "devices requiring commands and other information."

17. We turn now to our proposed rules for the use of non-voice emissions and AIMS comments regarding the proposed digital code structure. Two categories of ships are hypothesized by AIMS, those fitted for proper recognition of the six characters (documentation number) and

those which are not so fitted. In the example given, AIMS presumes that both of these categories of ships employ the same actuation instruction (AA through ZZ). AIMS points out "that a burst of interference in this particular time slot of the code could cause incorrect operation of a device on an unaddressed ship." Although not mentioned, it appears that AIMS also assumes: that the on-board frequencies are the same; the frequency shift (tones) of both categories are the same; the demodulation/decoder is adequately similar to that aboard the addressed ship; and the decoder is the same as that on the addressed ship except that it will pass the actuation instruction without being addressed. AIMS comments are silent with regard to the three characters providing company operational or secrecy control, which follow the documentation number and precede the actuation instruction.

18. In the Further Notice of Proposed Rule Making we stated that the radio remote control for maneuvering and navigation, because of the potential loss of life and/or large amounts of property damage, must be unambiguous and distinctive in order that the actuating instructions are limited to the vessel concerned. From the Further Notice of Proposed Rule Making it is clear that the two groups of characters (6 + 3) which precede the actuation instructions must be received in satisfactory condition before the decoder will accept the actuation instruction. That is, the two groups of characters (6 + 3) must be received in satisfactory condition; must precede the actuation instruction; and the actuation instruction must be in synchronization with the two groups of characters, or no actuation occurs. A "burst of interference" at any time during this sequence would, therefore, result in no actuation taking place.

19. AIMS comments that "the proposed code only contains 26 commands, whereas the operational requirements of a complex system could require 50 commands." In the Further Notice of Proposed Rule Making we propose that "AA through ZZ" be employed for actuation instruction. The number of available commands from this arrangement is: AA through AZ is 26; BA through BZ is 26; etc.; and ZA through ZZ is 26. Thus, the number of commands is 26 times 26, or 676. The 50 commands to which AIMS refers are those developed in their comments for an automated oil transfer operation.

20. AIMS comments that the proposed digital technique would require a 15 dB higher signal level than with a tone system and, therefore the service area obtained using the digital technique would be considerably less than

¹Docket No. 19643, FCC 72-1040, released November 29, 1972.

that obtained using a tone system. The system proposed in the Further Notice of Proposed Rule Making employs two tones to modulate the transmitted carrier. Those tones are processed in the receiver up to the demodulator (Modem), where they are converted to two-level direct current (binary). Both of these tones are in the middle of the voice band. The voice tests conducted aboard ship by RTCM Special Committee 62 indicate that satisfactory voice communication was obtained. We are unable to identify that part of the system to which AIMS is applying the 15 dB difference. Taken at face value, that is, that the signal at the input terminals of a receiver must be 15 dB greater for the satisfactory reception of the tones 1070/1270 Hz than for the satisfactory reception of voice (350/2500 Hz), we are unable to confirm or to agree that such is the case.

21. AIMS comments that the digital code is too complicated for a simple shirt-pocket paging system. We presume that what AIMS means is that if paging were to be authorized for use on on-board frequencies and the decoder were constructed using standard integrated circuitry in dual inline packages, that the size of the decoder would be too great to be contained within the case of the shirt-pocket paging receiver. Since we are not authorizing the use of paging on on-board frequencies (see paragraphs 9 through 14, above), the question of excessive size or complexity of the digital technique, with or without small, medium or large scale integration, is moot.

22. From a system planning point of view, as well as from a practical and economic point of view it is desirable to minimize the number of different systems employed aboard ship to perform similar functions, particularly as concerns the maintenance of equipment and the test equipment required to perform such maintenance. Different systems are, of course, introduced where a superior operational or other benefit is derived. Failing such benefit, however, the introduction of a different technique complicates the maintenance and is difficult to justify economically. RTCM has for years continued its studies of new maritime communications systems. These studies include the development of a selective calling system for use on radiotelegraph and radiotelephone channels and a radioteleprinter system for use on radiotelegraph channels. In both cases the RTCM selected the digital technique over a tone system. Further, the sequential single frequency code (SSFC) selective calling system, which is a multitone system employing 11 tones, has been found unsatisfactory by the United States maritime indus-

try. In conclusion, we know of no operational or other benefit which would accrue from use of a multitone system on the on-board channels, as recommended by AIMS. Accordingly, for the reasons set forth hereinabove, we are adopting the digital system proposed in the Further Notice of Proposed Rule Making.

23. AIMS expresses the view that the subject matter of the Further Notice of Proposed Rule Making should be thoroughly researched by a technical body such as the RTCM. We do not agree. As we explained above in paragraph 2, these amendments to our rules are being made in response to recommendations made by Special Committee 62 of RTCM and are in substantial agreement with those recommendations. RTCM has not indicated that further study of these recommendations is required, and we see no need for further study.

24. In the Further Notice of Proposed Rule Making, paragraph 9, it was suggested that if there was a requirement in this system for confirmation of command, such requirement should be expressed in the responding comments. Since no such requirement was expressed, provision for confirmation has not been included in the rule amendments set forth in the attached Appendix. We will, however, reopen the matter of inclusion in the rules of provision for confirmation of command at such time as the industry develops a need for that function.

25. We are advised, informally, that there will be vessels which do not have a documentation number that will be fitted with radio remote anchor-drop devices. In specifying the use of the documentation number, it was assumed that any vessel large enough to economically justify the use of a radio remote anchor-drop device would be documented. It appears this assumption may be in error, at least in part. This does not, however, change the requirement that the F2 transmitted signal be unambiguous and distinctive. Accordingly, as an alternative for those vessels which are not documented, we are including in the rules provision for the use of the call sign of the on-board station in lieu of the documentation number. Further, we are amending Section 83.39, Part 83, to preclude the assignment of a single call sign to more than one on-board station.

26. Regarding questions on matters covered by this document contact Walter E. Weaver, Telephone 202-632-7197.

27. In view of the foregoing, *it is ordered*, That pursuant to the authority contained in Sections 4(i) and 303(a), (b), (c), (d), (e), (f) and (r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules, is

amended, effective March 16, 1979, as set forth below.

28. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.39, a new paragraph (c) is added to read as follows:

§ 83.39 One application for a plurality ship station license.

(c) A plurality station license will not be granted in the case of an on-board station.

2. A new § 83.835 is added to read as follows:

§ 83.835 Remote control for maneuvering or navigation.

(a) An on-board communication channel may be used for remote control of maneuvering or navigational control systems aboard the same vessel or, where that vessel is towing a second vessel, aboard the towed vessel. The remote control system shall be unambiguous and distinctive and shall conform to the standards set forth in this section.

(b) The transmitted signal shall be composed of the following: a synchronization signal; the documentation number group; the company control group; the actuation instruction group; and a termination of transmission signal, as follows:

(1) The synchronization signal, composed of the control character "SYN", shall be transmitted twice to establish system synchronization.

(2) The documentation number group shall be composed of:

(i) For documented vessels, the documentation number assigned to that vessel by the United States Coast Guard, taken from the groups 200000-299999 and 500000-599999; or

(ii) For non-documented vessels, the call sign of the on-board station.

(iii) The documentation number group shall be transmitted one time.

(3) The company control group, composed of three letters taken from AAA through ZZZ, shall be transmitted one time to provide company operational or secrecy control information.

(4) The actuation instruction group, composed of two letters taken from AA through ZZ, shall be transmitted

one time to direct the actuation instruction desired.

(5) The termination of transmission signal, composed of the control character "EM", shall be transmitted twice to indicate the termination of transmission.

(c) The receiving system (logic decoder) shall:

(1) Reject any actuation instruction until and unless it first recognizes and accepts the company control group.

(2) Reject any company control group until and unless it first recognizes and accepts the documentation number group.

(d) The emission employed shall be F2. The provisions in this part applicable to the use of F3 emission are also applicable to the use of F2 emission. The transmitter must be adjusted and operated so that the instantaneous frequency deviation for F2 emission does not exceed the maximum value allowed for F3 emission.

(e) The binary information shall be applied to the carriers as modulation by frequency-shift keying (FSK) of the standard tones 1070 and 1270 Hz. Expressed in terms of positive logic, "0" (low) shall correspond to 1070 Hz and "1" (high) shall correspond to 1270 Hz. The signalling rate shall be 300 bits per second.

(f) The alphabet employed shall be the United States of America Standard Code for Information Interchange (USASCII), set forth in the United States of America Standards Institute publication USAS X3.4-1968.

(1) The bit sequence shall be least significant bit first to most significant bit (bit 1 through bit 7) in ascending (consecutive) order.

(2) The character structure shall consist of 8 bits (seven bits plus one character parity bit) having equal time intervals.

(3) The character parity bit shall be transmitted and shall follow the most significant bit, bit 7, of the character to which it applies.

(4) The sense of character parity shall be odd over the eight bits, i.e., an odd number of "1" bits.

[FR Doc. 79-4585 Filed 2-9-79; 8:45 am]

[6712-01-M]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Implementing a System of Temporary Authorization for Ship Stations in the Maritime Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Errata.

SUMMARY: The Order in this matter inadvertently reinstated two sections

of our rules which were deleted by another action. This action will correct this error.

EFFECTIVE DATE: April 1, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kemp J. Beaty, Safety and Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION: Released: February 1, 1979.

In the matter of amendment of Parts 1, 31 and 83 of the Commission's rules and to implement a system of temporary authorizations for ship stations in the Maritime Services.

1. In the Order (FCC 78-846; 44 FR 3288), released January 11, 1979, we established a system of temporary authorizations for ship stations, made certain editorial changes and renumbered certain sections of our rules.

2. Inadvertently, this Order contained two sections of our rules (§ 83.50 and § 83.70 which were redesignated § 83.58 and § 83.59 respectively) which were deleted by the Report and Order in SS Docket No. 78-143 (FCC 79-5; 44 FR 4488; released January 18, 1978). Since the effective date of this Order is after that of the Report and Order in SS Docket No. 78-146, this would effectively reinstate these sections into our rules.

§§ 83.58 and 83.59 [Revoked]

3. Accordingly, §§ 83.58 and 83.59 are revoked.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 79-4622 Filed 2-9-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1355]

PART 1033—CAR SERVICE

Burlington Northern Inc. Authorized To Place Fewer Empties and To Forward Unit-Coal-Trains of Less Than Number of Cars Required by Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order; Service Order No. 1355.

SUMMARY: Burlington Northern Inc. is authorized to place for coal loading fewer hopper cars than required by unit-coal-train tariffs, and to forward loaded unit-coal-trains comprising fewer cars than required by applicable tariffs. Because of extreme cold weather BN is presently unable to move unit-coal-trains comprising the number of cars required by applicable tariffs.

DATES: Effective 2:00 p.m., February 2, 1979. Expires 11:59 p.m., February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: Decided: February 2, 1979.

Certain tariffs authorize Burlington Northern Inc. (BN) to operate unit-coal-trains requiring the use of 100 to 110 hopper cars in each train. Because of extreme cold weather BN is unable to move this number of cars in one train. BN can operate the unit-coal-trains by reducing the number of cars operated in each train. This means the BN would place less than the required number of empties for loading, would forward loaded unit-coal-trains with less than the required number of cars, and these trains would be placed for unloading with less than the required number of cars required by the tariffs. The delays to cars caused by these conditions further aggravate existing car shortages and contribute to loss of utilization of hopper cars.

It is the opinion of the Commission that an emergency exists and that there is good cause to authorize the application of unit-coal-train rates requiring the use of one hundred (100) to one hundred-ten (110) to shipments of fewer cars when the BN is unable to place or forward all of the cars required by applicable tariffs; 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, § 1033.1355 Burlington Northern Inc. authorized to place fewer empties and to forward unit-coal-trains of less than number of cars required by tariffs

(a) Burlington Northern Inc. (BN) is authorized to place fewer hopper cars for loading unit-coal-trains than required by applicable tariffs and is authorized to operate loaded unit-coal-

trains comprising fewer cars than required by applicable tariffs.

(b) If a unit-coal-train is operated which is required by tariff provisions to be one of two or more consecutive unit train movements the deficit tonnage may, with the consent of the carrier, be added to the tonnage transported in one or more of the subsequent trips required by the tariffs. If the carrier fails to give its consent or if the shipper notifies the carrier that it will be impossible to add the deficit tonnage to subsequent consecutive shipments, the total volume required to be shipped will be reduced by that amount.

(c) Nothing in this order shall be deemed to authorize any change in minimum weights required by the applicable tariffs to be loaded into each car nor to authorize the loading of any car in excess of its stencilled load limit.

(d) *Consent of Shipper Required.* The consent of the shipper is required before any unit-coal-train is operated with a reduced number of cars as authorized by Section (a) of this order.

(e) *Billing to be Endorsed.* The bills of lading and the master way bills of each unit-coal-train authorized by this order to operate with fewer than the required number of cars shall bear the following endorsement:

Unit-coal-train comprising () cars. Reduction of train from () cars authorized by ICC Service Order No. 1355.

(f) *Unit-Coal-Train Defined.* The term "unit-coal-train" as used in this order means a multiple-car shipment of coal subject to a tariff provision which requires the use of fifty (50) or more hopper cars in a single shipment, on one bill of lading, on one day.

(g) *Application.* (1) The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(2) All tariff provisions not specifically modified by this order shall remain in effect.

(3) The application of all other rules and regulations, insofar as they conflict with the provisions of this order, is suspended.

(4) This order applies to movements of empty or loaded hopper cars of rail-

road ownership, of private ownership, or of mixed ownerships of railroad and private ownerships.

(h) *Effective date.* This order shall become effective at 2:00 p.m., February 2, 1979.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1979.

(49 U.S.C. (10304-10305 and 11121-11126).)

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

By the Commission, Railroad Service Board, Robert S. Turkington, Leonard J. Schloer and William F. Sibbald, Member Leonard J. Schloer not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4644 Filed 2-9-79; 8:45 am]

[1505-01-M]

[Ex Parte No. 293 (Sub No. 3)]

PART 1126—SUBMISSION OF COST DATA TO JUSTIFY REIMBURSEMENT FOR DIRECTED SERVICE

Implementation of Regional Rail Reorganization Act of 1973

CORRECTION

In FR Doc. 79-3182, which appeared at pages 6156-6166 of the Proposed Rules Section of the FEDERAL REGISTER for Wednesday, January 31, 1979 was published in that section by mistake. That document is a final rule document and should have been published in the Final Rule section of the FEDERAL REGISTER.

proposed rules

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

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-382]

MELONS GROWN IN SOUTH TEXAS

Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision proposes a marketing agreement and order regulating the handling of melons grown in South Texas. It provides interested persons with the opportunity to file written exceptions concerning the recommendations made therein. The proposed order would authorize regulations to fix the grade, size, quality, maturity, pack, container and markings for melons, except watermelons, grown in 19 designated counties in South Texas. The primary objective is to improve the quality of melons shipped to markets. This should reduce marketing losses and result in improved returns to growers.

DATE: Written exceptions to this recommended decision may be filed by February 27, 1979.

ADDRESSES: Written exceptions should be filed in duplicate with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, DC. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR-1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued October 26, 1978, and published October 31, 1978 (43 FR 50685).

PRELIMINARY STATEMENT: Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a pro-

posed marketing agreement and order regulating the handling of melons grown in South Texas.

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The proposed marketing agreement and order were formulated on the record of a public hearing held at Edinburg, Texas, November 28-December 1, 1978. Notice of the hearing was published in the October 31, 1978, issue of the FEDERAL REGISTER. The notice set forth a proposed order submitted by the South Texas Melon Steering Committee on behalf of melon producers and handlers in the proposed production area.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) Is the handling of melons in the proposed production area in the current of interstate commerce, or does it directly burden, obstruct, or affect interstate commerce;

(2) Do the marketing conditions show the need for the issuance of a marketing agreement and order which will tend to effectuate the declared policy of the act;

(3) The definition of the commodity and the determination of the production area to be covered by the proposed order;

(4) The identity of the persons and the marketing transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) The definitions of the terms used herein which are necessary and incidental to attain the declared policy and objectives of the act;

(b) The establishment, maintenance, composition, procedures, powers, duties and operation of a committee which shall be the local administrative agency for assisting the Secretary in the administration of the proposed order;

(c) The authority to incur expenses and the procedure to levy assessments on handlers to obtain revenue for paying such expenses;

(d) The authority to establish production and marketing research, and market development projects;

(e) The method of regulating the handling of melons grown in the production area;

(f) The authority for inspection and certification of shipments;

(g) The establishment of requirements for reporting and recordkeeping upon handlers;

(h) The requirements of compliance with all provisions of the proposed order and with regulations issued under it; and

(i) Additional terms and conditions as set forth in section .82 through section .92 of the Notice of Hearing published in the FEDERAL REGISTER of October 31, 1978 (43 FR 50685) which are common to marketing agreements and marketing orders and other terms and conditions published as section .93 through section .95 which are common to marketing agreements only.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

The proposed marketing agreement and order (hereinafter collectively referred to as the "order") should regulate the handling of melons grown in South Texas by authorizing requirements for grades, sizes, maturities, qualities, packs, containers and markings thereon, or combinations of such requirements, with which such shipments should comply.

(1) Melons are an agricultural commodity within the group named in the act to which its marketing regulatory authority may be applied. They are an important commercial vegetable crop in Texas. Data published by the U.S. Department of Agriculture (USDA) show that Texas growers produced a spring-season cantaloupe crop in 1978 of 1.5 million hundredweight which had a gross value of \$14.1 million, f.o.b. shipping point. The State's output that year of spring-crop honeydew melons amounted to 508,000 hundredweight and had a gross value of \$7.8 million. Smaller amounts of other melons such as persians and casabas also are grown each spring, but production and marketing data for such melons are not compiled.

The Texas spring crop of melons is primarily grown in the production area, as defined in the proposed order. The area includes the Lower Rio

Grande Valley, and the Laredo and Coastal Bend Districts.

Melon harvest in the production area typically begins in mid-April and continues into mid-June, although weather conditions result in some variation in harvest timing. The peak harvest period is usually from mid-May through early June. The record shows that production area melons move to nearby wholesale and retail outlets within the production area, and to such outlets in other parts of Texas, and in other States and countries.

A major portion of the melons grown in the production area is marketed outside of the production area. USDA Market News reports show that in 1977 there were 3,023 carlots of Texas cantaloups unloaded in the leading 46 major U.S. and Canadian terminal markets. Houston, Dallas, San Antonio, and Fort Worth, all of which are outside of the production area, accounted for 43 percent of the total reported Texas cantaloup unloads. However, substantial quantities were reported in numerous markets in other States, such as Miami and Atlanta in the Southeast, New York City and Baltimore in the East, and Chicago in the Midwest. Some melons also moved to west coast markets, including Los Angeles, Portland and Seattle. Texas cantaloups were unloaded in the major terminal markets in Texas and other States during each month of the spring-crop marketing season.

Unloads in the leading markets of honeydew and miscellaneous (including casaba and persian) melons grown in Texas amounted to 1,344 carlots in 1977. As with cantaloups, unloads of Texas honeydew melons were reported in markets in cities both in and out of the State during each month of the spring-crop season.

Record evidence shows that South Texas usually is the first domestic supplier of cantaloups and honeydew melons each year, and for a brief period early in the season there is virtually no competition from other domestic areas. However, Texas producers encounter early season competition from melons imported from Mexico, where the harvest begins before that in South Texas. Record evidence indicates that in calendar 1977 cantaloup imports from Mexico amounted to nearly 1.8 million hundredweight. The most active period for the importation of Mexican melons is March through May.

Shipments of melons from California and Arizona are in large volume during much of the South Texas marketing period and usually provide strong competition in most markets, both within Texas and in other States.

Record evidence shows that the South Texas melon industry's domestic market is the entire United States

and its members are in daily contact with buyers across the Nation. With modern communication and transportation systems, melon supplies or prices in any one location are promptly known elsewhere and have a direct effect on melon supplies and prices in all other locations.

There are few differences in sales between melons for use within the production area as compared with melons sold for use in other parts of the United States or other countries. If a program regulating only interstate and foreign commerce in melons were to be made effective, the market for melons within the production area would be overburdened with the unregulated melons, resulting in unduly lower prices in the area. In turn, this would affect prices in other parts of Texas and in other States. The evidence of record is that all movement of melons in marketing channels is inextricably intermingled and in direct competition, and hence it is concluded that the handling of melons within the production area directly burdens, obstructs or affects shipments to all other markets to such an extent as to make necessary the regulation of intrastate commerce in melons as well as the interstate and foreign commerce in melons.

It is concluded, therefore, that the right to exercise Federal jurisdiction in the marketing of melons grown in the production area hereinafter defined is proper and appropriate under the act and the order hereinafter set forth.

(2) The need for the proposed regulatory program for South Texas melons is supported by substantial evidence in the record of hearing. The salient features of this evidence are set forth in this recommended decision.

Production of melons in the proposed production area, as indicated by USDA data for the Texas spring melon crop, has trended upward. The combined output of cantaloups and honeydew melons averaged 1.5 million hundredweight in 1974-78, slightly more than double the average 743,000 hundredweight produced in 1959-63. Increasing acreage was primarily responsible for the expansion that took place during the 1960's. More recently, higher yields contributed most to the rise in production.

Record evidence shows that about 70 to 80 percent of the South Texas melon crop is shipped to market in cartons or similar small containers, while the remainder is shipped in bulk loads. Melons in cartons are prepared for marketing by typical commercial practices such as grading to eliminate inferior quality, sizing to achieve uniformity, washing to eliminate decay-causing organisms and improve ap-

pearance, and cooling to preserve the quality.

Bulk load shipments of South Texas melons are of two basic types; i.e., packinghouse culls or fieldrun melons. Packinghouse culls account for a substantial majority of the bulk load shipments. They are melons which are sorted during the normal grading process because they are damaged or have such defects as irregular shape or size, blemishes, or overmaturity. In addition to their less attractive appearance, such melons generally are more perishable than the packaged melons and less able to tolerate the normal handling that occurs during marketing.

Bulk fieldrun melons are those loaded on trucks parked at the edge of the field. Some sorting may be done, but the typical fieldrun lots have a wider range of sizes, qualities and maturities. The quality of such melons generally is below that of commercially graded and packaged melons. In addition, fieldrun melons are more susceptible to deterioration during shipment because irregular maturity and the weight of the load causes breakage of individual melons. While some loads may be top-iced, many are not. And even with such icing, interior load temperatures may be unduly high, resulting in greater perishability.

Because of their deficiency in marketability, distribution of both packinghouse culls and fieldrun melons is mainly to nearby markets. However, several witnesses testified that due to the improvement in transportation systems in recent years, bulk loaded melons can be and are shipped 1,000 miles or more in interstate commerce.

Receivers testified that although they prefer to handle only packaged melons, at times competition from other receivers forces them to handle a few bulk loads. Although initially cheaper at shipping point, this advantage of bulk melons is offset by losses from higher deterioration in transit and higher labor costs at destination where they must be individually placed in containers for unloading. Thus the margin tends to disappear as it moves through the marketing chain, with the consumer paying almost as much for this poorer quality melon as she would for a high quality packaged melon. One trucker alleged that elimination of bulk shipments would put him out of business. However, record evidence indicates that there is nearly always a need for trucks in the production area during the season for transporting packaged melons. Therefore, it would be unusual for a truck owner or operator to be deprived of his livelihood during the season.

Record evidence shows that melons shipped in cartons or similar containers are regarded by the industry—

growers, shippers, and receivers alike—as relatively high quality melons which can be marketed in an orderly manner, in contrast to the market disruptive character of the lower quality melons marketed in bulk loads.

Although some packaged melons are shipped on consignment, handlers generally do not ship them until they have a confirmed buyer and some agreement on price for the product. Because only the better quality melons are packaged and such melons are cleaned and treated to retard decay and protected by the container against damage during shipment, the overall quality is high and the melons have an extended shelf-life. This relative stability in quality, together with uniformity in quality, size, and maturity, results in an attractive product which can be merchandised and promoted, thereby increasing sales of Texas melons.

On the other hand, bulk melons are shipped on a highly speculative basis. Such melons usually are sold at the packinghouse or field to handlers who then transport the melons to terminal markets where they search for buyers. Official price data for packinghouse culls and fieldrun melons in the production area are not available. However, one expert witness indicated typical prices for cull cantaloups at a packinghouse may begin at about a cent per pound and slide lower as volume increases seasonally. This compares with a 1976-78 season average price of 12.2 cents per pound for graded, packaged cantaloups loaded on a vehicle at the packinghouse door. Approximately 5 of the 12.2 cents represents costs for additional materials and services incurred for handling the packaged melons. Similar data are not available regarding prices and costs for fieldrun melons. However, growers' sales of such melons generally are regarded as salvage operations, at relatively low prices, to be resorted to only when the quality of the crop is such that it is not suitable for grading and packing in a shipper's facilities.

Few retailers, and particularly the chains, have facilities for handling bulk loads. Eventually, the presence of bulked melons on a market leads to declining prices for the better quality packaged product. This results not only because of any increase in total supply which may be associated with bulk melons, but also due to the effect of such melons on overall demand for production area melons.

Several witnesses attested to the damage caused to the reputation of South Texas melons by the practice of shipping packinghouse culls and ungraded fieldrun melons in bulk loads. The generally low quality, and irregularity in grade, size, and maturity of these melons has had a negative effect

on demand at retail which is carried back through distributive channels to shippers and growers. The damaged reputation of Texas melons is reflected in lower wholesale prices for such melons compared with prices for melons grown in other areas.

Melons grown in California and Arizona and shipped in interstate commerce must meet minimum quality standards imposed under their fruit and vegetable standardization laws.

All are graded at shipping point and all are packed in cartons, wooden crates, or similar containers. In the terminal markets where they compete directly with Texas melons, the graded, packaged California-Arizona commodity nearly always receives a premium which may range from \$0.50 to \$2.50 per carton. The competitive advantage for western melons, according to expert witnesses, stemmed almost entirely from the better marketing practices used in the western areas.

During the 1969-78 period, prices received by Texas growers for spring-crop melons, which are representative of production area prices, were moderately to substantially below parity in most years. Season average prices for cantaloups equalled parity in 1975 but otherwise ranged from 48 to 95 percent of parity and averaged 87 percent for the period. During the same decade, prices for spring-crop honeydew melons were 137 percent of parity in 1975, ranged from 55 to 99 percent otherwise, and averaged 86 percent. For both types of melons, prices have trended downward relative to parity in the last few years.

Without a mandatory industry-wide quality control program, it has been possible for some members of the production area industry to offer and sell melons of poor or irregular quality in bulk loads at low prices, thereby having a detrimental effect upon the market and the price structure for all production area melons. Such disorderly marketing practices have been damaging to the industry, even though only a relatively small quantity of the inferior melons have been marketed each year.

Record evidence shows that the position of production area growers in the melon market is dependent upon the quality of melons shipped, and that any improvement in such growers competitive economic situation will require the adoption of improved marketing practices. Therefore, the need exists to regulate marketings through quality, pack, or container standards, thereby improving quality, promoting more orderly marketing conditions, and tending to improve returns to producers, with due regard to interests of consumers.

(3) The definition of the commodity and determination of the production area to be covered by the proposed order.

The term "melons" is defined to specify the commodity covered by the proposed order and with respect to which the terms and provisions of the proposed order are applicable. The agricultural commodity botanically known as *Cucumis melo* is commonly known to producers and handlers in the production area as "muskmelons." Such term is defined to include, but not be limited to varieties *reticulatus* and *inodorus*. Melons which have netted, green and yellow-green rinds of the botanical variety *reticulatus* are commonly called cantaloups by the public, growers, and the marketing trade. The botanical variety *inodorus* includes melons which are commonly called Honeydews, Casabas, Crenshaws and some Persians.

Watermelons (*Citrullus lanatus*) are excluded from this definition.

The term "production area" should be defined to include the counties of Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy and Zapata in the State of Texas.

The proponents believe that the production area should include all of that section of the State of Texas where spring-crop melons are or could be raised and marketed at approximately the same time of the year. The proposed area is a contiguous area and comprises generally the most southerly counties in the State. Melons can be produced in all parts of these counties. The varieties of melons grown in the area are similar and several growers and handlers operate in more than one county within the production area. Because of uniform growing conditions, all parts of the area market melons at about the same time. There is no direct competition from other areas although early marketings from the Texas Winter Garden area overlap marketings in the proposed production area.

Record evidence shows that the Winter Garden area should not be included in the production area. The Winter Garden area's soils and climatic conditions are different from those of the production area and a portion of the Winter Garden's crop is marketed later than the crop of the proposed production area. Melon output in the Winter Garden area is substantially smaller than that of the production area and the exclusion of the Winter Garden area from the production area would not impair the effective operation of the order.

It is therefore determined that all territory included within the bound-

aries of the production area constitutes the smallest regional production area that is practicable and this production area should be defined as hereinafter set forth.

(4) The term "handler" is synonymous with the term "shipper". It should be defined in the order to identify the persons who would be subject to regulation under the order. Therefore, the term should apply to all persons who perform any of the activities within the scope of the term "handler" as hereinafter defined. The definition includes persons who are responsible for meeting requirements of the order and the regulations issued thereunder, such as packing, meeting grade and size requirements, paying assessments, and submitting reports. More than one handler may be involved in the handling of a given lot of melons and each such person should be responsible for complying with the terms of the order.

Common or contract carriers transporting melons which are owned by another person are performing a handling function. Such handling, however, should be exempted from the proposed order since such carriers are not responsible for the grade, size, quality or pack of the melons being transported. Neither are they the persons who cause the introduction of such melons into the stream of commerce. The only interest of common or contract carriers in such melons is to transport them for a service charge to destinations given by others. The person or persons delivering melons to a common or contract carrier, or causing such delivery, should be responsible for compliance under the proposed order.

A grower who handles the melons he has produced would be considered a handler when he performs the handling function on such melons.

Growers who sell or otherwise market melons directly from the field would be handles under the order. Any person who purchases melons from growers and performs any other handling function such as transporting such melons to market or grading and packing such melons would be a handler.

The term "handle" is defined in the proposed order to establish the specific marketing functions which primarily place melons in the current of commerce within the production area, or between the production area and any point outside thereof, and to provide a basis for determining which functions are subject to regulation under authority of the proposed order. "Handle" and "ship" are used synonymously and the definition should so indicate.

The act provides that no order shall be applicable to any producer in his

capacity as a producer. Growing melons, which involves the planting and care of melons in the field through growth to a commercially marketable product that is turned over to a handler by sale, contract, or other means, is a producer function within the above exception.

Production area melons are usually picked by hand, placed in bags, and carried to the ends of the fields where they are loaded into trucks or trailers. In some field operations, melons are placed on self-propelled conveyor belts moving through the field. The majority of harvested melons are transported to packing sheds where they are graded, brushed to remove dirt, sized, and packed into cartons or crates. The melons are usually run through a hot water bath to remove fungus spores that may attack the fruit in transit. The packaged melons are either pre-cooled before being loaded into rail cars or trucks, or cooled during transit by refrigeration units or ice in the vehicle.

South Texas producers sell their melons in various ways. Most production area melons are handled by shippers for the grower's account. Under customary arrangements, producers turn their fields over to shippers who supervise the harvesting, then grade, pack, and sell the melons, and pay the producer the net proceeds after deducting handling charges. In such dealings, the shipper charges for every function he performs. The grower retains title to the melons until they are sold for him by the shipper. Settlement is made with the grower on the net proceeds of the sale, whether the sale is made at shipping point or at a subsequent point in the marketing process.

The shipper or packinghouse operator is responsible for preparing the melons for market. He determines the grade, size, quality, and container to be used for the melons entering market channels. He packages the melons, thus making them a part of the visible marketable supply which is the subject of offer, acceptance, and sale in the current of the commerce in the commodity. He also ships the melons, thus transporting them in the current of commerce. Packinghouse operators sometime sell melons that have been picked out or discarded in grading, sizing, and packaging operations. Sale of any melons, either grades and sizes customarily acceptable in established terminal markets, or those of less or unacceptable grades and sizes, constitutes and act of handling.

Occasionally, producers sell melons in the field for a fixed price to a handler prior to harvest. The producer may harvest such melons on behalf of the handler, or harvesting may be

done by the buyer. The harvested melons may either be transported to a packinghouse for preparation for marketing, or transported directly to receiving markets with little or no additional preparation. In the latter case the producer become the first handler, since he is the one who first places the melons in the stream of commerce.

Some producers have their own packing facilities; they grow, harvest, grade, pack, sell, and ship their own melons. Some perform all of the foregoing functions except sell, which is done by a broker for a fee.

Each of the foregoing activities by itself is a handling operation and, as such, makes the person responsible for it a handler, subject to the rules and regulations issued under the order. However, the sale, transportation, or delivery of fieldrun melons to a packinghouse located in the production area, according to record evidence, should be excepted from the definition of "handle." In this case the melons have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions in the commodity, and as such, they have not yet entered the stream of commerce.

(5) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

(a) "Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for such programs, but also, to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the legal citations for the statute pursuant to which the proposed regulatory program would be operative and avoids the need for referring to this citation throughout the order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

"Grower" is synonymous with "producer" and should mean any person engaged in a proprietary capacity in the production of melons for market. The term is used specifically to indicate those individuals eligible to vote for or qualify as producer members or alternates on the South Texas Melon

Committee and those who have the right to vote in referendum.

"Grower" should include any person who owns or shares in the ownership of melons such as a landowner, landlord, tenant or sharecropper. The person who owns and farms land resulting in his ownership of the melons produced on such land should clearly be considered a grower. The same is true with respect to the person who rents and farms land resulting in his ownership of all or a part of the melons produced thereon. Likewise, a person who owns land, which he does not farm, but as rental for such land obtains the ownership of a portion of the melons produced thereon, should be regarded as a producer of that portion received as rent, and the tenant on such land should be regarded as a producer for the remaining portion produced on such land. In each of the above situations the person involved in production, regardless of whether an individual, partnership, joint venture, association, corporation, or other business unit should be considered as one producer entitled to one vote. A joint venture is one whereby several persons contribute resources to a single endeavor to produce and market a melon crop. In such ventures, one party may be the farmer who contributes one or more factors such as his labor, time, production facilities, or cultural skills and the other party may be a handler who contributes money and cultural, harvesting and marketing supervision. The joint venture is entitled to one vote. Normally, a husband and wife operation would be considered a partnership and be entitled to one vote. The chief test of a producer is whether or not the individual or other business unit has title to the melons that are produced.

South Texas growers occasionally sell their melons shortly before harvest to packing shed operators or others. While title may actually pass, agreements in most instances include additional requirements that the producer will care for the crop until it is harvested. In such cases even though title passes to the handler at the time of purchase, the buyer should not be classified or qualified as a producer since the buyer does not actually perform customary producer functions with regard to growing the crop.

Some producers in South Texas own or operate packing sheds. A producer who owns or operates a packing shed should not be precluded from qualifying as a producer under the provisions of the proposed order provided that under § —.22(c) he packs or handles only his own melons.

The definition of "committee" is incorporated in the marketing order to identify the administrative agency, as authorized by the act, responsible for

local administration of the program. The term "South Texas Melon Committee" is a proper identification of the agency and reflects the character thereof.

"Fiscal period" should be defined to mean the period beginning and ending on the dates recommended by the committee and approved by the Secretary. This would provide sufficient flexibility to authorize the committee and Secretary to set the beginning of the fiscal period close to the beginning of the shipping season. At the same time, it would permit subsequent changes in the dates in the event operational experience indicates such changes are needed.

Definitions of "grade," "size," and "maturity" are incorporated in the proposed order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade," "size" and "maturity," essential terms in which regulations are issued, should be defined as encompassing the meanings assigned these terms in the various official U.S. standards for melons issued by the U.S. Department of Agriculture. Also the definition includes modifications or amendments to such standards, and any variations from such standards in regulations issued under the proposed order. Regulations can then incorporate such terms (grade, size and maturity) with the constant meaning given them in the standards. Also, the use of these terms in regulations may be varied by prescribing, for example, a percentage of a grade such as "85 percent U.S. No. 1." Federal and Federal-State inspectors are qualified to certify the grade, size, and maturity of melons grown in the production area under the terms of the aforesaid standards, or as such standards may be amended or modified.

"Grading" is synonymous with "preparing melons for commercial market" and should be defined to mean the sorting or separation of melons into grades, sizes, maturities, or packs, or any combination thereof for handling. It should include the sorting of melons by hand or mechanical means. Such classifications are determined by the handler who directs in person, or through his agent, how and in what number of grades, sizes or packs a particular lot of melons shall be separated. Grading may vary from an operation performed entirely by hand in which certain melons are discarded when they are being loaded in the field, to a production line operation whereby melons are carried by mechanical conveyor to be graded, sized, and packaged so that the melons which are to go to preferred price outlets are separated from those going to discounted price outlets or discarded

as culls. Grading, or preparation for market, is an operation which applies to all melons grown in the production area even though the extent to which melons are separated into market classes may vary considerably among the different outlets.

The term "pack" is commonly used in the melon trade and should be defined as the basis for distinguishing among the various units in which melons are marketed. It refers to one or more of the factors relating to grade, size, weight or count and type or conditions of container, or a combination of all of these factors. "Size" refers to the diameter of the melon, "count" means the number of melons in a carton, and "type of container" refers to its construction. "Conditions of container" means whether it is clean or used and dirty. The term "85% U.S. No. 1 quality" is considered by the trade as a specific pack, although it is far more common for handlers to ship what the industry calls a "good commercial" pack. In the latter case it is the individual handler who defines the term "good commercial" pack according to the needs of his customers as well as the need to protect his own label. With respect to melons, however, size is an integral part of the definition of pack. Record evidence indicates that cantaloup cartons, or more appropriately half cartons, are generally of one standard size. The melons are sorted according to size and all melons of a specific size designation are placed in cartons. The size designations refer to the actual number of melons packed in the carton. Preferred sizes in the proposed production area are 23's, 18's and 15's, referring to 23, 18 and 15 melons per carton respectively. It is essential that the committee have the authority to recommend, and the Secretary to approve, regulations in terms of packs, and define and establish such packs in terms of size tolerances, grades allowed, weight of contents, etc. The definition of the term "pack" should, therefore, be as set forth in the proposed order.

The term "container" should be defined in the proposed order to mean a carton, box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale, or other handling of melons. This definition is sufficiently broad to include each of the various shipping receptacles in which South Texas melons are sold, or moved to market, and for which different regulations could be applicable.

The term "varieties" is included in the proposed order so that the committee may consider the differences in the characteristics of different varieties of melons in connection with its recommendations for regulations. The

principal varieties grown in the production area at the present time are the *reticulatus* and *inodorus*. However, new varieties or hybrids are introduced from time to time and may become commercially important. The definition of varieties as set forth in the proposed order is appropriate for determining the different varieties, or types, of melons grown in the production area so that a basis for regulating some and not regulating others may be established.

The term "export" means shipment of melons to any destination which is not within the 48 contiguous States or the District of Columbia of the United States, separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market. Therefore different or special regulations, or even no regulations, may be justified with respect to such shipments.

"District" should be defined in the proposed order to provide a basis for the nomination and selection of committee members. It means each of the geographic sections, or divisions of the production area, as initially established or as later reestablished. The proposed division into districts is adequate and equitable and should provide a practical basis for the purpose intended.

"Part" and "subpart" mean those subdivisions of the Code of Federal Regulations in which the proposed order would be codified and published. Subpart means the Order Regulating Handling; part means the Order Regulating Handling along with all other subparts such as the Rules and Regulations, Budget and Rate of Assessment, and Handling Regulation.

(b) Section 608c(7)(C) of the act provides for an administrative agency for effective operation of an order. A South Texas Melon Committee consisting of 10 members (six producers, three handlers, and one public member) is the administrative agency sponsored by the industry to aid the Secretary in administering the proposed order and in carrying out the declared policy of the act. A committee composed of 10 members, with a like number of alternates, should provide adequate representation and assure reasonable judgment and deliberation with respect to recommendations made to the the Secretary, and in the discharge of other committee duties. Because marketing orders are intended primarily for the benefit of producers, it is appropriate that there be more producers than handlers on the proposed committee. However, since regulations under the proposed order would be at the handler level, it is also appropriate and prudent for

handlers to have representation on the committee.

The number of members from each district, as well as the total number of committee members, and members' distribution within districts, were given thorough consideration by proponents of the proposed order. In determining the number of producer representatives on the committee from each of the districts, consideration was given to melon acreage shown by the latest census figures in each county within a district. Thus, the number of producer representatives for each district is related to such district's portion of the total melon acreage in the production area. Similar methods were applied in apportioning handlers on the committee from each district. This should be a practicable and equitable method of providing producer and handler representatives on the committee. They will be familiar with supply and demand factors particularly affecting the sale of their melons and the effect of regulation upon such sales.

Each member and alternate selected to represent producers in a particular district should be an individual who is a producer, or an officer or employee of a corporate producer or other type of business unit engaged in producing melons in such district and he should also be a resident of the production area.

Such a person could be expected to have a strong interest in the effect of committee decisions on all melon producers and especially those in the proposed production area. As a resident of the production area such person would be familiar with the problems and concerns of producers. Record evidence shows that in the event a producer owns, or has an interest in, a packing shed handling melons for others, other than as a member of a marketing cooperative, he should be disqualified to be selected as a producer member or alternate. However, if a producer grades and sells only his own melons, he should not lose his status as a producer and may be selected to represent producers.

Each member or alternate selected to represent handlers in a particular district should be an individual who is a handler, or an officer or employee of a corporate handler or other type of business unit, engaged in handling such district's melons, and he should be a resident in the production area.

Inasmuch as handlers would be the persons actually regulated under the proposed order, the handler member should be one whose chief interest is in the handling of melons. Moreover, as a member of the production area he could be expected to be familiar with the local problems encountered by the industry.

Record evidence supports public representation on the administrative committee. While the influence of consumers would be implicitly present in the deliberations of the producer and handler committee members and all meetings would be public, the appointment of a public member would offer many advantages. One would be the direct communication between industry members and the public member who would have no connection with the industry and whose opinions on regulatory standards would represent the general public. Another would be to afford the industry an opportunity to discuss their problems and concerns with someone who would view these problems and concerns from outside the melon industry.

Public representatives should not be permitted to have either a direct financial interest or be closely associated with the commercial production, processing, financing, buying, packing, or marketing of melons except as a consumer, nor be a director, officer or employee of any firm so engaged. Such public representatives should be able to devote sufficient time and express a willingness to attend committee activities regularly and to familiarize themselves with the background and economics of the industry. Residence in the production area is not deemed close association with the production or marketing of melons and would not preclude such person from nomination as a public member or alternate. On the contrary, a public member from the production area could be expected to be more familiar with and knowledgeable about industry problems and practices.

To insure that all portions of the production area are adequately represented in the conduct of the committee's business and that the continuity of operation is not interrupted, the proposed order should provide for alternate members with the same qualifications as their respective members. They would act in the place and stead of their respective member during his temporary absence, or in the case of his death, removal, resignation, or disqualification. The alternate should serve as member until a new member is selected and has qualified. Also, the committee should be permitted to request the attendance of alternates at any or all meetings regardless of whether the members are present or not. This would be desirable especially when the committee is considering important matters and when it is necessary to have a greater expression of industry opinion.

The proponents request authority for a procedure which will insure the proper and efficient operation of the committee under any unusual circumstances where if neither the member

nor the alternate for a particular committee position is present the members attending should be empowered to designate by majority vote one of the other alternates from the same group who is present to act in the place of the absent member.

The effective date of the proposed order, if issued, may not coincide with the specified beginning and ending dates for the terms of office of the committee members and alternate members. Therefore, provision should be made for adjusting the initial terms of office. These should begin as soon as possible after the effective date of the order and half of the terms should end on the last day of the following February and the other half the year thereafter, as determined by nominees drawing lots.

Two districts, each of which includes a well known producing section, are established in the proposed order to provide a geographical basis for the selection of committee membership. Producers and handlers within the production area commonly recognize and accept the districts as set forth and customarily consider melon supplies and marketing problems in terms of these districts.

Redistricting authority is necessary in the proposed order to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in melon production in South Texas cannot be foreseen at the present time, since rather quick shifts may occur in the acreage of the various commodities produced from one year to another. Therefore, it is desirable to provide flexibility of operations so that if it would be in the best interests of the industry to readjust districts or reapportion membership, the committee may so recommend and the Secretary may approve such action.

The guides and limitations set forth in the proposed order which should be considered in making changes in districts or reapportionment of members are appropriate and desirable. Recommendations for such changes should be made well in advance of the intended effective date. Also, changes should not be made effective less than 30 days prior to the date on which terms of office begin, and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date. These safeguards are desirable so that producers and handlers may become well acquainted with any redistricting or reapportionment of members prior to the nominations.

The Secretary has the legal authority for the selection of the members

and alternates of the committee, but the industry should have the responsibility for recommending proper and appropriate nominees to the Secretary so that he may select from such nominees or from other eligible persons. The nomination procedure outlined in the proposed order will provide a means of making available to the Secretary the names of prospective members and alternates desired by the industry to serve on the committee.

The order should provide that the Secretary may conduct the nominations for initial committee members.

All growers and handlers should receive notice of such meetings and it is the hope of the proponents and anticipated that the initial meeting or meetings will be attended by all interested growers and handlers within the production area.

Sufficient notice of said meetings should be given to all growers and handlers within the production area. Nominations will be received and voted upon at such meeting or meetings.

The nominations resulting from these meetings, for each of the initial six grower and three handler members and their alternates shall be submitted to the Secretary if and when he issues a final decision that the proposed order should go to referendum.

Record evidence indicates it would be in the industry's interests to regulate as soon as possible. If the Secretary issues the order as proposed, there would not be sufficient time for the nomination and selection of the committee prior to the beginning of the 1979 season. For this reason, nomination meetings should be held by the Department as soon as possible after the signing of a favorable Secretary's Decision, the names of nominees immediately forwarded to the Secretary with the committee appointment to be effective upon issuance of the order. There would be, therefore, a degree of urgency in nominating the initial committee members so that the committee would be in a position to begin operations soon after the effective date of the order.

The responsibility for calling subsequent nomination meetings should be with the committee as one of its administrative duties. The committee may work with other existing organizations in conducting such nomination meetings.

Meetings for nominating members of subsequent committees and their alternates should be held or caused to be held by the committee not later than January 15 of each year. Inasmuch as the term of office begins March 1 of each year, nomination meetings should be held in sufficient time to assure that nominations for members and alternates will be sup-

plied the Secretary so he may select members and alternates prior to the beginning of each new term of office. At least one nominee should be designated for each position which is to be filled the following March 1.

Nominations should be supplied in such manner and form as the Secretary may prescribe. The industry, through the committee, should provide enough information about each nominee so the Secretary may be able to determine if such person is qualified for the particular position.

Only producers should participate in designating nominees for producer members and alternates and only handlers should participate in designating handler nominees. Such persons should be actively engaged in the production or handling of melons within the district in which they so participate. If a person is engaged in producing or handling melons in more than one district such person should elect the district within which he wishes to participate in electing nominees for committee members and alternates. Each grower or handler would thereby have the same voice in the nomination of committee members.

Regardless of the number of districts in which a person produces or handles melons each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation, however, is construed to mean that one vote may be cast for each position which is to be filled.

To provide an administrative agency at all times to administer the proposed order, the Secretary should be allowed to select committee members and alternates without regard to nominations if, for any reason, nominations are not submitted to him in conformance with the procedures prescribed therein. Such selection should be on the basis of the representation provided in the proposed order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

Provision also must be made for the selection and nomination of a public member and alternate. The record indicates that nominees for the public member and alternate shall be selected by the incumbent committee and should be forwarded to the Secretary no later than January 15 prior to beginning of term of office. The nominees would be selected under procedures recommended by the committee and approved by the Secretary. It is

also reasonable to require that the names of nominees for the initial public member and alternate be submitted to the Secretary as soon as possible but not later than 90 days after the first regular meeting of the producers and handlers on the initial South Texas Melon Committee.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. Such acceptance should be filed within ten days after notification of such selection, or by such other time as the Secretary prescribes. This requirement is necessary so that the Secretary may be in a position to promptly select some other eligible person to serve as a member or alternate in the event the initially selected member or alternate fails to properly qualify or indicate his willingness and intention to serve on the committee.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to him within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all groups of the industry are adequately represented in the conduct of committee business.

Committee members and alternates while on committee business will necessarily incur some expenses. Reasonable expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the committee. These provisions should also extend to alternate members when performing official duties.

The committee should be given those specific powers which are set forth in Section 608c(7)(C) of the act because such powers are granted by the enabling statutory authority and they are necessary for an administrative agency, such as the South Texas Melon Committee, to carry out its proper functions.

The committee's duties as set forth in the proposed order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under other programs of this nature. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the proposed order. It should be recognized that the duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform

which are incidental to, and not inconsistent with, these specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and legitimate and are incidental to the proper administration of the proposed order. Authorized expenses should include such items as salaries for the committee manager and staff, office equipment, supplies and maintenance, as well as travel expenses for the committee staff, members, and alternates incurred in connection with committee activities. However, the authority to incur expenses should not be confined to a predetermined list.

Expenses incurred by the committee in operating the proposed order must, under the act, be borne by handlers. The fairest and most practical way of distributing the costs of the program among handlers is to require each handler who first handles melons to pay his pro rata share of such expenses on the basis of the ratio of his total melon shipments to the total shipments by all first handlers during each fiscal period. The first handler is most generally the person who is the applicant for inspection on each shipment. In addition, such person is usually the one who starts the commodity on its way to market. For melons which are not inspected, the handler responsible for assessment should continue to be the handler who first handles the melons and should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on melons that are handled more than once.

The committee should be required to prepare a budget prior to or at the beginning of each fiscal period showing estimates of income and expenditures necessary for the administration of the order for such period. The budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report. No increase should be made in the total budget without prior recommendation of the committee and approval of the Secretary.

The committee should be authorized to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee.

The rate of assessment should be established by the Secretary on the committee's recommendation, which should be based on estimated expenses and the volume of shipments during a fiscal period. Such rate should be applied on a fair and equitable unit basis, such as per carton, hundredweight, carload or truckload.

Each handler, therefore, who ships melons as the first handler thereof,

should pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the program's expenses, so that the committee may have adequate funds to carry out its operations on a current basis.

Should developments indicate that assessments collected, or to be collected, during any fiscal period will not provide sufficient income to cover committee expenses, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment. If such a revised budget is approved, together with an increased rate of assessment, such increased rate should be retroactive to the beginning of the fiscal period, so as to avoid inequities among handlers.

Record evidence shows that the committee should have authority to continue assessments for the maintenance and functioning of the committee even though grade, size, or other regulations may not be in effect for a certain period, inasmuch as there might be administrative work being carried on that would require financing, and to maintain managerial continuity.

If, at the close of a fiscal period the committee has a carryover of funds in excess of expenses, and such funds are not retained in a reserve, handlers should be entitled to a proportionate refund. Such refund should be credited to each contributing handler against his operations for the following fiscal period, unless payment should be demanded, in which event the proportionate refund should be paid.

Good business practice requires provision for contingencies. The committee should be authorized with approval of the Secretary, to set aside excess funds in a reserve to be used for specific purposes. Such funds could be used to allow the committee to function at the beginning of a season prior to the time assessment income is available or to cover any deficits during a fiscal period in which assessment income is not sufficient to cover expenses. In order that reserve funds not be accumulated beyond a reasonable amount, however, a maximum in the reserve fund of an amount sufficient to operate for two fiscal periods should be authorized.

Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

All funds received by the committee may be used only for administration of the proposed order. The committee should be required to maintain books and records clearly reflecting the operations of its affairs, so that its administration may be subject to inspection at any time by the Secretary. This is

merely a sound business practice. Also, persons who will have anything to do with committee funds should be adequately bonded by a bonding company with a permit to do business in the State of Texas.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person would also be required to execute assignments or such other instruments as may be appropriate to vest in his successor, or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing order should be suspended, or if no regulations should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee during such period. This would provide a practical method for taking care of the committee's business affairs during periods of inactivity and would permit resumption of operations with a minimum of delay.

(d) The record indicates that one of the important functions of the South Texas Melon Committee would be to provide for production and marketing research and marketing development projects designed to improve or promote the production and marketing of melons. The act, as amended, permits such projects and such authorization should be included in the proposed order.

Research into production, transportation, methods of handling, containers, and studies on the relative merits of different stages at which melons should be marketed are other examples which the committee may deem worthy of investigation.

As the industry and the committee become more aware of the value of and need for production and marketing research and market development, projects will undoubtedly be initiated, the need for which cannot be foreseen. Therefore, the committee should have the authority to recommend and the Secretary should have the authority

to approve the establishment of appropriate projects. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for melons, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of melons by grade, size, quality, or container, or any combination thereof, as authorized in the proposed order, provides a means of carrying out such policy.

The procedures and methods outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain appropriate and adequate information relating to melon marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of melons.

A marketing policy should set forth the over-all plan for the committee for orderly marketing of melons during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made available through the various news media to producers and handlers in the production area as soon as possible at the beginning of each season in order to give them ample time to familiarize themselves with proposed regulations and plan their individual operations in accordance therewith. It should also be made available to the Secretary to aid him in evaluating the recommendations of the committee for regulations.

The factors set forth in the proposed order which the committee should consider in developing its marketing policy are necessary for a proper evaluation of the market outlook. The committee should have available all of the latest supply and price information for its area and competing areas. It should know, from information available and from the informed members themselves, the condition and quality of the crop in its area as well as in competing areas. The committee members themselves will be informed concerning problems peculiar to the area, such as prospective quality and maturity of the crop, and will be able to consider these factors in determining the marketing policy.

If the marketing policy should need amending or modifying during a

season, the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The committee should give the same publicity to each revised policy report as is given to the initial report in order to notify producers and handlers of the changes.

The South Texas Melon Committee, as the local administrative agency under the proposed order, should be authorized to recommend such grade, container, pack, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the proposed order, as will tend to effectuate the declared policy of the act. It is essential to successful operation of the proposed marketing program that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions so as to improve growers' returns for production area melons. The committee should, therefore, have authority to recommend such regulations as are authorized whenever such regulations will, in the judgment of the committee, tend to improve returns to producers.

The proposed order authorizes the Secretary, on the basis of committee recommendations or other available information to issue various grade, size, quality, pack, container, and other appropriate regulations which are necessary for the improvement of marketing conditions for production area melons. The Secretary should not be precluded from using such information which he may have, and which may or may not be available to the committee for consideration, in issuing such regulations. Also, when he determines that any regulation no longer tends to effectuate the declared policy of the act, the proposed order obviously should provide authority to amend or terminate the regulation.

The grade, size, quality, container or pack of melons which are shipped to market at any particular time have a direct effect on returns to producers. Record evidence shows that the marketing of low quality unpackaged melons harms the reputation of production area melons, thus decreasing the demand for them. The result is less money to all producers, even for the packaged better grades and sizes.

Cull melons shipped in bulk are the most serious cause of price decline and are the principal disruption to orderly marketing, especially in the nearby markets. If regulations are issued then the act requires that cull melons be prohibited from entering the fresh market. The only economically feasible alternative sales outlet for such melons is for livestock feed. The most

efficient and least cost safeguard to assure they would not enter the prohibited fresh market channels is to require they roll over spikes or be otherwise marred as they leave the packing house.

By having authority to regulate shipment of melons by grade, size, quality, pack, and container during any period, the shipment of low quality melons can be restricted to the extent deemed necessary by the committee and in accord with the particular preference for quality, sizes, or packs during any period. This should enhance the reputation of South Texas melons and result in higher returns for production area melons.

The committee may also have a need to prescribe rules and regulations, subject to approval by the Secretary, whereby any or all melons inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used, compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area.

The marking requirement could be used if it was found that uninspected lots were being substituted for inspected warehouse lots, or if trucks were moving out of the production area with uninspected melons when check stations are not being operated. Therefore, it is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary would be necessary and incidental to successful operation of the proposed order, and should be included therein.

The proposed order should provide for prompt notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should promptly notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the program.

The proposed order should provide for the amendment, modification, suspension or termination of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required to adjust regulations to effectuate the declared policies of the act. Likewise, it is obvious that if regulations no longer tend to effectuate the

declared policy of the act they should be terminated.

The proposed order is intended to improve marketing conditions with respect to commercial shipments, mainly carlots or truck lots, of melons going into the markets. However, some smaller shipments are occasionally made which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the order would be concerned. Therefore, authority should be contained in the proposed order to relieve such shipments from regulations, assessments, or inspection when such is in the best interest of the program.

The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of melons for purposes other than for disposition in normal trade channels. Melons moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of melons handled in commercial markets. The proposed order should provide authority for the committee to give appropriate consideration to the handling of melons for such purposes so that every opportunity may be taken to improve marketing conditions for melons thereby tending to increase total returns to melon growers in the production area.

Such outlets would be for relief, charity, experimental purposes, export, or other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief of charity are usually by the way of donation, and the committee should have authority to recommend waiving of the requirements in regard to these shipments since they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes such as to study improved varieties or improved shipping containers, or in order to develop new markets for melons. Since these studies are intended to benefit the industry as a whole, no particular purpose would be served by the application of all the requirements of the pro-

posed order to such shipments. Some export markets accept or prefer certain grades or sizes which normally are discounted for domestic markets. The proposed order should provide for appropriate modification, suspension or termination of regulations with respect to movement of melons to export outlets so that these demands can be met and the sale of the melons grown in the production area will continue to such markets.

Other outlets or special purposes may arise that are not known at this time. If such outlets are found not competitive with fresh market channels the committee may recommend and the Secretary may approve such movement under modified, suspended or terminated regulations.

The authority for modifying, suspending or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by additional administrative authority for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special regulations. Authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the proposed order.

Inspection of melons grown in the production area by the Federal or Federal-State Inspection Service is necessary for the purpose of determining officially whether shipments meet requirements effective under marketing regulations issued pursuant to the proposed order. The Federal or Federal-State Inspection Service has operated in Texas for many years and melon producers and handlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of melons. The service is available at melon packing sheds throughout the entire production area and reasonably prompt inspection can be given at all such points. Provision is made in the proposed order for inspection of melons grown in the production area by the Federal or Federal-State Inspection Service during any period in which the handling of melons is regulated under the program. Inspection and certification requirements should apply to all melons shipped under regulations issued under the proposed order except when relieved therefrom pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested par-

ties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of melons grown in the production area requires evidence that each shipment is in compliance with regulations under the order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated melons after they have prepared for market since he is usually the person responsible for the grade, size, quality, pack and container in which the melons are being shipped or handled. However, each handler, regardless of whether the first or subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification is essential to proper administration of the order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles melons should be required to obtain such inspection. Subsequent handlers should not be permitted to handle melons unless a properly issued inspection certificate, valid under the terms of the order, applies to such melons. If a handler should receive melons which have not been inspected, he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler responsible for inspection and certification of any uninspected melons handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever any shipments of melons subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such melons can no longer be specifically identified with reference to the inspection certificate. If any such lot of melons should thereafter be repacked, the repacked melons have a new identity. Any subsequent handling of such melons should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained. Therefore, the order should provide that the committee may require the person who handles melons after they have been repacked, resorted, or regraded to have such

melons reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such shipments comply with regulations in effect and applicable to melons that have been repacked or regraded.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed order are concerned. Such requirement is appropriate and necessary especially with respect to floor lot or platform inspections which might be administratively desirable to accommodate handlers and truckers. Like most of the more perishable fruits and vegetables, the character of South Texas melons changes during marketing. In a relatively short time the quality of melons may be appreciably different from that indicated at time of inspection. It would not be practical and feasible for the committee to rely upon inspection certificates which are not reasonably current.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied by the Inspection Service to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue regulations requiring that melons transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the proposed order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of melons passing through compliance check stations which may be set up along the production area boundary. Since nearly all melons produced in the production area move by truck such authority is necessary to effectuate the other provisions of the proposed order.

The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the proposed order. The

standards to be followed by the committee in requesting handlers to furnish reports should follow principles included in the rules incorporated in § .80 of the proposed order and such reports should be those necessary for operation of the committee in carrying out its responsibilities under the order. Reports furnished to the committee should be submitted in such manner and at such times as the committee, with approval of the Secretary, may designate. Such reporting procedures should be in accord with the needs and requirements of the committee which are essential to administration of the order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, and also to modify, change, or rescind, any requests by the committee for information is retained by the Secretary in order to protect handlers from unreasonable requests for reports.

Since it is possible that a question may arise with respect to compliance with the proposed order, each handler should maintain complete records of his handling and disposition of melons for a period of not less than two years after the end of each crop year.

In order to determine handlers' compliance with the proposed order and regulations issued thereunder, the committee with approval of the Secretary should be authorized to prescribe through rules and regulations, the type records and documents which shall be maintained by each handler with respect to each sale of melons. Such authorization should include authority for requiring proof or evidence of sale for each lot of melons sold, including the date of sale, the name of the buyer, the quantity, price, grade and size, the buyer's confirmation and record of payment, and other pertinent information which may be required by the committee. This information should be available for inspection by an authorized agent of the committee or the Secretary.

Any or all reports and records submitted for committee use by handlers shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records. Any reported information released to the industry should be on a composite basis, and no such release of information should disclose either the identity of the handlers or their operations.

Except as provided in the proposed order, no handler should be permitted to handle melons, the handling of which is prohibited by the proposed order or pursuant to regulations issued under the proposed order. If the program is to be effective, no handler

should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of melons handled by him, such action would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

The provisions of §§ .82 through .92 as published in the FEDERAL REGISTER of October 31, 1978 (43 FR 50685), and as hereinafter set forth, are common to marketing agreements and orders now operating. Also, the provisions of §§ .93 through .95 as hereinafter set forth, are included in other marketing agreements now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order. These provisions are incidental to, and not inconsistent with, subsections 608c (6) and (7) of the act, and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the Act. The substance of such provisions, therefore, should be included in the proposed order.

The provisions of §§ .82 through .95 as hereinafter set forth, are generally similar to those which are included in marketing agreements and orders now operating.

Such provisions, identified by section numbers and headings as follows: § .82 Right of the Secretary; § .83 Effective time; § .84 Termination; § .85 Proceedings after termination; § .86 Effect of termination or amendments; § .87 Duration of immunities; § .88 Agents; § .89 Derogation; § .90 Personal liability; § .91 Separability and § .92 Amendments, are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the order and to effectuate the declared policy of the Act.

The hearing record supports the inclusion of each such provision in the order. Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § .93 Counterparts; § .94 Additional parties; and § .95 Order with marketing agreement. Such provisions are also included in marketing agreements now in effect and the record supports inclusion of such provisions in the marketing agreement.

Rulings on briefs of interested parties. At the conclusion of the hearing the Administrative Law Judge fixed December 29, 1978, as the final date for interested parties to file proposed findings and conclusions and written agreements or briefs based upon the evidence received at the hearing.

One brief was filed on behalf of the South Texas Melon Steering Committee. Every point in the brief was carefully considered along with record evidence in making the findings and conclusions contained herein.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of melons grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) All handling of melons grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the foregoing conclusions may be carried out.

DEFINITIONS

§ .1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ .2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ .3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ .4 Production area.

"Production area" means the counties of Bee, Brooks, Cameron, Duval,

Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kelleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy, and Zapata in the State of Texas.

§ .5 Melons.

"Melons" means all varieties of *Cucumis melo*, commonly called muskmelons and including but not limited to varieties *reticulatus* and *inodorus*, grown in the production area. Such varieties include cantaloupes, honeydew and honey ball melons. Watermelons (*Citrullus lanatus*) are not included in the foregoing definition.

§ .6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of melons owned by another person) who handles melons or causes melons to be handled.

§ .7 Handle.

"Handle" or "ship" means to harvest, grade, package, sell, transport, or in any other way to place melons grown in the production area, or cause such melons to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery within the production area of field-run melons to a person for the purpose of having such melons prepared for market.

§ .8 Grower.

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the production of melons for market.

§ .9 Committee.

"Committee" means the South Texas Melon Committee established pursuant to § .22.

§ .10 Fiscal period.

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ .11 Grade, size, and maturity.

"Grade," "size," and "maturity" mean, respectively, any of the officially established grade, size, or maturity definitions as set forth in the U.S. Standards for Grades of Cantaloupes (§§ 2851.475-2851.494(c) of this title) or U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons (§§ 2851.3740-2851.3749 of this title), including amendments, modifications, or variations thereof, or such other grades, sizes, and maturities as may be recommended by the committee and approved by the Secretary.

§ .12 Grading.

"Grading" is synonymous with "preparing melons for commercial market" and means sorting or separation of melons into grades, sizes, maturities, or packs or any combination thereof, for handling.

§ .13 Pack.

"Pack" means a quantity of melons specified by grade, size, weight, or count, or by type or conditions of container, or any combination of these recommended by the committee and approved by the Secretary.

§ .14 Container.

"Container" means any carton, crate, box, bag, hamper, pallet bin, package, basket, bulk load, or any other type of receptacle used in handling melons.

§ .15 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types or melons according to those definitive characteristics now and hereinafter recognized by the U.S. Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ .16 Export.

"Export" means shipment of melons to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

§ .17 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § .24 or as reestablished pursuant to § .25.

§ .18 Part an subpart.

"Part" means the Order Regulating the handling of Melons in South Texas and all rules and regulations, and supplementary orders issued thereunder. The aforesaid Order Regulating the Handling of Melons Grown in South Texas shall be a "subpart" of such "part."

COMMITTEE

§ .22 Establishment and membership.

(a) There is hereby established a South Texas Melon Committee, consisting of ten (10) members, to administer the terms and provisions of this part. Six members shall be growers, three members shall be handlers, and one shall be a public member. Each shall have an alternate who shall have the same qualifications as the member.

(b) Each member, other than the public member, shall be an individual who is, prior to his selection and during his term of office (1) a resident

of the production area, and (2) a grower or handler, or an officer or employee of a grower or handler, or of growers' cooperative marketing organization.

(c) Five members shall be growers from District No. 1 and one member shall be a grower from District No. 2. No person, if he handles melons, shall be eligible for selection as a grower member on the committee unless at least 100 percent of the melons handled by him during the fiscal period immediately preceding his proposed selection to the committee were his own production or unless such person is an officer or employee of a growers' cooperative marketing association. Three members shall be handlers from District No. 1.

(d) The public member and alternate shall be a resident of the production area and be neither a grower nor a handler and shall have no direct financial interest in the commercial production, financing, buying, packing or marketing of melons, except as a consumer, nor shall such person be a director, officer or employee of any firm so engaged.

§ .23 Term of office.

(a) Except as otherwise provided in paragraph (b) of this section, the term of office of committee members and their respective alternates shall be for two years and shall begin as of March 1 and end the last day of February or for such other two year period as the committee may recommend and the Secretary approve. The terms shall be so determined that approximately one-half of the total committee membership shall terminate each year. Members and alternates shall serve in such capacity for the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified;

(b) The term of office of the initial members and alternates shall begin on the effective date of this subpart. Approximately one-half the initial committee members and alternates shall serve for a 1 year term.

§ .24 Districts.

To determine a basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: (Valley) the counties of Cameron, Hidalgo, Starr, Brooks, Kleberg, Jim Hogg, Kenedy, and Wilbacy in the State of Texas.

District No. 2: (Laredo-Coastal Bend) the counties of Zapata, Webb, Duval, Jim Wells, Nueces, San Patricio, La Salle, McMullen, Live Oak, Bee, and Refugio in the State of Texas.

§ .25 Redistricting.

The committee may recommend, and the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in melon acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts; and

(d) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than 6 months prior to such date.

§ .26 Nominations.

(a) Initial members. For nominations to the initial committee, the meeting or meetings may be sponsored by the U.S. Department of Agriculture or by any agency or group requested to do so by the Department. The nominations, resulting from these meetings, for each of the six initial grower and three initial handler members of the committee, together with nomination for the initial alternate members for each position shall be submitted to the Secretary prior to the effective date of this subpart.

(b) Successor members. (1) The committee shall hold or cause to be held, not later than January 15 of each year, or such other date as may be specified by the Secretary, a meeting or meetings of growers and handlers in each district for the purpose of designating at least one nominee for each position as member and for each position as alternate member of the committee which is vacant, or which is about to become vacant;

(2) The names of nominees shall be supplied to the Secretary at such time and in such manner and form as he may prescribe;

(3) Only growers may participate in designating grower nominees and only handlers may participate in designating handler nominees to the committee;

(4) Only growers and handlers who are present at such nomination meetings, or represented at such meetings by a duly authorized employee, may participate in the nomination and election of nominees for members and their alternates.

(c) Each person, whether grower or handler, is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representa-

tives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled;

(d) The public member and alternate member shall be nominated by the members of the committee. The public member and alternate member shall not be growers or handlers, or employees of growers or handlers. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by January 15, or such other date recommended by the committee and approved by the Secretary, of the years the terms expire together with information deemed pertinent by the committee or as requested by the Secretary. The names of the nominees for the initial public member and alternate shall be submitted to the Secretary not later than 90 days after the first regular meeting of the initial South Texas Melon Committee.

§ .27 Selection.

Committee members and alternates shall be selected by the Secretary on the basis of representation provided for in § .22 from nominations made pursuant to § .26.

§ .28 Failure to nominate.

If nominations, including initial nominations, are not made within the time and manner prescribed in § .26, the Secretary may, without regard to nominations, select the members and alternates on the basis of the representation provided for in § .22.

§ .29 Acceptance.

Any person selected by the Secretary as member or as an alternate member of the committee shall, prior to serving as such, qualify by filing a written acceptance with the Secretary within the time period specified by the Secretary.

§ .30 Vacancies.

To fill committee vacancies, the Secretary may select members or alternates from nominees on the latest nomination reports or from nominations made in the manner specified in § .26 or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the vacancy may be filled without regard to nomination, but such selection shall be made

on the basis of representation provided for in § .22.

§ .31 Alternate member.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by such member. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the committee, in that order, may designate another alternate from the same district and the same group (handler or grower) to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ .32 Procedure.

(a) Seven members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee actions.

(b) In assembled meetings all votes shall be cast in person. However, the committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such meetings shall be promptly confirmed in writing and recorded in the minutes of each meeting so as to reflect how each member voted.

§ .33 Expenses.

Members and alternates, when serving as members of the committee, shall serve without compensation but shall be reimbursed for such expenses authorized by the committee and necessarily incurred by them in attending committee meetings and in the performance of their duties under this part: *Provided*, That the committee at its discretion may request the attendance of one or more alternates at any or all meetings notwithstanding the expected or actual presence of the respective members and may pay expenses as aforesaid.

§ .34 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ .35 Duties.

The committee shall have, among others, the following duties:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees, and to adopt such rules, regulations, and bylaws for the conduct of its business as it deems necessary, and to recommend nominees for the public member and alternate;

(b) To act as intermediary between the Secretary and any grower or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to melons;

(f) To recommend research projects to the Secretary in accordance with this part;

(g) To notify handlers of each meeting of the committee to consider recommendations for regulations and of all regulatory actions taken which might affect growers or handlers and to provide such notification to producers through appropriate news releases or such other means as may be available to the committee;

(h) To give the Secretary the same notice of meetings of the committee and its subcommittee as is given to its members;

(i) To prepare a marketing policy;

(j) To recommend marketing regulations to the Secretary;

(k) To recommend rules and procedures for, and to make determination in connection with appropriate safeguards;

(l) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(m) Prior to or at the beginning of each fiscal period, to prepare a budget of anticipated expenses for such fiscal period, together with a report thereon;

(n) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers

and handlers for examination at the office of the committee;

(o) To prepare and forward to the Secretary, prior to the last day of each fiscal period, an annual report, and make a copy available to each handler and grower who requests it. This annual report shall contain at least:

(1) A complete review of the regulatory operations during the fiscal period;

(2) An appraisal of the effect of such regulatory operations upon the melon industry; and

(3) Any recommendations for changes in the program.

(p) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by growers and handlers; and

(q) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ .40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred during each fiscal period by the committee for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each first handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of melons handled by him as the first handler thereof during a fiscal period and the total quantity of melons so handled by all handlers as first handlers thereof during such fiscal period.

§ .41 Budget.

Prior to or at the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ .42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles melons shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses;

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information;

(c) At any time during or after a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment in conformance with § .41. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the assessment rate. Such increase shall be applicable to all melons which were handled by each first handler thereof during such fiscal period;

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative;

(e) To provide funds for the administration of the provisions of this part the committee may accept the payment of assessments in advance;

(f) If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge at rates prescribed by the committee with the approval of the Secretary.

§ .43 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. At the end of the fiscal period an annual financial audit shall be conducted by a competent accountant and two copies sent to the Secretary;

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such

assignments and other instruments as may be necessary or appropriate to vest in the successor, the committee, or person designated by the Secretary, the right to all such property and funds and all claims vested in such person;

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect, and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

§ .44 Excess funds.

(a) If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of any such assessments which represent payments by the handler in excess of his pro rata share, shall be credited with such refund against his operations of the following fiscal period or such excess shall be accounted for in accordance with one of the following:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established, except funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. Any funds remaining after termination should be refunded to handlers on a pro rata basis. If it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate;

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided for in subparagraph (1) of this paragraph, it shall be refunded proportionately to the handlers from whom collected, except any sum paid by any handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of

such fiscal period to any outstanding obligations due the committee from such handler.

RESEARCH AND DEVELOPMENT

§ .48 *Research and development.*

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of melons. The expenses of such projects shall be paid from funds collected pursuant to § .42.

REGULATIONS

§ .50 *Marketing policy.*

(a) Prior to or at the same time initial recommendations in any fiscal period are made pursuant to § .51, and as the Secretary may require, the committee shall prepare a marketing policy statement. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available at the committee office to all interested parties;

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to melon supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies of melons in competing areas;

(3) Estimates of supplies of other competing commodities;

(4) Market prices by grades, sizes, containers, and packs;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ .51 *Recommendations for regulations.*

Upon complying with requirements of § .50, the committee may recommend regulations to the Secretary when it finds that such regulations as are authorized in this order will tend to effectuate the declared policy of the act.

§ .52 *Issuance of regulations.*

(a) The Secretary shall limit by regulation the handling of melons when he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations

would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit the handling of particular grades, sizes, maturities, qualities, or packs, or any combination thereof, of any or all varieties of melons during any period;

(2) Limit the handling of particular grades, sizes, maturities, qualities, or packs of melons differently for different varieties, for different markets, for different containers, or any combination of the foregoing, during any period;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of melons, including appropriate container markings to identify the contents thereof.

(c) The regulations or any portions of such regulations issued hereunder may be amended, modified, suspended, or terminated by the Secretary whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder obstruct or no longer tend to effectuate the declared policy of the act.

§ .54 *Handling for special purposes.*

Regulations in effect pursuant to § .42, § .52, or § .60 may be modified, suspended, or terminated by the Secretary, upon recommendation of the committee, to facilitate handling of melons for: (a) Relief or charity, (b) experimental purposes, (c) exports, and (d) other special purposes, which may be recommended by the committee and approved by the Secretary.

§ .55 *Safeguards.*

The committee, with the approval of the Secretary, may establish, through rules and regulations, the requirements with respect to proof that shipments made pursuant to § .54 were handled and used for the purpose stated.

§ .56 *Notification of regulation.*

The Secretary shall promptly notify the committee of regulations issued and of any modification, suspension, or termination thereof. The committee shall give notice thereof to all handlers of melons in the production area. In addition, the committee shall make the information available to growers through appropriate news releases or such other means as may be available.

INSPECTION

§ .60 *Inspection and certification.*

(a) Whenever the handling of melons is regulated pursuant to § .52 or at other times when recommended by the committee and approved by the Secretary, no handler shall handle melons unless they are inspected by an authorized representative of the Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § .52(c), or § .54, or paragraph (b) of this section. The cost of such inspection shall be borne by the applicant.

(b) Regrading, resorting, repacking any lot of melons, or breaking any lot (without continuing identification of applicable inspection or subcertification thereof) shall invalidate any applicable inspection certificate insofar as the requirements of this section are concerned. No handler shall handle melons after a lot has been broken, regraded, repacked, or resorted, or in any other way additionally prepared for market, unless such melons are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, repacked, or broken lots of melons may be modified, suspended or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When melons are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Inspection Service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of melons by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or such other documents as may be required by the committee. Such certificates or documents shall be surrendered to proper authorities at such time and in such manner as may be designated by the committee, with the approval of the Secretary.

REPORTS

§ .80 *Reports.*

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and form and at such time as it may prescribe, such reports and other information as

may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The number of acres of melons and the approximate dates planted, for all melons which will be handled by each handler;

(2) The quantities of melons received by a handler;

(3) Identification of the inspection certificates relating to the melons which were handled pursuant to § .52 or § .54 or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least 2 succeeding years such records and documents on melons received by him as may be necessary to verify reports submitted to the committee pursuant to this section.

(d) For the purpose of assuring compliance with recordkeeping requirements and certifying reports of handlers, the Secretary and the committee, through their duly authorized employees or agents, shall have access to any premises where applicable records are located, and where melons are handled, and at any time during reasonable business hours shall be permitted to inspect such handler's premises and examine any and all records of such persons with respect to matters within the purview of this part.

(e) Any person filing a report, record, or application that is willfully misrepresented shall be subject to the legal penalties for such misrepresentation of Government reports.

COMPLIANCE

§ .81 Compliance.

Except as provided in this subpart, no handler shall handle melons, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle melons except in conformity with the provisions of this part.

MISCELLANEOUS PROVISIONS

§ .82 Right of the Secretary.

The members of the committee (including successors and alternates) and any agents or employees appointed or employed by the committee shall be

subject to removal or suspension by the Secretary at any time. Each and every order regulation, decisions, termination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ .83 Effective time.

The provisions of this subpart or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ .84 Termination.

(a) The Secretary shall, whenever he finds that any or all provisions of this subpart obstruct or do not tend to effectuate the declared policy of this act, terminate or suspend the operation of this subpart or such provision thereof.

(b) The Secretary shall terminate the provisions of this subpart at the end of the then current fiscal period whenever he finds that such termination is favored by a majority of the growers who, during a representative period determined by the Secretary, have been engaged in the production for market of melons within the production area: *Provided*, That such majority has during such representative period, produced for market more than 50 percent of the volume of such melons produced for market.

(c) The provisions for this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ .85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such

assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ .86 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ .87 Duration of immunities.

The benefits, privileges and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ .88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ .89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ .90 Personal liability.

No member or alternate member of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others in any way whatever, to any handler or to any person for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate, agent or employee, except for acts of

dishonesty, willful misconduct or gross negligence.

§ .91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ .92 Amendments.

Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ .93 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.¹

§ .94 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

§ .95 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of melons in the same manner as is provided for in this agreement.¹

A Draft Impact Analysis is available from Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447-4722.

Copies of this Recommended Decision are being mailed to known interested persons. Others may obtain copies from Mr. Brader or David B. Fitz, Marketing Field Office, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, 320 North Main, Room A-103, McAllen Texas 78501.

Signed at Washington, D.C., on February 6, 1979.

WILLIAM T. MANLEY,
Marketing Program Operations.

[FR Doc. 79-4588 Filed 2-9-79; 8:45 am]

¹Applicable only to the proposed marketing agreement.

[3410-02-M]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Order Directing That a Referendum Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of Referendum Agents To Conduct the Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers of olives grown in California to determine whether they favor continuance of the marketing agreement and order program.

DATES: Referendum period March 31 through April 16, 1979.

ADDRESSES: See information contained in supplementary information.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Pursuant to §932.68 of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted within the period March 31, 1979, through April 16, 1979, among the growers who, during the period September 1, 1978, through December 1, 1978 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of olives covered by the amended marketing agreement and order to ascertain whether continuance of the amended marketing order is favored by the growers.

O. C. Fuqua and Richard Van Diest, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Federal Building, 1130 "O" Street, Room 3114, Fresno, California 93721, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

Copies of the text of the amended marketing order may be examined in

the office of the referendum agents or of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum will be mailed to all known olive growers and may also be obtained from the referendum agents.

Dated: February 5, 1979.

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

[FR Doc. 79-4637 Filed 2-9-79; 8:45 am]

[3410-02-M]

[7 CFR Part 1133]

MILK IN THE INLAND EMPIRE MARKETING AREA

Proposed Termination of Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of proposed termination of rulemaking proceeding.

SUMMARY: This notice invites written comments from interested parties on a proposal by the Department to terminate the current rulemaking proceeding for the Inland Empire milk market. The single issue in this proceeding is a request by a dairy farmer cooperative to relax the limit on the amount of milk that handlers and cooperative associations may "divert" off the fluid market to manufacturing outlets. A public hearing on the request was held July 28, 1978. Recently, the cooperative association informed the Department that since the hearing it has been making certain changes in the marketing of its members' milk. Because of these changes, the cooperative believes that there is no longer a need for relaxing the diversion limits as proposed and supported at the hearing. This situation suggests that there is no basis for completing the proceeding.

DATE: Comments are due on or before February 27, 1979.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

PROPOSED RULES

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing—Issued July 10, 1978, published July 13, 1978 (43 FR 30066).

Order suspending certain provisions—Issued September 1, 1978, published September 8, 1978 (43 FR 39955).

Order suspending certain provisions—Issued December 7, 1978, published December 12, 1978 (43 FR 58079).

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et. seq.*), termination of the proceeding as set forth in a notice of hearing on proposals to amend certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered. The aforesaid notice of hearing was issued July 10, 1978 (43 FR 30066) and the hearing was held on July 28, 1978.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than February 27, 1979. All documents filed should be in quadruplicate.

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

STATEMENT OF CONSIDERATION

This proposed action would terminate a rulemaking proceeding which began July 10, 1978, on a proposal that would have increased the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to non-pool plants during each month. The hearing, which was held on July 28, 1978, was requested by a cooperative association that supplies the market with a substantial part of its fluid needs and handles much of the market's reserve milk supplies.

The proponent cooperative, Northwest Dairyman's Association, through its agent, Consolidated Dairy Products Company, recently notified the Department of certain changes that it is making in the marketing of its members' milk under the order. Because of these changes, the cooperative believes that there is no longer a need for relaxing the diversion limits as proposed and supported at the hearing.

On the basis of available information, it is clear that marketing conditions have changed significantly since the hearing, thereby making the

record evidence out of date. In view of proponent's recent indication that it does not need the order changes it proposed, it appears that the proceeding should be terminated.

Signed at Washington, D.C., on: February 5, 1979.

WILLIAM T. MANLEY,
Deputy administrator,
Marketing Program Operations.

[FR Doc. 79-4587 Filed 2-9-79; 8:45 am]

[3410-07-M]

Farmers Home Administration

[7 CFR Part 1951]

SERVICING AND COLLECTIONS

Recapture of Section 502 Rural Housing Subsidy

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to add regulations regarding the recapture of subsidies granted on section 502 Rural Housing loans approved after October 30, 1978. The intended effect of this action is to reduce profits attributable to a government subsidy as a result of sale of the home and to reduce program costs and enable FmHA to serve additional families. This action is required by recently enacted legislation.

DATES: Comments must be received on or before April 13, 1979.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Mathias (Matt) J. Felber, 202-447-4295.

SUPPLEMENTARY INFORMATION: On November 3, 1978, FmHA added § 1822.15(b)(1)(iii) and paragraph 12, Exhibit E to Subpart A, Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (43 FR 51385); to provide for securing the recapture of any interest credits or subsidies to be granted borrower(s) by the Government.

FmHA proposes to add a new Part 1951, Servicing and Collections, to 7 CFR Chapter XVIII. At this time, Part 1951 consists of Subpart I, which contains more detailed regulations on

the method of recapture of section 502 Rural Housing Subsidies.

This proposal contributes to the implementation of Pub. L. 95-557 by providing for the recapture of all or a portion of the subsidy granted a borrower as interest credits or homeownership assistance and an incentive for borrowers to maintain the property. The regulation will apply only to section 502 Rural Housing loans approved after October 30, 1978. A copy of the Draft Impact Analysis is available in the Program Analysis Branch, Farmers Home Administration (FmHA), South Agriculture Building, Washington, DC 20250. This regulation has been determined significant under the USDA procedure implementing Executive Order 12044.

FmHA proposes to add the following Part 1951 to 7 CFR Chapter XVIII:

PART 1951—SERVICING AND COLLECTIONS

Subpart I—Recapture of Section 502 Rural Housing Subsidy

Sec.

- 1951.401 Purpose.
- 1951.402 Policy.
- 1951.403 1951.405 [Reserved]
- 1951.406 Recapture of subsidy.
- 1951.407 Determining amount of subsidy to recapture.
- 1951.408 [Reserved]
- 1951.409 Finance office responsibility.
- 1951.410 Transfer of real estate security.
- 1951.411-1951.450 [Reserved]

Exhibit A—Subsidy Repayment agreement.

Exhibit B—Subsidy Repayment Fact Sheet.

AUTHORITY: 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart I—Recapture of Section 502 Rural Housing Subsidy

§ 1951.401 Purpose.

This procedure outlines the policies and procedures for the recapture of interest credits or Homeownership Assistance Program (HOAP) subsidy granted on initial and subsequent section 502 Rural Housing (RH) loans, transfers, and credit sales approved after October 30, 1978.

§ 1951.402 Policy.

The policy of FmHA is to recapture all or a portion of the Interest Credit and HOAP Assistance (hereafter known as subsidy) granted, while providing incentive for the borrower to occupy and maintain the property in marketable condition. The amount of subsidy to be repaid by the borrower is based on the amount of subsidy granted by the Government as compared to the real estate equity when the loan is repaid. The real estate that secures the RH loan is the only security for the subsidy granted the borrower.

§§ 1951.403-1951.405 [Reserved]

§ 1951.406 Recapture of subsidy.

Subsidy granted on section 502 RH initial and subsequent loans, assumption on same or new terms, and credit sales are subject to recapture if the loan, assumption or credit sale is approved after October 30, 1978. The subsidy is to be repaid when:

(a) The borrower sells, transfers, or without the Government's consent does not occupy the property or requests a release of the Government's lien on the property, or

(b) The government forecloses the mortgage securing the loan or the property is voluntarily conveyed to the government.

§ 1951.407 Determining amount of subsidy to be recaptured.

The amount of subsidy to be repaid to the Government will be based on the amount of subsidy granted on the loan, the appreciation in property value between the closing date of the loan and the date the account is satisfied, the method by which the loan is satisfied, and the period of time the loan is outstanding.

(a) *Voluntary conveyance or foreclosure.* The unpaid balance of loans being liquidated by voluntary conveyance or foreclosure is the sum of unpaid principal, interest, and total subsidy granted on the loan. In case of foreclosure, no deficiency judgment will be sought to recover any subsidy. The Finance Office, if requested by the County Office, will determine the unpaid principal, interest, and amount of subsidy granted.

(b) *Sale, transfer, refinancing, graduation or offer to pay in full.* The unpaid balance of loans being liquidated by sale, transfer, refinancing, graduation or offer to pay in full is the sum of unpaid principal, interest, and a share of the subsidy. The amount of subsidy to be repaid by the borrower will be determined by the Finance Office based on provisions of Form FmHA —, "Subsidy Repayment Agreement," (Exhibit A incorporated as a part hereof) executed by the borrower at the same time the first Interest Credit Agreement is signed after October 30, 1978. (Borrowers who signed an Interest Credit Agreement with subsidy subject to recapture between October 30, 1978 and receipt of this Instruction will execute a Subsidy Repayment Agreement as soon as possible but no later than the date renewal interest credits are granted.) The County Supervisor will compile and submit the following information to the Finance Office when the loan is to be repaid.

(1) The appraised value of the security property when the loan(s), subject to recapture, was approved.

(2) The unpaid balance of any prior lien.

(3) The selling expense to be paid by the borrower.

(4) The market value of the property on the date the loan is to be paid in full determined by:

(i) An appraisal in the case of a transfer, refinancing or graduation to other credit, voluntary conveyance, or foreclosure, or

(ii) The reported selling price, unless the County Supervisor believes the amount is substantially below the property value. In such cases, an appraisal of the security property will be made. If the appraised value is 5 percent or more above the reported selling price, recapture will be based on the appraised value rather than the selling price.

(5) The date and amount of all outstanding FmHA RH loans on the subject property made to, or assumed by the present borrower.

(6) The date and amount of all loans subject to recapture.

§ 1951.408 [Reserved]

§ 1951.409 Finance Office responsibility.

The Finance Office shall keep a cumulative record of interest credits and HOAP assistance granted after October 30, 1978, on each loan and the amount of payment made by the borrower. When requested by the County Office, the Finance Office will determine the amount owed.

§ 1951.410 Transfer of real estate security.

An RH loan, with subsidy subject to recapture, may be assumed in the same manner as any other loan. In such cases the amount of subsidy to be repaid by the borrower may be assumed and amortized with principal and interest in lieu of making a subsequent loan to repay the subsidy.

§§ 1951.411-1951.450 [Reserved]

EXHIBIT A

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
Subsidy Repayment Agreement

Date of Note _____ Amount of Note _____

Date of mortgage _____

Date of Note _____ Amount of Note _____

Date or mortgage _____

Type of assistance:

1. Interest credit

2. Homeownership Assistance Program

Address of Property:

BORROWER: _____ ADDRESS: _____

CO-BORROWER: _____ ADDRESS: _____

1. This agreement entered into pursuant to 7 CFR 1951-I, between the United States of America, acting through the Farmers Home Administration (herein called "the Government") pursuant to section 521 of Title V of the Housing Act of 1949 and the borrower(s) whose name(s) and addresses appear above (herein called "borrower")

supplements note(s) from borrower to the Government as described above, and any promissory note(s) for loans made to Borrower(s) in the future by the "Government." Such future notes, when executed, will be listed below the signature line of this Subsidy Repayment Agreement.

2. This agreement sets forth the conditions under which interest credits or Homeownership Assistance Program (HOAP) assistance (hereinafter called subsidy) granted by the Government on the loan(s) is to be repaid by the borrower.

3. The borrower(s) agree that the real property described in the mortgage(s) listed above is pledged as security for the subsidy received or to be received and such subsidy is due and payable upon the transfer of title, or payment of the debt evidenced by the note(s) described herein.

4. The borrower(s) agree that Paragraph 5 of this agreement is null and void should the property described in the mortgage(s) be foreclosed by the Government or voluntarily conveyed to the Government.

5. When the debt is satisfied by other than voluntary conveyance of the property to the Government or by foreclosure, the borrower and the Government agree that sale proceeds will be divided between the borrower and Government in the following order:

(a) Unpaid principal and interest due at the time of sale or transfer will be paid to the government and any lender holding a prior mortgage.

(b) Advances made by FmHA which were not subsidy and still due and payable will be paid to the Government.

(c) Reasonable and necessary sales expenses, actually incurred, will be paid to the borrower. This may include real estate sales commission, transfer fees and other expenses typically paid by the seller in the area.

(d) The amount of principal reduced from the loan calculated at the promissory note interest rate will be paid to the borrower.

(e) Any principal reduction attributed to subsidized interest calculations will be paid to the Government.

(f) The difference between the market value of the security, as determined by appraisal at the time the loan was made and the amount of the FmHA loan and any prior lien will be paid to the borrower. It should reflect item such as "sweat equity," borrower downpayment, value of lot and dwelling owned by the applicant when the loan was made. This amount is _____.

(g) The remaining balance after the payments described above have been paid is called value appreciation. Value appreciation will be divided between the Government and the borrower according to the following formula:

$$(1) \frac{.5 (\text{Value Appreciation}) \times \text{Borrower Payments}}{\text{Total Cost}} = \text{[Payment to the Borrower]}$$

(i) In case of HOAP: Borrower Payment is cumulative amount borrower paid to principal, interest, taxes, insurance, and allowance for utilities and maintenance (PITIUM) and Total Cost is Borrower Payment and Government contribution and allowance to PITIUM during the period the loan was outstanding.

(ii) In case of Interest Credits: Borrower Payment is the cumulative amount the borrower paid to Principal and Interest and Total Cost is the Principal and Interest at

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the note rate over the period the loan was outstanding.

(2) Value Appreciation minus (-) Payment to the Borrower = Amount of subsidy repayment to Government

(3) Subsidy repayment to the government will be reduced by a percentage factor which will add incentive for borrower(s) to occupy and maintain the dwelling. Net subsidy repayment to the government will be the amount determined in (g)(2) as reduced by the percentage factor listed below. The amount reduced in the payment to the government will be paid to the borrower.

No. of years property is held after loan closing	Percent factor
0-4	(¹)
5	3
6-10	7
11-15	12
16-20	18
21-25	25
26-30	33
31-33	40

¹No reduction.

(h) If this agreement is for a subsequent loan(s) only, the amount of repayment determined by (g)(2) above will be reduced by a ratio of the amount of subsequent loan(s) subject to recapture to the original amount of total 502 RH loans.

6. In no case can the amount recaptured by the Government, as determined in Paragraph 5(g) of this exhibit exceed the amount of the subsidy granted by the Government.

7. When a FmHA RH loan is repaid by other than sale of property, the amount of subsidy to be repaid the Government will be determined in the same manner as described in 5 but based on an appraised value determined by FmHA instead of sales price. In such cases, the subsidy due the government will remain a lien on the property until paid. It must be paid upon non occupancy, sale or other transfer of title to the property.

8. I (we) have read and agree to the provisions of this agreement.

Borrower By _____
 (FmHA official) _____ Co-Borrower
 (Title) _____ Date signed.

EXHIBIT B

SUBSIDY REPAYMENT FACT SHEET

Subsidy granted by FmHA to Section 502 Rural Housing borrowers on loans approved after October 30, 1978, are subject to recapture. This means that when a borrower's home is sold, transferred or otherwise disposed of FmHA may claim repayment of all or part of the interest credit or home ownership assistance subsidy. FmHA will recapture on the basis of a formula that permits the borrower to retain a portion of the value appreciation available when the home is sold or the mortgage otherwise paid-off.

The purpose for granting a housing subsidy is to assist a borrower to obtain decent, safe, and sanitary housing. Housing subsidy costs have risen dramatically in recent years. Through the use of a subsidy repayment agreement, the borrower and the Government share this cost. Borrower's contribution to subsidy cost will be from equity acquired through appreciation of the mortgaged property. Therefore, the longer the borrower lives in and maintains the proper-

ty, the greater the portion of the subsidy the borrower may retain.

How will it work?

1. The Mortgages, or Deeds of Trust, signed by those receiving interest credit or home ownership assistance subsidy, contain a provision making the amount of subsidy a lien against the property.

2. When a house is sold, transferred or the mortgage is refinanced, the amount to be recaptured will be due and payable.

3. When a borrower pays off the loan, but continues to live in the dwelling, recapture will be calculated, at the time of pay off for repayment upon transfer or nonoccupancy. This protects the borrowers from being forced to sell their home just because of recapture.

4. A formula, printed on the subsidy repayment agreement and available for all to view, will be used to calculate the borrower and FmHA shares of any value appreciation.

Dated: February 5, 1979.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 79-4652 Filed 2-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 281]

[Docket No. RM 79-13]

NATURAL GAS REQUIRED FOR ESSENTIAL AGRICULTURAL USES

Natural Gas Policy Act of 1978; Interstate Pipeline Curtailment Plans; Extension of Time

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Extension of time.

SUMMARY: The notice of proposed rulemaking issued in this docket on January 10, 1979, 44 FR 3052, stated that interstate pipelines would be required to file tariff sheets by February 6, 1979 (10 CFR 281.104). The Commission will not be able to issue a final rule by February 6. When the final rule is issued, it will set a date for the filing of any tariff sheets that may be required.

FOR FURTHER INFORMATION CONTACT:

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

Martin A. Burless, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825

North Capitol Street, N.E., Washington, D.C. (202) 275-4349.

KENNETH F. PLUMB,
Secretary.

FEBRUARY 2, 1979.

[FR Doc. 79-4677 Filed 2-9-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—
 Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-79-622]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Minimum Leasehold Terms

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The proposed rule would permit property improvement loans financing "built-in" kitchen appliances and carpeting to be made to lessees who hold the property to be improved under a renewable long term lease having a minimum original term of 25 years.

The present regulation requires that such leases have an original term of not less than 99 years and be renewable.

DATE: Comments must be received on or before April 16, 1979.

ADDRESS: Interested persons are invited to submit written comments, suggestions or data regarding the proposed rule to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. All relevant material received on or before April 16, 1979, will be considered before adoption of a final rule. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Title I Loan Insurance Division, Dept. Housing & Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-8686.

SUPPLEMENTARY INFORMATION: A significant number of properties in the State of Hawaii are subject to renewable long-term leases having original terms of less than 99 years but more than 25 years and consequently many borrowers in that State have been unable to obtain FHA Title I

Property Improvement loans for carpeting or kitchen renovations. The proposed rule would remove this restriction.

Accordingly, the Department proposes to amend 24 CFR as follows:

§ 201.6 Eligible loans.

(d) Use of proceeds—"built-in" kitchens. . . .

(5) Individuals whose interest in the property to be improved is derived under a lease shall not be considered eligible borrowers unless the lease has an original term of not less than 25 years which is renewable.

(6)
 (1) or a lessee under a lease which has an original term of not less than 25 years which is renewable

(g) Use of proceeds—carpeting. . . .
 (3) The improved property is a residential structure owned by the borrower or is held under a lease having an original term of not less than 25 years which is renewable.

(4) under a lease which has an original term of not less than 25 years which is renewable

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703, as amended.)

Issued at Washington, D.C. February 7, 1979.

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

[FR Doc. 79-4636 Filed 2-9-79; 8:45 am]

[4210-01-M]

[24 CFR Part 280]

[Docket No. R-78-617]

MOBILE HOME CONSTRUCTION AND SAFETY STANDARDS

Use of Copper Clad Aluminum Conductors

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed Rule.

SUMMARY: The Department is proposing to amend the Federal Mobile Home Construction and Safety Standards to accept certain sizes of copper clad aluminum conductors for use in the branch circuit wiring of mobile

homes. This action is being taken as a result of a request received by the Department to approve copper clad aluminum conductors in accordance with section 280.801(e) of the Federal standards. This amendment would permit the use of #10 and #12 AWG copper clad aluminum conductors when installed in accordance with applicable provisions of the National Electrical Code and connected with terminations suitable for use with aluminum wire.

DATES: Comments must be received on or before April 16, 1979.

ADDRESS: Comments shall be addressed to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Richard A. Mendlen, Chief, Standards Branch; Mobile Home Standards Division, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 426-1872.

SUPPLEMENTARY INFORMATION: Section 280.801(e) of the Federal mobile home construction and safety standards prohibits the use of aluminum conductors in mobile home branch circuit wiring unless they are specifically approved by the Department after examination of proposed systems for individual cases. As discussed in the Preamble to the standards as they were published on September 2, 1975, at 40 FR 40261, the Department prohibited the use of aluminum wire based on the opinion of the Consumer Product Safety Commission that the wire presented an unreasonable risk of injury. The Department also explained that among the types of aluminum wiring systems that it would consider approving under § 280.801(e) were "systems . . . using copper-clad aluminum conductors with appropriate connectors."

Pursuant to a request from manufacturers of copper clad aluminum conductors and based on laboratory test data, the Department now proposes to allow the use of #10 and #12 AWG copper clad aluminum conductors under certain conditions. The Department is also adding appropriate definitions to clarify the applicability of the proposed rule. Because the safety of aluminum conductors remains a controversial issue, the Department believes that any decision to allow their use should be subject to public comment.

The Department proposes this action based on a comparison between copper clad aluminum conductors and

other aluminum conductors that indicates that the copper clad conductors can be used safely when subjected to certain requirements. The reasons for the concern about the hazards of aluminum wire and a comparison with copper clad aluminum conductors follow:

1. *Oxidation.* The aluminum oxide that forms on the surface of aluminum conductors under normal operating temperatures inhibits the conduction of electrical current from the wire to the terminal. This problem may be accentuated when the wire is subject to corrosion as a result of exposure to moisture. With the increased resistance, higher than normal voltages are required to provide a conduction path for the electricity. The result is a build up of excessive heat at the terminal and arcing of the current from the conductor to the terminal, both of which constitute fire hazards.

Unlike aluminum oxide, the copper oxide that coats copper wire does not increase the resistance at the terminal and does not result in a fire hazard. Because copper clad aluminum conductors are coated with copper except at the ends or where the copper has been scraped or cut off, the copper clad should not have the same oxidation problem as the aluminum. The test data received by the Department support this conclusion. However, the Department remains concerned that aluminum oxide may form at the ends of the wire and where the copper coating is somehow penetrated so that the aluminum is exposed.

2. *Creep.* Creep is the term used to describe the relaxation of the conductor away from the terminal when the conductor is simply loosening itself away from the connection at the terminal. At temperatures and stresses which commonly occur at electrical terminations, the creep rate for copper conductors is negligible while the rate for aluminum conductors is significant. The result of creep is an increase in resistance and possible overheating of the electrical connection and arcing. The test data indicate that copper clad aluminum conductors have creep characteristics similar to those of copper and would ordinarily stabilize without degrading the continuity of a connection.

While the available test data indicate that copper clad conductors have much the same characteristics as copper conductors under laboratory conditions, the Department is not yet satisfied that they are the same as copper when in actual use. As a result of transportation vibration or improper installation, the copper clad conductors may become loose at the terminals and may lose their copper coating through cutting or nicking of the wire. If this occurs, the aluminum conduc-

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tor will be subject to both oxidation and corrosion. In any of these cases, overheating and arcing may occur. The only vibration test of copper clad aluminum conductors of which the Department is aware was not extensive enough to simulate actual transportation conditions, so the Department is unable to conclude that the copper clad conductor will operate acceptably after actual transportation.

As a result of these unanswered concerns, the Department proposed to allow the use of copper clad aluminum conductors only with devices and connectors listed as suitable for use with aluminum wire, commonly referred to as CO/ALR devices. The reason for this is that CO/ALR devices will provide greater assurance that electrical connections made with copper clad aluminum conductors are equivalent to copper wire connections made with non-CO/ALR rated devices. This assurance is provided by the vibration, humidity and torque testing required for certification of a CO/ALR device which are not required for a non-CO/ALR device.

Since the Department believes that copper clad aluminum conductor terminations corrode when located in areas subject to moisture, the proposed rule would prohibit the use of these conductors when they are terminated in wet or damp locations as defined in the National Electrical Code. It would also require that the contact surfaces of CO/ALR devices be made of materials that are not subject to corrosion.

This acceptance of the use of copper clad aluminum conductors is limited to sizes #10 and #12 AWG since the available data related only to those sizes. The Department will consider including other sizes in this acceptance if adequate supporting data are submitted.

A Finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, U.S. Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, during normal business hours.

These proposed amendments are being signed by two Assistant Secretaries because the standards were originally codified in the Federal Regulations Chapter assigned to the Assistant Secretary of Housing and Mortgage Credit, but the substantive authority for the program has been transferred to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

Accordingly, the Department proposes to amend 24 CFR Part 280 as follows:

1. By revising paragraph (e) of § 280.801 to read as follows:

§ 280.801 Scope.

(e) With the exception of copper clad aluminum conductors in size #10 and #12 AWG, aluminum conductors are not acceptable in branch circuit wiring in mobile homes except as specifically approved by the Department after examination of proposed systems for individual cases.

2. By adding new paragraphs (a)(42) and (a)(43) to § 280.802 as follows:

§ 280.802 Definitions.

(a) * * *
(42) "Aluminum conductor" means any conductor or material designed or used to conduct electricity that is made in whole or in part of aluminum.

(43) "Copper clad aluminum conductors" means aluminum conductors that are drawn from copper clad aluminum rods with the copper metallurgically bonded to an aluminum core and of which copper forms a minimum 10 percent of the cross sectional area of a solid conductor or of each strand of a stranded conductor.

3. By adding a new paragraph (q) to § 280.808 as follows:

§ 280.808 Wiring methods and materials.

(q) Copper clad aluminum conductors shall:

(1) only be connected to devices listed for use with aluminum conductors which have electrical contact surfaces that are not subject to corrosion, and

(2) not be terminated in wet or damp locations.

(Secs. 604 and 625, National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5403 and 5424, and Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., February 7, 1979.

GENO C. BARONI,
Assistant Secretary for Neighborhoods,
Voluntary Associations
and Consumer Protection.

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

[FR Doc. 79-4642 Filed 2-9-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 77-028]

MISSISSIPPI RIVER BELOW BATON ROUGE, LA.,
INCLUDING SOUTH AND SOUTHWEST
PASSES

Proposed Anchorage Ground Regulations;
Extension of Comment Period

AGENCY: Coast Guard, DOT.

ACTION: Extending of comment period for proposed rules.

SUMMARY: In the FEDERAL REGISTER of December 21, 1978 (43 FR 59521) the Coast Guard proposed amendments to the anchorage regulations for the Lower Mississippi River. This notice extends the comment period for the proposal to March 5, 1979. The original closing date was February 5, 1979. The American Waterways Operators Association has requested an extension of the comment period in order to allow additional time for a thorough review of the proposal.

DATES: As explained above, comments must be received on or before March 5, 1979.

ADDRESSES: Comments should be submitted to and will be available for examination at the Office of the Commander, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA. 70130.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Howard E. Snow, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-1934.

DRAFTING INFORMATION

The principal persons involved in drafting this notice are: lieutenant Commander Howard E. Snow, Office of Marine Environment and Systems, and Lieutenant John W. Salter, Project Attorney, Office of the Chief Counsel.

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); sec. 6 (g)(1)(A) 80 Stat. 937, (49 U.S.C. 1655 (g)(1)(A)); 49 CFR 1.46 (c)(1))

Dated: February 5, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc. 79-4600 Filed 2-9-79; 8:45 am]

[4910-14-M]

[33 CFR Part 117]

[CGD 78-1711]

DRAWBRIDGE OPERATION REGULATIONS

Gulf Intracoastal Waterway, Pinellas County, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is considering amending the regulations governing the operation of the Clearwater Memorial, Welsh Causeway, Corey Causeway, and Treasure Island Causeway drawbridges across the GIWW, Pinellas County, to provide restricted periods which may assist the flow of vehicular traffic. This action may accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before March 16, 1979.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, Florida 33130.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine En-

vironment and Systems, and Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

A significant increase in vehicular traffic in this area has aggravated traffic problems. The Welsh Causeway, Corey Causeway, and Treasure Island Causeway drawbridges are contributing to this problem because they are presently permitted to open on signal and the Clearwater Memorial drawbridge opens on signal except on weekends. In an effort to alleviate this problem, the Florida Department of Transportation has requested the Coast Guard to impose restrictions for opening these bridges during peak vehicular traffic periods. The Coast Guard is requesting comments from interested and affected parties regarding this proposal.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.466 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.466 Gulf Intracoastal Waterway (GIWW), Pinellas County, FL.

(a) Clearwater Harbor, GIWW, mile 136.0, Clearwater Memorial Causeway, S.R. 60, Clearwater, FL. From 9 a.m. to 7 p.m., the draw need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(b) Boca Ciega Bay, GIWW, mile 122.8, Welch Causeway bridge, S.R. 699, Madiera Beach, FL. From 9:30 a.m. to 6 p.m., on Saturdays, Sundays, and legal holidays, the draw need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(c) Boca Ciega Bay, GIWW, mile 117.7, Corey Causeway bridge, S.R. 693, South Pasadena, FL. From 8 a.m. to 7 p.m., Monday through Friday, and 10 a.m. to 7 p.m., Saturdays, Sundays, and legal holidays, the draws need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(d) Boca Ciega Bay, GIWW, mile 119.0, Treasure Island Causeway bridge, Central Avenue, Treasure Island, FL. From 3 p.m. to 6 p.m., Monday through Friday, and from 11 a.m. to 6 p.m., Saturdays, Sundays, and legal holidays, the draws need not open except on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(e) The draws of these bridges shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, other sound producing device, or by shouting.

(f) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5)).

Dated: February 2, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 79-4561 Filed 2-9-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 79-7; RM-3217]

FM BROADCAST STATION IN BIG PINE KEY, FLA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Big Pine Key, Florida. Petitioner, Lower Keys Broadcasting Corporation, states the proposed station could render a first local aural broadcast service to Big Pine Key and the Lower Keys Division of Monroe County.

DATES: Comments must be filed on or before April 2, 1979, and reply comments on or before April 23, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Big Pine Key, Florida); *Notice of Proposed Rulemaking*.

Adopted: February 1, 1979.

Released: February 5, 1979.

By the Chief, Broadcast Bureau:

1. Petitioner, Proposal and Comments:

(a) *Notice of Proposed Rule Making* is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) as it relates to Big Pine Key, Florida.

(b) Petition for rule making¹ was filed on behalf of Lower Keys Broadcasting Corporation ("petitioner"), seeking the assignment of Channel 228A to Big Pine Key, Florida, as its first FM assignment. No responses to the petition were received.

(c) Channel 228A could be assigned to Big Pine Key in conformity with the minimum distance separation requirements.

(d) Petitioner states it will promptly apply for and build a station serving Big Pine Key, if the channel is assigned.

2. *Community Data:* (a) *Location:* Big Pine Key is one of the islands in the Lower Keys Division of Monroe County, approximately 201 kilometers (125 miles) southwest of Miami and 48 kilometers (30 miles) northeast of Key West. It is not incorporated.

(b) *Population:* Big Pine Key—4,254; ² Lower Keys Division—10,352; Monroe County—52,856.³

(c) *Local Aural Broadcast Service:* There is no local aural broadcast service in Big Pine Key. It receives service from WKIZ(AM) and WKWF(AM), Key West, and WFFG(AM), Marathon.

3. *Preclusive Impact:* Petitioner claims that preclusion would occur on the co-channel affecting only two communities with over 1,000 population: Key West (29,312) and Marathon (4,387). However, this is not a concern since both of these communities have AM stations and FM assignments.

4. *Community Status:* Petitioner states that Big Pine Key has its own post office and maintains its own fire department. We are told that a community youth center and medical clinic are located at Big Pine Key as well as the Lower Keys Chamber of Commerce, several churches and civic and other organizations. These include a Jaycees, Lions Club, Botanical Society and Civic Association. Various governmental offices are also located there.

5. Petitioner states that no daily newspapers is printed in the Lower Keys Division, although home delivery of the Miami newspaper is available. It adds that the proposed station could serve the needs and interests of Big Pine Key and the Lower Keys Division of Monroe County.

¹Public Notice of the petition was given on October 13, 1978, Report No. 1145.

²There is no Census figure listed for Big Pine Key. As of June, 1977, the Monroe County Department of Waste Control estimated the population of Big Pine Key to be 4,254.

³1970 U.S. Census.

6. Although the information on hand suggests that Big Pine Key is a community, there is some question about its size. Apparently, in 1970 its population was under 1,000 since it does not appear in the 1970 Census which lists all unincorporated communities having a population of at least 1,000. Petitioner asserts that the population has reached 4,254, but it has not explained this dramatic increase. Further information in this regard is needed.

7. In order to consider the possibility of assigning an FM channel to Big Pine Key, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Rules), as it pertains to Big Pine Key, Florida, as follows:

City	Channel No.	
	Present	Proposed
Big Pine Key, Florida.....		228A

8. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before April 2, 1979, and reply comments on or before April 23, 1979.

10. For further information concerning this proceeding, contact Mildred Nesterak, Broadcast Bureau, (202-632-7792). However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(d), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 02.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making above. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleading. Comments shall be served on the petitioner by the person filing comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Ref-

erence Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 79-4584 Filed 2-9-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 258]

FISHERMEN'S PROTECTIVE ACT

Proposed Rulemaking

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Proposed Rulemaking.

SUMMARY: The National Marine Fisheries Service (NMFS) proposes regulations to implement Section 10 ("Section 10") of the Fishermen's Protective Act of 1967, as amended by Pub. L. 95-376 (the "Act"). Section 10 establishes a program to compensate United States fishermen who have suffered vessel damage, loss, or destruction in any fishery subject to the exclusive management authority of the United States, because of foreign fishing vessels and fishing gear damage, loss, or destruction which is attributable to any other vessel or acts of God.

DATES: Comments must be received no later than April 9, 1979.

ADDRESS: Comments should be sent to: Mr. Michael L. Grable, Chief, Financial Services Division, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235. All comments submitted will be available for examination by interested persons. Please mark "Section 10" on the envelope.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, or Kathryn E. Hensley, Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Telephone 202-634-7496.

SUPPLEMENTARY INFORMATION: This is a proposal to add a new Subpart C to 50 CFR Part 258. This new subpart is being proposed to implement part of Pub. L. 95-376 which established a system for compensating U.S. fishermen whose fishing vessels or fishing gear have been lost, damaged or destroyed while operating in a fishery subject to the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 et seq.) Eligible fishermen would receive compensation for loss, damage, or destruction of

their fishing vessels which is attributable to any foreign vessel (or its crew or fishing gear) and for any fishing gear whose loss, damage or destruction is attributable to the activity of any other vessel, whether or not it is a vessel of the United States, or to an act of God. Thus, the inability of U.S. fishermen to establish the precise identify of the vessel causing the damage to its fishing gear would no longer bar compensation under Section 10 of the Fishermen's Protective Act (22 U.S.C. 1880). Pub. L. 95-376 provides that a claimant be compensated for the depreciated replacement cost or the repair cost of the gear involved, whichever is less. Criminal penalties of up to \$25,000 and one year imprisonment or both, may be imposed for any false or misleading statements on the part of any person seeking compensation under this program.

Section 10 is funded primarily by a surcharge levied against foreign fishing vessels operating within the Fishery Conservation Zone. Revenues are also received from subrogated rights, investments of fund balances, administrative fees, and borrowings.

BACKGROUND

The present Section 10 program allows the Secretary to make loans to domestic fishermen whose vessels or gear are damaged by foreign fishing vessel operations in the U.S. Fishery Conservation Zone. These loans are cancellable if it is determined that the applicant was not at fault in the casualty for which the loan had been made. Rules governing the administration of the present Section 10 program are codified as Subpart B of 50 CFR Part 258.

Pub. L. 95-376 amended Section 10 to broaden the type of casualties eligible for compensation, change the method of compensation, and provide a new source of program funding. Since Pub. L. 95-376 substantially amended the present Section 10 program, NMFS proposes to rewrite the program rules in their entirety.

All eligible casualties occurring before January 1, 1979 are governed by the present Section 10 program and will be acted upon in accordance with the rules now governing the present Section 10 program. Casualties occurring after January 1, 1979 are governed by the new Section 10 program and will be governed by these proposed rules.

The Assistant Administrator for Fisheries has made initial determination that these proposed regulations are not significant under Executive Order 12044. The Assistant Administrator has also determined that these proposed regulations do not require the preparation of an environmental

impact statement under the National Environmental Policy Act.

Dated: February 6, 1979.

TERRY L. LEITZELL,
Assistant Administrator
for Fisheries.

50 CFR Part 258 is proposed to be amended by adding the following Subpart C:

Subpart C—Compensation for Fishing Vessel or Gear Damage in a U.S. Fishery Attributable to Other Vessels or Acts of God.

Sec.

- 258.20 Purpose and scope.
- 258.21 Definitions.
- 258.22 Eligibility.
- 258.23 Applications.
- 258.24 Burden of proof and presumptions.
- 258.25 Amount of compensation.
- 258.26 Initial determination.
- 258.27 Final determination.
- 258.28 Subrogation.
- 258.29 Payment.
- 258.30 Penalties.

AUTHORITY: Pub. L. 95-376, 92 Stat. 715 (22 U.S.C. 1880).

Subpart C—Compensation for Fishing Vessel or Gear Damage in a U.S. Fishery Attributable to Vessels or Acts of God.

§ 258.20 Purpose and scope.

(a) This subpart contains the regulations for compensating the owners or operators of United States fishing vessels for casualties occurring after January 1, 1979. Eligible vessel casualties are those which are attributable to any foreign vessel (or its crew or fishing gear). Eligible fishing gear casualties are those which are attributable to acts of God or any other vessel (or its crew or fishing gear), whether or not that vessel is a United States vessel.

(b) For regulations governing casualties occurring before January 1, 1979 see Subpart B.

§ 258.21 Definitions.

Unless the context otherwise requires, in this subpart:

(a) "Act of God" means any act, event, or circumstance:

(1) Which is occasioned exclusively by natural causes; and

(2) Whose effect could not reasonably have been prevented, avoided, or ameliorated by human care, skill, or foresight (either before or after the act, event, or circumstance) of a type, degree, and timeliness which would normally be expected from an ordinarily prudent person in the same situation and under the prevailing circumstances.

(b) "Assistant Administrator" means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

(c) "Casualty(ies)" means loss, damage, or destruction of fishing vessel(s) or fishing gear.

(d) "Fishery" means:

(1) One or more stocks of fish which can be treated as a unit for purposes of conservation, management, and utilization and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and

(2) Any fishing for such stocks.

(e) "Fishery conservation zone" means the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976, as amended.

(f) "Fishing" means:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (1) through (3) of this definition. Fishing does not include any scientific research activity conducted by a scientific research vessel.

(g) "Fishing gear" means any equipment or appurtenance which is: (1) Used for, or of a type which is normally used for, fishing by a fishing vessel, whether or not attached to the vessel, and (2) not considered a part of the fishing vessel for the purpose of recovery under a commercial policy of full hull and machinery and protection and indemnity insurance.

(h) "Fishing vessel" means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

(i) "Foreign vessel" means a vessel other than a vessel of the United States, regardless of such vessel's trade or use.

(j) "United States fishery" means any fishery subject to the exclusive fishery management authority of the United States under the Fishery Conservation and Management Act of 1976, as amended.

(k) "United States fishing vessel" means any fishing vessel which is a vessel of the United States.

(l) "Vessel of the United States" means any vessel documented under the laws of the United States or registered under the laws of any State, regardless of such vessel's trade or use.

§ 258.22 Eligibility.

(a) *Applicants.* Only the owner or operator of a United States fishing vessel or fishing gear is eligible for compensation under this subpart.

(b) *Dates.* Casualties occurring after January 1, 1979, are eligible for compensation under this subpart. See Subpart B of this part for regulations governing casualties occurring before January 1, 1979.

(c) *Casualty to fishing vessels.* A casualty to a United States fishing vessel is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to any foreign vessel.

(d) *Casualty to fishing gear.* A casualty to fishing gear is eligible for compensation under this subpart if it occurred in a United States fishery and is attributable to an act of God or any other vessel, whether or not such vessel is a foreign vessel.

(e) *Reporting requirement.* A casualty to fixed fishing gear attributable to any other vessel is not eligible for compensation unless the location of the gear, prior to the casualty, had been reported to the U.S. Coast Guard for broadcasting to foreign vessels.

(f) *Insurance.* To be eligible for compensation under this subpart, a casualty may not involve a risk which is insurable under a commercial policy of full hull and machinery and protection and indemnity insurance, regardless of whether or not the insurance was in effect at the time the casualty occurred.

(g) *Commercial shipping lanes.* No casualty occurring in a commercial shipping lane is eligible for compensation under this subpart. A "commercial shipping lane", for purposes of this paragraph, is any area commonly recognized as such.

§ 258.23 Applications.

(a) *Who may apply.* Applications under this subpart shall be submitted by the owner or operator whose United States fishing vessel or fishing gear suffered the casualty for which compensation is sought.

(b) *Where to apply.* Applications shall be submitted to the Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235.

(c) *Time requirement.* Applications must be submitted to the Financial Services Division (NMFS) within 60 calendar days of the date the casualty occurred or was first noticed by the applicant. Applications sent by mail must be postmarked during that 60 day period.

(d) *Contents.* (1) Applications may be submitted on forms provided by the Financial Services Division when such forms are available. Until such forms are available applications shall include

the information required by paragraphs (d) through (j) of this section.

(2) Each application shall be signed by the applicant and shall set forth facts sufficient to establish that the applicant meets the eligibility requirements set forth in § 258.22.

(3) Each application shall include as attachments the affidavits and estimates required by this section. For the purposes of this section, an affidavit is a written statement sworn to or affirmed before a notary public.

(e) *Affidavit of vessel master.* Each application shall include an affidavit of the master of the United States fishing vessel which suffered, or whose fishing gear suffered, the casualty for which compensation is sought. If more than one master was involved at any material time before, during, or after the casualty, the application shall include an affidavit from each master. The affidavit shall set forth a full statement of all facts and circumstances before, during, and after the incident resulting in the casualty for which compensation is sought including:

(1) A full description of the nature of the fishing operations which involved the casualty. The description of casualties to fixed fishing gear shall include a diagram and accompanying explanation showing what the various components of the gear involved in the casualty were and how they were arranged while operating.

Example. The description for a casualty to fixed gear would describe: (i) How the gear was fixed, anchored, or otherwise prevented from drifting and with what size, weight, type, material of construction, and number of anchors or other means of affixation; (ii) how many pots, traps, or other units of gear of what size, weight, type, and material of construction were affixed to the gear, how they were affixed, and at what intervals; (iii) how the gear was buoyed, with what size, shape, type, and material of construction buoys, and how many buoys were used at what intervals on the gear set; (iv) what size, weight, type, grade, and material of construction lines, ropes, or cables were used; (v) what provisions were made for the gear having been visible to other vessels; (vi) what provisions were made for the gear having been made capable of relocation and retrieval; (vii) at what depth the gear operated, its length, what area it covered; (viii) what weather or sea conditions the gear was designed to withstand; and (ix) any other relevant details of the casualty.

(2) A full description of the nature and extent of loss, damage, or destruction involved in the casualty, including photographs of the damage where possible.

(3) The time, date, and locational coordinates (in latitude and longitude) of the incident resulting in the casualty. For fixed fishing gear casualties where actual occurrence of the casualty was not observed by witnesses, this shall include: (i) The time, date, and locational coordinates for when the gear was first deployed; (ii) the time, date, and locational coordinates for when the gear was last observed to be in a sound state (if different from the time and date of its deployment); (iii) the time, date, and locational coordinates for when knowledge of the fishing gear casualty first became known; and (iv) a full statement (to the best of applicant's knowledge) of the weather and sea conditions (or any other conditions which could be construed as an act of God) which existed during the period after deployment and before first knowledge of the casualty.

(4) If the casualty was observed during its occurrence, a full description of the act of God or vessel alleged to have caused the casualty (for instance, unusual weather conditions if the cause alleged is an act of God or the other vessel's size, type, flag, name, number, color of house or hull, and other identifying characteristics if the cause alleged is the action of another vessel, and a full description of such vessel's, and/or its crew's, actions before, during, and after its alleged causing of the casualty).

(5) A full description of the actions of the applicant's fishing vessel and its crew before, during, and after the casualty, including all circumstances involving deployment of any gear involved in the casualty and its relocation and retrieval or all attempts at its relocation and retrieval.

(6) A full statement of the reasons for belief that the casualty was caused by another vessel or by an act of God rather than by natural conditions constituting less than an act of God ("act of God" is defined in § 258.21) or by other ineligible causes (for example, defective deployment, defective retrieval, or other circumstances which constitute normal operating contingencies).

(7) A full inventory of all property involved in the casualty, including: Enumeration of all components lost, damaged, or destroyed; their size, type, grade and material of construction; their age; their useful economic life; whether the loss was total or repairable (and, if a combination of both, what components were totally lost, what components were retrieved in what condition, etc.).

(f) *Affidavit of the owner.* Each application shall include an affidavit of the owner of the property involved in the casualty. A single affidavit may be submitted if the vessel master is also

the owner of the property concerned. Each affidavit shall include:

(1) A complete inventory of all fishing gear owned by the applicant of a type similar to any gear involved in the casualty for which a claim for compensation is being made. The inventory shall be current as of a date immediately preceding the casualty (the lost, damaged, or destroyed gear must be included in the inventory). The age and remaining useful economic life of each unit of gear on the inventory shall be specified;

(2) The date, place, and cost of acquisition of all fishing gear and components lost, damaged, or destroyed in the casualty. Purchase invoices for such gear and all components shall be submitted if available.

(g) *Estimates.* Each application shall include three estimates, from commercial sources acceptable to the Assistant Administrator, of the present replacement cost of the property lost, damaged, or destroyed and its repair cost if it is repairable.

(h) *Witnesses.* Each application shall include:

(1) The name, address, and telephone number of each known witness to the casualty; and

(2) An affidavit from any material witness to the casualty setting forth any material information possessed by such witness.

(i) *Other evidence.* The Assistant Administrator may, in his or her discretion, require an applicant to submit affidavits, information, explanations, or estimates in addition to those specified in this section.

(j) *Filing fee.* Each application shall include a check or money order made payable to National Marine Fisheries Service for the filing fee. The filing fee is one percent (1%) of the replacement and/or repair (whichever is applicable) cost of the property lost, damaged, or destroyed in the casualty (but in no event shall the filing fee exceed \$1,000). The replacement and/or repair cost used to calculate the filing fee is the lowest of the three estimates required by § 258.23(g) to be included in the application. The filing fee is non-refundable.

(k) *Incomplete and abandoned applications.* As soon as practicable after receipt of an incomplete or improperly completed application, the Assistant Administrator shall notify the applicant of the deficiency in the application. The 60-day processing time, within which an Initial Determination shall be made under § 258.26, does not begin to run until an application is determined by the Assistant Administrator to be both proper and complete in all respects. If the applicant fails to correct a deficiency within 60 calendar days following the date of notification

of the deficiency the application shall be considered abandoned.

(1) *Amendment of applications.* An application may be amended any time after submission, but prior to the Initial Determination specified in § 258.26. The Assistant Administrator shall make an Initial Determination on the application, as amended, within 60 days from the receipt of the amendment.

§ 258.24 Burden of proof and presumptions.

(a) *Burden of proof.* The applicant has the burden to prove by a preponderance of the evidence the cause of the casualty. An applicant seeking compensation for a casualty to fishing gear has the burden to prove that the gear was deployed, and attempts to retrieve it were, in conformance with customary usage and practice and otherwise constituted the actions of an ordinarily prudent person.

(b) *Presumptions.* (1) *Unobserved fishing gear casualties.*—(i) *Foreign vessels.* (A) Upon the filing of an application for compensation for an unobserved fishing gear casualty, the Assistant Administrator shall compile available data and information concerning foreign vessel activity in the vicinity of the casualty between the date of the gear's deployment (or the date the gear was last seen in a sound state) and the date upon which knowledge of the casualty was first gained.

(B) There is a presumption that a casualty was attributable to a foreign vessel if the Assistant Administrator determines that the data and information compiled under paragraph (A) show that a foreign vessel was in close enough proximity to the fishing gear, or a sufficient number of foreign vessels were in the general vicinity of the fishing gear, between the time of the gear's deployment, and the time of its retrieval or attempted retrieval.

(ii) *Acts of God.* (A) The Assistant Administrator, in cooperation with the National Weather Service, shall attempt to compile a historical average of the means and extremes of weather and sea conditions encompassing the United States Fisheries. This historical average shall be used to determine whether the actual weather or sea conditions prevailing in the vicinity, and at the time of the casualty would constitute an act of God (as opposed to normal weather and sea conditions for that area at that time).

(B) There is a presumption that a casualty was caused by an act of God if the National Weather Service records (and judgments based upon those records) available to the Assistant Administrator show that there were extreme or possibly extreme weather or sea conditions in the vicinity of the gear at the time of its casualty.

(iii) *Non-qualifying casualties.* There is no presumption for casualties alleged to have been caused by domestic vessels. Unobserved fixed fishing gear casualties which do not qualify for the presumptions of § 258.24(b) shall be judged upon the available evidence. If the presumptions in § 258.24(b) are not met because of the inability of the Assistant Administrator to collect the necessary information, the Assistant Administrator shall make a determination based upon the available evidence.

(2) *Observed casualties.* The presumptions for unobserved fishing gear casualties shall not apply to observed casualties.

§ 258.25 Amount of compensation.

(a) *General.* The amount of compensation under this subpart is the amount of casualty under paragraph (b) of this section minus the sum of any deduction for the negligence of the applicant under (e) of this section and any insurance proceeds under paragraph (f) of this section.

(b) *Amount of casualty.* If the property concerned is determined by the Assistant Administrator to be repairable at a cost less than its depreciated replacement cost, the amount of the casualty is the repair cost. The amount of the casualty for property which is totally (actually or constructively) lost or destroyed is its depreciated replacement cost.

(c) *Depreciated replacement cost.* For purposes of this section the depreciated replacement cost is the present replacement cost of the property (at the time the claim is submitted) which has been lost or destroyed, depreciated on a straightline basis over the useful economic life of the property remaining as of the time immediately prior to the casualty.

(d) *Multiple losses.* (1) If multiple units of fishing gear are involved in the casualty and the age, condition, and value of individual units cannot be established to the satisfaction of the Assistant Administrator, the Assistant Administrator may use the average remaining useful economic life for all units identified in the inventory required by § 258.23 in calculating the depreciated replacement cost.

(2) If the average remaining useful economic life of the property involved in the casualty is less than the average remaining useful economic life of all the property in the inventory required by § 258.23, the average remaining useful economic life of the property involved in the casualty shall be used as the basis for calculating the depreciated replacement cost.

Example No. 1. (i) Applicant claims to have lost 100 crab pots with variously remaining useful economic lives averaging 3.5 years. The applicant's

gear inventory shows that the applicant owns 500 crab pots (including the 100 involved in the casualty) with variously remaining useful economic lives averaging 2.5 years.

(ii) The replacement cost of the 100 pots involved in the casualty will be depreciated as if they each had a useful economic life of 2.5 years, rather than 3.5 years.

(iii) If the present replacement cost of the pots is \$500 each and they have a useful economic life when new of 5 years, the depreciated replacement cost of each pot will be \$250 or one-half of the replacement cost (since 2.5 years, or one-half their new useful economic life, was regarded as being remaining at the time of the casualty).

(iv) Thus, the compensation would be 100 pots at a depreciated replacement cost of \$250 each, for a total of \$25,000.

Example No. 2. If the 100 crab pots described in Example No. 1 had a remaining useful economic life of 1.5 years (instead of 3.5 years), 1.5 years would be the basis for depreciating the cost of the replacement pots, rather than the 2.5 year average remaining useful economic life of the inventory property. Since 1.5 years is 30% of the useful economic life of new pots (1.5 years—5 years) the compensation would be \$15,000 (100 pots at a depreciated replacement cost of \$150 each).

(e) *Comparative negligence.* In calculating the amount of compensation under this subpart, the amount of casualty under paragraph (b) of this section will be reduced proportionally to the extent that any negligence of the applicant (or the applicant's agents) contributed to the cause or extent of the casualty.

Examples. If 10 percent (10%) of the \$25,000 in damages suffered was the result of the applicant's negligence, the applicant would receive \$22,500 in compensation. If the negligence of the applicant had caused 90% of the loss, \$2,500 in compensation would be received.

(f) *Insurance proceeds.* For purposes of calculating the amount of compensation, the amount of casualty under paragraph (b) of this section will be reduced by the amount the applicant has received, will receive, or would have received from a commercial policy of full hull and machinery and protection and indemnity insurance, whether or not such insurance was in effect at the time the casualty occurred.

§ 258.26 Initial determination.

(a) *Time.* Within 60 days of the receipt of a properly completed application (see § 258.23 (k)), the assistant Administrator shall make an initial determination of the amount of any compensation to be paid the applicant.

(b) *Contents.* An initial determination shall state:

(1) If the application is disapproved, the reasons therefor; and

(2) If the application is approved, the amount of compensation and the basis upon which the amount was determined.

(c) *Notice.* The initial determination shall be mailed to the applicant.

§ 258.27 Final determination.

(a) *Appeal.* Any applicant may, within 30 days after the date of the issuance of an initial determination under § 258.26, file a written request for review of the initial determination with the Assistant Administrator.

(b) *Additional evidence.* The applicant may submit to the Assistant Administrator written information or data relating to the initial determination no later than 30 calendar days after the filing of a petition under paragraph (a) of this section.

(c) *Final determination.* The Assistant Administrator shall issue a final determination on an application within 60 days of the submission of any written information or data by the applicant under paragraph (b) of this section. A copy of the final determination shall be mailed to the applicant.

§ 258.28 Subrogation.

After approval of an applicant's claim, but before compensation is disbursed, the applicant shall execute a subrogation agreement in a form satisfactory to the Assistant Administrator which: (a) Assigns to the Secretary all rights which the applicant may have to proceed against any party who may be liable for damages with respect to any part of a casualty for which compensation is being made hereunder, and; (b) gives, as a condition of continuing to retain the compensation, the applicant's undertaking to assist the Assistant Administrator in any reasonable way to pursue collection of the subrogated rights.

§ 258.29 Payment.

(a) *Amount.* The Assistant Administrator shall compensate the applicant in the amount calculated under § 258.25, minus the approval fee as determined according to paragraph (b) of this section. Payment shall be made to the applicant upon receipt of a properly executed subrogation agreement under § 258.28.

(b) *Approval fee.* The approval fee is 4 percent (4%) of the amount of compensation calculated under § 258.25, but in no case shall the total of the approval fee and the filing fee under § 258.23 (j) exceed \$1,000.

§ 258.30 Penalties.

Persons who willfully make any false or misleading statement or representation for the purpose of obtaining compensation under this subpart are subject to criminal prosecutions pursuant to the provisions of 22 U.S.C. 1980 (g), which provides penalties, upon conviction, of a fine of not more than \$25,000, or imprisonment for not more than one year, or both.

[FR Doc. 79-4654 Filed 2-9-79; 8:45 am]

[6560-01-M]

**ENVIRONMENTAL PROTECTION
AGENCY**

[40 CFR Part 81]

[FRL; 1026-5]

**NATIONAL VISIBILITY GOAL FOR FEDERAL
CLASS I AREAS**

**Identification of Mandatory Class I Federal
Areas Where Visibility is an Important Value**

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed action.

SUMMARY: Section 169A(a)(2) of the Clean Air Act requires EPA to promulgate, after consultation with the Secretary of the Interior, a list of mandatory Class I Federal areas where visibility is an important value. On February 24, 1978, the Secretary of the Interior published a list of such areas. 43 FR 7721. EPA is proposing to promulgate that list without change in order to meet the requirement of Section 169A(a)(2). This notice contains the list and a description of the process and criteria used by the Secretary of the Interior in the identification process.

DATES: Written public comments must be received no later than March 14, 1979.

ADDRESS: All comments should be sent to: Environmental Protection Agency, Control Programs Development Division (MD-15), Research Triangle Park, North Carolina 27711, Attn: Mr. Darryl D. Tyler. Comments received on this proposal will be available for public inspection and copying at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street, S.W., Washington, D.C.

**FOR FURTHER INFORMATION
CONTACT:**

Darryl D. Tyler, Chief, Standards Implementation Branch, Control Programs Development Division, Office of Air Quality Planning and Standards, Environmental Protection Agency (MD-15), Research Triangle Park, North Carolina 27711. Phone: (919) 541-5425.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Clean Air Act Amendments of 1977 added Section 169A to the Clean Air Act. In this section, Congress established, as a national goal, "the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory [C]lass I Federal areas which impairment results from manmade air pollution." Section 162(a) of the Act classifies as mandatory Class I areas all international parks, all national wilderness areas which exceed 5,000 acres in size, all national memorial parks which exceed 5,000 acres in size, and all national parks which exceed 6,000 acres in size. This mandatory designation applies only to areas which were in existence on the date of enactment of the 1977 amendments. These areas may not be redesignated.

The Act requires the following of the Federal Government:

(1) The Department of the Interior, in consultation with other Federal land managers, must review all mandatory Class I Federal areas and identify by February, 1978, those areas where visibility is an important value. By August, 1978, the EPA Administrator, after consulting with Interior, must promulgate a list of mandatory Class I Federal areas in which he determines visibility is an important value.

(2) By February, 1979, EPA must prepare a report to Congress on methods for implementing the national visibility goal. "Such report shall include recommendations for—

"(A) Methods for identifying, characterizing, determining, quantifying, and measuring visibility impairment in Federal areas . . . and

"(B) Modeling techniques (or other methods) for determining the extent to which manmade air pollution may reasonably be anticipated to cause or contribute to such impairment, and

"(C) Methods for preventing and remedying such manmade air pollution and resulting visibility impairment.

Such report shall also identify the classes or categories of sources and the types of air pollutants which, alone or in conjunction with other sources or pollutants may, reasonably be anticipated to cause or contribute significantly to impairment of visibility." Section 169A(a)(3).

(3) By August, 1979, EPA must promulgate regulations which will (a) provide guidelines to the States for identifying, evaluating, and assessing, and preventing and remedying manmade visibility impairment in State Implementation Plans (SIPs) where needed, and (b) require SIPs for affected States to include emission limits, schedules for compliance, and other measures as may be necessary to make

reasonable progress toward meeting the national visibility goal.

These regulations must require major sources in operation 15 years or less on August 7, 1977, which emit any air pollutant which may reasonably be anticipated to impair visibility in the identified Federal mandatory Class I areas to procure, install, and operate the best available retrofit technology (BART) no later than five years after SIP approval. The regulations must also require the SIP to include a long-term (10-15 years) strategy for making reasonable progress toward meeting the national visibility goal.

Examination of the legislative history of the visibility provision indicates that Congress was concerned about evidence submitted by environmental groups, such as the National Parks and Conservation Association, indicating "there is evidence that some areas that in the past had 100-mile visibility, now have only an average of 30-mile visibility. Much of this can probably be attributed to emissions from powerplants, such as the Navaho and Four Corners plants." H. Rept. No. 95-294, at 204 (1977). In addition to the recognized threat of power plants to long-range visibility in the western United States, Congress also was concerned about a report that the hazes found in high vegetation areas of the Southeast "are not dominated by natural organic compounds, but by sulfate aerosol particles probably from the oxidation of SO₂ emitted from regionally distributed sources." *Id.* The Conference Report states that "[a] major concern which prompted the House to adopt a visibility protection provision was the need to remedy existing pollution in Federal mandatory Class I areas from existing sources." H. Rept. No. 95-564, at 155 (1977).

Congress noted that the current national ambient air quality standards were not adequate to protect visibility in Federal mandatory Class I areas. Congress also recognized that it would be inequitable and impractical for a national ambient air quality standard to require the same standard of visibility protection in cities such as New York or Los Angeles as should be required in areas such as the Grand Canyon or Yellowstone National Park. H. Rept. No. 95-294, at 205. In requiring an analysis of the visibility values in various Class I regions before determining whether visibility protection would be necessary, Congress recognized that it would be unreasonable to have uniform visibility even in all national parks or other Class I areas.

While it seems reasonable that visibility is probably an important value in almost every Federal mandatory Class I area, it does not follow that the definition of visibility objectives or what constitutes visibility impairment

would be the same for all Federal mandatory Class I areas. Clearly, the visual values which must be protected in the Grand Canyon National Park are different in quantity and quality from those in, for example, the Great Smokies or Mammoth Cave National Park.

In carrying out the provisions of Section 169A, including the requirement to promulgate regulations to assure progress toward meeting the national visibility goal, the Administrator will solicit wide and extensive public participation. EPA recognizes the importance of developing more detailed information for determining the impact a major stationary source may have on the visibility of a Federal mandatory Class I area. EPA also recognizes the need for the development of criteria for determining the "significance" of visibility impairment related to the specific visibility objectives of each area, as well as the need to define existing visibility values in each Class I area. To develop more definitive visibility regulations, EPA has requested the Department of the Interior and the Forest Service to conduct an analysis which identifies area specific visibility values. This analysis would address the range of scenic vistas, the nature of visual values, and an estimation of the degree of existing natural and manmade visibility impairment. The future proposal of visibility regulations will address these issues and seek public comments on them at that time.

In today's FEDERAL REGISTER, EPA is proposing a list of the mandatory Federal Class I areas where visibility is an important value. Although the Administrator has determined that this list is not a regulation under Sections 307(d)(1)(I) and 317, he is treating promulgation of it as an action under Section 307(d)(1)(N). Several reasons support this determination.

As to the Section 307(d)(1)(I) inclusion, the visibility section, 169A, distinguishes the "regulations" due in August, 1979, from the "list" of areas that the Administrator is required to promulgate. It therefore is more appropriate to characterize this list as an "action" under Section 307(d)(1)(N), than as a "regulation" under 307(d)(1)(I).

As to Section 317, even assuming that the list may be termed a visibility "regulation," Section 317 does not appear to apply. Section 317 (a)(4) speaks of regulations under part C of title I relating to prevention of significant deterioration (PSD) of air quality. Where Congress intended to include the visibility provisions in part C, however, it said so directly. For example, Sections 307(d)(1)(I) also speaks of regulations under part C of

title I relating to PSD, but adds: "and protection of visibility."

Moreover, even if Section 317 were thought to be applicable, compliance at this stage with Section 317 would be impracticable. Section 317 requires an economic assessment of the regulations' compliance costs and potential inflationary or recessionary effects, its impact on energy use, and its effects on competition with respect to small business. Obviously, only speculation on these effects is possible at this stage in the development of the Section 169A regulations since no requirement yet exists to assess.

IDENTIFICATION OF MANDATORY CLASS I FEDERAL AREAS WHERE VISIBILITY IS AN IMPORTANT VALUE

The Secretary of the Interior assigned responsibility for the visibility area identification study to the Assistant Secretary for Fish and Wildlife and Parks. The National Park Service was assigned the responsibility for leading a task force including representatives from the USDA Forest Service and the U.S. Fish and Wildlife Service. The Bureau of Land Management provided assistance to the task force. EPA was a consulting member of the task force from its initial stages. The task force identified relevant criteria and applied them to make a preliminary identification that 153 of the 158 mandatory Class I Federal areas possessed visibility as an important value.

The process by which the criteria was applied to each Federal mandatory Class I area involved (1) the participation of the individual park superintendents and forest supervisors who surveyed each area, and (2) a review of the park superintendents' and forest rangers' recommendations by the regional staffs responsible for the Class I areas in their region, and by the Washington, D.C. staff who consulted with the regional staffs. Through this consultation process, each of the 158 mandatory Class I Federal areas was evaluated and tested against the criteria. Notice of the preliminary findings of the task force, an announcement about related public hearings, and an invitation for public comment appeared in the FEDERAL REGISTER on October 14, 1977 (42 FR 55280).

Reassessment of the legislative history of Section 169A and the Department's preliminary findings, together with consideration of the public comment received, produced one change in the criteria used to identify whether visibility is an important value. The Character of the Scenic Values (Step 3) was changed so that only those areas which possess no sweeping view of background features, panoramas, or views of middleground or background features would fail to be identified to

possess visibility as an important value in this step. Under the preliminary criteria, an area was identified as not possessing visibility as an important value if views were primarily, or mostly, of foreground features less than one mile distant, although one or more background or middleground view or panorama was present. The one-mile cutoff is used because it is the shortest distance at which a broad perception of an area is possible, i.e., it allows an individual to observe overall patterns, shapes, and textures of the area. The one-mile cutoff is consistent with definitions of foreground, middleground, and background presented in the USDA, Forest Service Landscape Management Book, Volume I.

The application of the revised criteria identified three areas which possess visibility as an important value in addition to the 153 areas so identified in the preliminary findings. The three additional areas are: Mammoth Cave National park, Kentucky; Moosehorn Wilderness, Maine; and Medicine Lake Wilderness, Montana.

The final analysis report sheet which sets forth the revised criteria used in the final identification by the Secretary of the Interior is found in Appendix 2 to the "Final Identification of Mandatory Class I Federal Areas where Visibility is an Important Value." 43 FR 7721. Workbooks for each of the 158 mandatory Class I Federal areas, containing the final analysis report, were reviewed by EPA and are available for inspection at the office of the National Park Service, Room 1210, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, as well as the Environmental Protection Agency, Central Docket Section, Room 2903-B, Waterside Mall, 401 M Street, S.W., Washington, D.C.

IDENTIFICATION CRITERIA

In the final identification, the following revised criteria were applied to each mandatory Class I Federal area to identify whether visibility is an important value:

"1. Does the legislation for the area indicate that scenic value was an important consideration for establishing the area? or,

Is the area possessed of scenic values that are important to public enjoyment?"

2. Are any sweeping views of background features, panoramas, or views of middleground or background features present, as opposed to only views of foreground features less than one-mile distant, e.g., streamside, trailside?"

3. Do natural sources of visibility impairment seriously affect the ability of the public to appreciate visibility as an important value?"

4. For those areas in which natural sources of visibility impairment seriously affect public appreciation of scenic values, is the magnitude of the scenic value sufficient to warrant protection from man-caused sources?" 43 FR 7721, 7722 (February 24, 1978).

FINAL IDENTIFICATION

The Secretary of the Interior identified the mandatory Class I Federal areas where visibility is an important value and, on February 8, 1978, forwarded the findings to the Administrator of EPA. These findings were published in the FEDERAL REGISTER, without change, on February 24, 1978 (43 FR 7721). Of the 158 mandatory Class I Federal areas, 156 were identified in the final analysis as possessing visibility as an important value. The negative identifications were two national wilderness areas—Bradwell Bay, Florida; and Rainbow Lake, Wisconsin.

EPA REVIEW

From the earliest stages of development, EPA followed the Department of the Interior's progress in developing and applying the criteria by which the list of Class I visibility protection areas was produced. In addition, EPA reviewed the criteria and the public reactions at the public meetings held around the country. Finally, the workbooks were reviewed with particular attention to the application of the criteria to each Federal mandatory Class I area and taking into consideration the extensive public comment. It is the Administrator's judgment that the Secretary of the Interior has submitted a thorough, logically developed and well documented rationale for the list of areas in which visibility is an important value. There are no other relevant criteria and the application of the criteria to each of the Class I areas could not have been improved. The open participatory process by which the list was developed and the resulting determinations carry through the intent of Congress conscientiously. For these reasons, the Administrator proposes to promulgate the list exactly as submitted to him by the Secretary of the Interior, and seeks comment on this proposed action.

REQUEST FOR COMMENTS AND PUBLIC PARTICIPATION

The action proposed in today's FEDERAL REGISTER provides an opportunity for additional public comment on the 156 Federal Mandatory Class I areas

identified by the Secretary of Interior as possessing visibility as an important value. The Administrator intends to promulgate the list of 156 areas submitted to EPA by the Secretary of the Interior unless compelling objections to the identifications are raised during this comment period. There already has been broad public participation since the Secretary of the Interior's October 14, 1977, FEDERAL REGISTER notice (42 FR 55280). Nationwide public meetings were held in Portland, Oregon; San Francisco, California; Lakewood, Colorado; Minneapolis, Minnesota; Atlanta, Georgia; and Washington, D.C., from November 9, 1977, through November 16, 1977. There has been a thorough review and analysis of 157 written public comments, including comments from individuals, State and Federal officials, 17 businesses, and more than 30 organizations. A final notice was published by the Secretary of the Interior in the February 24, 1978 FEDERAL REGISTER (43 FR 7721).

Interested parties are encouraged to participate in this proposed action by submitting written comments. Comments are invited on the process and criteria used to identify the Federal mandatory Class I areas where visibility is an important value, as well as the application of the criteria to each area. All comments received no later than March 14, 1979.

Since EPA is treating promulgation of the list as an action under Section 307(d)(1)(N) of the Act, it has established a rulemaking docket. The docket is located at the Environmental Protection Agency, Public Information Reference Unit (EPA Library), Room 2922, 401 M St., S.W., Washington, D.C. 20460. It will be open to public inspection during normal business hours.

It should be noted that EPA would consider no substantive issue relating to this list to be ripe for judicial review until EPA promulgates the regulations required under Section 169A(a)(4) since the effect of the identifications will remain largely uncertain until then.

(Sections 101(b)(1), 110, 169A(a)(2), and 301(a) of the Clean Air Act as amended (42 USC 7401(b), 7410, 7491(a)(2), 7601(a)).

Dated February 2, 1979.

BARBARA BLUM,
Acting Administrator.

It is proposed to amend Part 81 of Chapter I, Title 40 of the Code of Fed-

eral Regulations by adding Subpart D as follows:

Subpart D—Identification of Mandatory Class I Federal Areas Where Visibility is an Important Value

- | Sec. | Scope. |
|--------|------------------------|
| 81.400 | Alabama. |
| 81.401 | Alaska. |
| 81.402 | Arizona. |
| 81.403 | Arkansas. |
| 81.404 | California. |
| 81.405 | Colorado. |
| 81.406 | Florida. |
| 81.407 | Georgia. |
| 81.408 | Hawaii. |
| 81.409 | Idaho. |
| 81.410 | Kentucky. |
| 81.411 | Louisiana. |
| 81.412 | Maine. |
| 81.413 | Michigan. |
| 81.414 | Minnesota. |
| 81.415 | Missouri. |
| 81.416 | Montana. |
| 81.417 | Nevada. |
| 81.418 | New Hampshire. |
| 81.419 | New Jersey. |
| 81.420 | New Mexico. |
| 81.421 | North Carolina. |
| 81.422 | North Dakota. |
| 81.423 | Oklahoma. |
| 81.424 | Oregon. |
| 81.425 | South Carolina. |
| 81.426 | South Dakota. |
| 81.427 | Tennessee. |
| 81.428 | Texas. |
| 81.429 | Utah. |
| 81.430 | Vermont. |
| 81.431 | Virgin Islands. |
| 81.432 | Virginia. |
| 81.433 | Washington. |
| 81.434 | West Virginia. |
| 81.435 | Wyoming. |
| 81.436 | New Brunswick, Canada. |

Subpart D—Identification of Mandatory Class I Federal Areas Where Visibility is an Important Value

§ 81.400 Scope.

Subpart D, Section 81.401 through 81.436 list those mandatory Federal Class I areas, established under the Clean Air Act Amendments of 1977, where the Administrator, in consultation with the Secretary of the Interior, has determined visibility to be an important value.

The following listing of areas where visibility is an important value represents an evaluation of all international parks (IP), national wilderness areas (Wild) exceeding 5,000 acres, national memorial parks (NMP) exceeding 5,000 acres, and national parks (NP) exceeding 6,000 acres, in existence on August 7, 1977. Consultation by EPA with the Federal Land Managers involved; the Department of Interior (USDI), National Park Service (NPS), and Fish and Wild Life Service (FWS); and the Department of Agriculture (USDA), Forest Service (FS).

PROPOSED RULES

§ 81.401 Alabama.

Area name	Acreage	Public Law establishing	Federal land manager
Sipsey Wild	12,646	93-622.....	USDA-FS

§ 81.402 Alaska.

Area name	Acreage	Public Law establishing	Federal land manager
Bering Sea Wild	41,113	91-622.....	USDI-FWS
Mount McKinley NP	1,949,493	64-353.....	USDI-NPS
Simeonof Wild	25,141	94-557.....	USDI-FWS
Turedni Wild	6,402	91-504.....	USDI-FWS

§ 81.403 Arizona.

Area name	Acreage	Public Law establishing	Federal land manager
Chiricahua National Monument Wild ...	9,440	94-567.....	USDI-NPS
Chiricahua Wild	18,000	88-577.....	USDA-FS
Calluro Wild	52,717	88-577.....	USDA-FS
Grand Canyon NP	1,176,913	65-277.....	USDI-NPS
Mazatzal Wild	205,137	88-577.....	USDA-FS
Mount Baldy Wild	6,975	91-504.....	USDA-FS
Petrified Forest NP	93,493	85-358.....	USDI-NPS
Pine Mountain Wild	20,061	92-230.....	USDA-FS
Saguro Wild	71,400	94-567.....	USDI-NPS
Sierra Ancha Wild	20,850	88-577.....	USDA-FS
Superstition Wild	124,117	88-577.....	USDA-FS
Sycamore Canyon Wild	47,757	92-241.....	USDA-FS

§ 81.404 Arkansas.

Area name	Acreage	Public Law establishing	Federal land manager
Caney Creek Wild	14,344	93-622.....	USDA-FS
Upper Buffalo Wild	9,912	93-622.....	USDA-FS

§ 81.405 California.

Area name	Acreage	Public Law establishing	Federal land manager
Agua Tibia Wild	15,934	63-632.....	USDA-FS
Caribou Wild	19,080	88-577.....	USDA-FS
Cucamonga Wild	9,022	88-577.....	USDA-FS
Desolation Wild	63,469	91-82.....	USDA-FS
Dome Land Wild	62,206	88-577.....	USDA-FS
Emigrant Wild	104,311	93-632.....	USDA-FS
Hoover Wild	47,916	88-577.....	USDA-FS
John Muir Wild	484,673	88-577.....	USDA-FS
Joshua Tree Wild	429,690	84-567.....	USDI-NPS
Kaiser Wild	22,500	94-577.....	USDA-FS
Kings Canyon NP	459,994	76-424.....	USDI-NPS
Lassen Volcanic NP	105,800	64-184.....	USDI-NPS
Lava Beds Wild	28,640	92-493.....	USDI-NPS
Marble Mountain Wild	213,743	88-577.....	USDA-FS
Mokelumme Wild	60,400	88-577.....	USDA-FS
Pinnacles Wild	12,952	94-567.....	USDI-NPS
Point Reyes Wild	25,370	94-544, 94-567.....	USDI-NPS
Redwood NP	27,792	90-545.....	USDI-NPS
San Gabriel Wild	36,137	90-318.....	USDA-FS
San Geronimo Wild	34,644	88-577.....	USDA-FS
San Jacinto Wild	20,564	88-577.....	USDA-FS
San Rafael Wild	142,722	90-271.....	USDA-FS
Sequoia NP	386,642	26 Stat. 478 (51st Cong.).	USDI-NPS
South Warner Wild	68,507	88-577.....	USDA-FS
Thousand Lakes Wild	15,685	88-577.....	USDA-FS
Ventana Wild	95,152	91-58.....	USDA-FS
Yolla-Bolly-Middle-Eel Wild	109,091	88-577.....	USDA-FS
Yosemite NP	759,172	58-49.....	USDI-NPS

§ 81.406 Colorado.

Area name	Acreage	Public Law establishing	Federal land manager
Black Canyon of the Gunnison Wild.....	11,180	94-567.....	USDI-NPS
Eagles Nest Wild.....	133,910	94-352.....	USDA-FS
Flat Tops Wild.....	235,230	94-148.....	USDA-FS
Great Sand Dunes Wild.....	33,450	94-567.....	USDI-NPS
La Garita Wild.....	48,486	88-577.....	USDA-FS
Maroon Bells-Snowmass Wild.....	71,060	88-577.....	USDA-FS
Mesa Verde NP.....	51,488	59-353.....	USDI-NPS
Mount Zirkel Wild.....	72,472	88-577.....	USDA-FS
Rawah Wild.....	26,674	88-577.....	USDA-FS
Rocky Mountain NP.....	263,138	63-238.....	USDI-NPS
Weminuche Wild.....	400,907	93-632.....	USDA-FS
West Elk Wild.....	61,412	88-577.....	USDA-FS

§ 81.407 Florida.

Area name	Acreage	Public Law establishing	Federal land manager
Chassahowitzka Wild.....	23,360	94-557.....	USDI-FWS
Everglades NP.....	1,397,429	73-267.....	USDI-NPS
St. Marks Wild.....	17,745	93-632.....	USDI-FWS

§ 81.408 Georgia.

Area name	Acreage	Public Law establishing	Federal land manager
Cohotta Wild.....	33,776	93-622.....	USDA-FS
Okefenokee Wild.....	343,850	93-429.....	USDI-FWS
Wolf Island Wild.....	5,126	93-632.....	USDI-FWS

§ 81.409 Hawaii.

Area name	Acreage	Public Law establishing	Federal land manager
Halekala NP.....	27,208	87-744.....	USDI-NPS
Hawaii Volcanoes.....	217,029	64-171.....	USDI-NPS

§ 81.410 Idaho.

Area name	Acreage	Public Law establishing	Federal land manager
Craters of the Moon Wild.....	43,243	91-504.....	USDI-NPS
Hells Canyon Wild ^a	83,800	94-199.....	USDA-FS
Sawtooth Wild.....	216,383	92-400.....	USDA-FS
Selway-Bitterroot Wild ^b	988,770	88-577.....	USDA-FS
Yellowstone NP ^c	31,488	17 Stat. 32 (42nd Cong.).	USDI-NPS

^a Hells Canyon Wilderness, 192,700 acres overall, of which 108,900 acres are in Oregon and 83,800 acres are in Idaho.

^b Selway Bitterroot Wilderness, 1,232,310 acres overall, of which 983,417 acres are in Idaho and 248,893 acres are in Montana.

^c Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.411 Kentucky.

Area name	Acreage	Public Law establishing	Federal land manager
Mammoth Cave NP.....	61,303	69-283.....	USDI-NPS

§ 81.412 Louisiana.

Area Name	Acreage	Public Law establishing	Federal land manager
Breton Wild.....	5,000+	93-632.....	USDI-FWS

PROPOSED RULES

§ 81.413 Maine.

Area Name	Acreage	Public Law establishing	Federal land manager
Acadia NP.....	37,503	65-278.....	USDI-NPS
Moosehorn Wild.....	7,501	USDI-FWS
(Edmunds Unit).....	(2,782)	91-504.....	
(Baring Unit).....	(4,719)	93-632.....	

§ 81.414 Michigan.

Area Name	Acreage	Public Law establishing	Federal land manager
Isle Royale NP.....	542,428	71-835.....	USDI-NPS
Seney Wild.....	25,150	91-504.....	USDI-FWS

§ 81.415 Minnesota.

Area Name	Acreage	Public Law establishing	Federal land manager
Boundary Waters Canoe Area Wild.....	747,840	99-577.....	USDA-FS
Voyageurs NP.....	114,964	99-261.....	USDI-NPS

§ 81.415 Missouri.

Area name	Acreage	Public Law establishing	Federal land manager
Hercules-Glades Wild.....	12,315	94-557.....	USDA-FS
Mingo Wild.....	8,000	94-557.....	USDI-FWS

§ 81.417 Montana.

Area name	Acreage	Public Law establishing	Federal land manager
Anaconda-Pintlar Wild.....	157,803	88-577.....	USDA-FS
Bob Marshall Wild.....	950,000	88-577.....	USDA-FS
Cabinet Mountains Wild.....	94,272	88-577.....	USDA-FS
Gates of the Mtn Wild.....	28,562	88-577.....	USDA-FS
Glacier NP.....	1,012,599	61-171.....	USDI-NPS
Medicine Lake Wild.....	11,366	94-557.....	USDI-FWS
Mission Mountain Wild.....	73,877	93-632.....	USDA-FS
Red Rock Lakes Wild.....	32,350	94-557.....	USDI-FWS
Scapegoat Wild.....	239,295	92-395.....	USDA-FS
Selway-Bitterroot Wild ^a	251,930	88-577.....	USDA-FS
U.L. Bend Wild.....	20,890	94-557.....	USDI-FWS
Yellowstone NP ^b	167,624	17 Stat. 32 (42nd Cong.).	USDI-NPS

^aSelway-Bitterroot Wilderness, 1,232,310 acres overall, of which 983,417 acres are in Idaho and 248,893 acres are in Montana.

^bYellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.418 Nevada.

Area name	Acreage	Public Law establishing	Federal land manager
Jarbridge Wild.....	64,667	88-577.....	USDA-FS

§ 81.419 New Hampshire.

Area name	Acreage	Public Law establishing	Federal land manager
Great Gulf Wild.....	5,552	88-577.....	USDA-FS
Presidential Range-Dry River Wild.....	20,000	93-622.....	USDA-FS

§ 81.420 New Jersey.

Area name	Acreage	Public Law establishing	Federal land manager
Brigantine Wild.....	6,603	93-632.....	USDI-FWS

§ 81.421 New Mexico.

Area name	Acreage	Public Law establishing	Federal land manager
Bandelier Wild.....	23,267	94-567.....	USDI-NPS
Bosque del Apache Wild.....	80,350	93-632.....	USDI-FWS
Carlsbad Caverns NP.....	46,435	71-216.....	USDI-NPS
Gila Wild.....	433,690	88-577.....	USDA-FS
Pecos Wild.....	167,416	88-577.....	USDA-FS
Salt Creek Wild.....	8,500	91-504.....	USDI-FWS
San Pedro Parks Wild.....	41,132	88-577.....	USDA-FS
Wheeler Peak Wild.....	6,027	88-577.....	USDA-FS
White Mountain Wild.....	31,171	88-577.....	USDA-FS

§ 81.422 North Carolina.

Area name	Acreage	Public Law establishing	Federal land manager
Great Smoky Mountains NP ^a	273,551	69-268.....	USDI-NPS
Joyce Kilmer-Slickrock Wild ^b	10,201	93-622.....	USDA-FS
Linville Gorge Wild.....	7,575	88-577.....	USDA-FS
Shining Rock Wild.....	13,350	88-577.....	USDA-FS
Swanquarter Wild.....	9,000	94-557.....	USDI-FWS

^a Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.

^b Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

§ 81.423 North Dakota.

Area name	Acreage	Public Law establishing	Federal land manager
Lostwood Wild.....	5,557	93-632.....	USDI-FWS
Theodore Roosevelt, NMP.....	69,675	80-38.....	USDI-NPS

§ 81.424 Oklahoma.

Area name	Acreage	Public Law establishing	Federal land manager
Wichita Mountains Wild.....	8,900	91-504.....	USDI-FWS

§ 81.425 Oregon.

Area name	Acreage	Public Law establishing	Federal land manager
Crater Lake NP.....	160,290	57-121.....	USDI-NPS
Diamond Peak Wild.....	36,637	88-577.....	USDA-FS
Eagle Cap Wild.....	293,476	88-577.....	USDA-FS
Gearhart Mountain Wild.....	18,709	88-577.....	USDA-FS
Hells Canyon Wild ^a	108,900	94-199.....	USDA-FS
Kalmiopsis Wild.....	76,900	88-577.....	USDA-FS
Mountain Lakes Wild.....	23,071	88-577.....	USDA-FS
Mount Hood Wild.....	14,160	88-577.....	USDA-FS
Mount Jefferson Wild.....	100,208	90-548.....	USDA-FS
Mount Washington Wild.....	46,116	88-577.....	USDA-FS
Strawberry Mountain Wild.....	33,003	88-577.....	USDA-FS
Three Sisters Wild.....	199,902	88-577.....	USDA-FS

^a Hells Canyon Wilderness, 192,700 acres overall, of which 108,900 acres are in Oregon, and 83,800 acres are in Idaho.

§ 81.426 South Carolina.

Area name	Acreage	Public Law establishing	Federal land manager
Cape Romain Wild.....	28,000	93-632.....	USDI-FWS

PROPOSED RULES

§ 81.427 South Dakota.

Area name	Acreage	Public Law establishing	Federal land manager
Badlands Wild	64,250	94-567.....	USDI-NPS
Wild Cave NP.....	28,060	57-16.....	USDI-NPS

§ 81.428 Tennessee.

Area name	Acreage	Public Law establishing	Federal land manager
Great Smoky Mountains NP *.....	241,207	69-268.....	USDI-NPS
Joyce Kilmer-Slickrock Wild ^b	3,832	93-622.....	USDA-FS

* Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.

^b Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

§ 81.429 Texas.

Area name	Acreage	Public Law establishing	Federal land manager
Big Bend NP	708,118	74-157.....	USDI-NPS
Guadalupe Mountains NP.....	76,292	89-667.....	USDI-NPS

§ 81.430 Utah.

Area name	Acreage	Public Law establishing	Federal land manager
Arches NP.....	65,098	92-155.....	USDI-NPS
Bryce Canyon NP.....	35,832	68-277.....	USDI-NPS
Canyonlands NP.....	337,570	88-590.....	USDI-NPS
Capitol Reef NP.....	221,896	92-507.....	USDI-NPS
Zion NP.....	142,462	68-83.....	USDI-NPS

§ 81.431 Vermont.

Area name	Acreage	Public Law establishing	Federal land manager
Lyle Brook Wild	12,430	93-622.....	USDA-FS

§ 81.432 Virgin Islands.

Area name	Acreage	Public Law establishing	Federal land manager
Virgin Islands NP.....	12,295	84-925.....	USDI-NPS

§ 81.433 Virginia.

Area name	Acreage	Public law establishing	Federal land manager
James River Face Wild	8,703	93-622.....	USDA-FS
Shenandoah NP	190,535	69-268.....	USDI-NPS

§ 81.434 Washington.

Area name	Acreage	Public Law establishing	Federal land manager
Alpine Lakes Wild	303,508	94-357.....	USDA-FS
Glacier Peak Wild	464,258	88-577.....	USDA-FS
Goat Rocks Wild	82,680	88-577.....	USDA-FS
Mount Adams Wild	32,356	88-577.....	USDA-FS
Mount Rainier NP.....	235,259	30 Stat. 993 (55th Cong.).	USDI-NPS
North Cascades NP.....	503,277	90-554.....	USDI-NPS
Olympic NP.....	892,578	75-778.....	USDI-NPS
Pasayten Wild.....	505,524	90-544.....	USDA-FS

§ 81.435 West Virginia.

Area name	Acreage	Public Law establishing	Federal land manager
Dolly Sods Wild.....	10,215	93-622.....	USDA-FS
Otter Creek Wild.....	20,000	93-622.....	USDA-FS

§ 81.436 Wyoming.

Area name	Acreage	Public Law establishing	Federal land manager
Bridger Wild.....	392,160	88-577.....	USDA-FS
Fitzpatrick Wild.....	191,103	94-567.....	USDA-FS
Grand Teton NP.....	305,504	81-787.....	USDI-NPS
North Absaroka Wild.....	351,104	88-577.....	USDA-FS
Teton Wild.....	557,211	88-577.....	USDA-FS
Washakie Wild.....	688,684	92-476.....	USDA-FS
Yellowstone NP*	2,020,625	17 Stat. 32 (42nd. Cong.).	USDI-NPS

* Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167, 624 acres are in Montana, and 31,488 acres are in Idaho.

§ 81.437 New Brunswick, Canada.

Area name	Acreage	Public Law establishing	Federal land manager
Roosevelt Campobello International Park.	2,721	86-363.....	Not applicable

[FR Doc. 79-4558 Filed 2-9-79; 8:45 am]

[1505-01-M]

[40 CFR Part 250]

[FRL 1014-5]

HAZARDOUS WASTE GUIDELINES AND REGULATIONS

Proposed Rules; Correction

In FR Doc 78-34903, appearing at page 58946 in the issue for Monday, December 18, 1978, make the following changes:

1. The equation in § 250.45-1 (d)(2) should read as follows:

$$CE = \frac{C_{CO_2}}{C_{CO_2} + C_{CO}} \times 100$$

Where:

CE = combustion efficiency

C_{CO₂} = concentration of CO₂ in exhaust gas

C_{CO} = concentration of CO in exhaust gas

2. In the 5th line of § 250.45-1 (d) (3), a comma should be inserted after "flame".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

OFFICIAL AGENCY DESIGNATION

Official Designations of Nine State Departments of Agriculture and Proposals of Geographic Areas

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: This notice announces the designation of the Connecticut, Georgia, Montana, Maine, Oregon, North Carolina, Louisiana, Wyoming, and Missouri Departments of Agriculture as official agencies to perform grain inspection services under the authority of the United States Grain Standards Act, as amended. This notice also proposes geographic areas within which each State agency will operate.

DATE: Comments by March 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 1400 Independence Ave., SW., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 et seq., hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such a designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

The Connecticut, Georgia, Montana, Maine, Oregon, North Carolina, Louisiana, Wyoming, and Missouri Depart-

ments of Agriculture, all existing official agencies, made application to be officially designated under the Act, as amended, to perform official inspection functions, not including official weighing.

This is to announce that the FGIS has conducted the required investigations of the nine State departments of agriculture which included onsite reviews of their inspection points (specified service points). All nine State agencies were deemed eligible for designation to perform official inspection functions (other than appeal inspection), not including official weighing. Documents designating the nine States were signed as follows: Connecticut Department of Agriculture, September 30; Georgia Department of Agriculture, October 20; Montana Department of Agriculture, October 25; Maine Department of Agriculture, October 31; Oregon Department of Agriculture, November 5; North Carolina Department of Agriculture, November 10; Louisiana Department of Agriculture, November 16; Wyoming Department of Agriculture, November 20; and Missouri Department of Agriculture, November 20; all in 1978.

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Said designations also included interim assignments of geographic areas within which the official State agencies shall officially inspect grain. These geographic areas assigned on an interim basis pending final determination in this matter are: In Connecticut, the entire State; in Georgia, the entire State; in Montana, the entire State; in Maine, the entire State; in Oregon, the entire state except those export port locations within the State; in North Carolina, the entire State; in Louisiana, the entire State except those export port locations within the State; in Wyoming, the entire State, excluding Goshen and Platte Counties to be serviced by the Denver Grain Exchange Association, Inc., and Albin, Burns, Carpenter, Egbert, and Pine Bluffs, which are service locations within the State of Wyoming to be serviced by the Denver Grain Exchange Association, Inc.; and in Missouri, the entire State.

The specified service points of these agencies are:

Connecticut: Connecticut Department of Agriculture, 10 Apel Place, Manchester, Connecticut 06040;

Georgia: Georgia Department of Agriculture, Room 604, Capitol Square, Atlanta, Georgia 30334; Georgia Department of Agriculture, State Highway 118, General Delivery, Bronwood, Georgia 31726; Georgia Department of Agriculture, Emanuel County Office Building, Swainsboro, Georgia 30401; Georgia Department of Agriculture, 1500 South Patterson Street, Valdosta, Georgia 31601; Georgia Department of Agriculture, Old Hospital Road, P.O. Box 1931, Westside Branch, Gainsville, Georgia 30501, all located within Georgia's proposed geographic area;

Montana: Montana Department of Agriculture, 821 17th Street North, Box 1397, Great Falls, Montana 59401;

Maine: Maine Department of Agriculture, Cony Road, Augusta, Maine 04330;

Oregon: Oregon Department of Agriculture, 700 S.E. Emigrant Street, P.O. Box 594, Pendleton, Oregon 97801;

North Carolina: North Carolina Department of Agriculture, Off Old Highway 421, Bonlee, North Carolina 27213; North Carolina Department of Agriculture, Route 1, Fayetteville, North Carolina 28301; North Carolina Department of Agriculture, 1304 Broad Street, Greenville, North Carolina 27834; North Carolina Department of Agriculture, North Carolina Department of Agriculture Building, Halifax and Edenton Streets, Raleigh, North Carolina 27611, all located within North Carolina's proposed geographic area;

Louisiana: Louisiana Department of Agriculture, Corner of Sylvester and Lee, Alexandria, Louisiana 71301; Louisiana Department of Agriculture, Highway 13 South, Eunice, Louisiana 70535; Louisiana Department of Agriculture, Highway 190 West, Kinder, Louisiana 70648; Louisiana Department of Agriculture, Highway 65, Lake Providence, Louisiana 71254; Louisiana Department of Agriculture, West Highway 90, Mermentau, Louisiana 70556, all located within Louisiana's proposed geographic area;

Wyoming: Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, Wyoming 82001; and

Missouri: Missouri Department of Agriculture, 4800 Main Street G-29, Kansas City, Missouri 64112; Missouri Department of Agriculture, 104 East Promenade Street, Mexico, Missouri 65265; Missouri Department of Agriculture, 209 Corby Building Annex, Fifth and Felix, St. Joseph, Missouri 64501; Missouri Department of Agriculture, 102 Merchants Exchange Building, 5100 Oakland Avenue, St. Louis, Missouri 63110, all located within Missouri's proposed geographic area. A specified service point where services will be provided only on an intermittent basis as requested by the applicant is: Missouri Department of Agriculture, 435 West Malone, Sikeston, Missouri 63801.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no license inspectors are located. These designation documents provide for the inclusion of additional specified service points and service locations which may be established in the future, within these nine State agencies' geographic areas.

Publication of this notice does not preclude future amendment of this designation consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic areas proposed for assignment to these agencies. All views and comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 1400 Independence Avenue, SW., Room 2405, Auditors Building, Washington, D.C. 20250. All materials should be mailed to Director not later than March 29, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before a final determination of the assignment of geographic areas is made with respect to this matter.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 889 (7 U.S.C. 74 note))

Done in Washington, D.C., on January 19, 1979.

L. E. MALONE,
Acting Administrator.

[FR Doc. 79-4623 Filed 2-9-79; 8:45 am]

[3410-02-M]

OFFICIAL AGENCY DESIGNATION

Cancellation of the Fremont Grain Exchange, Inc.—Official Designation of the Fremont Grain Inspection Department, Inc., Proposal of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Comments.

SUMMARY: This notice announces the cancellation of designation of the Fremont Grain Exchange, Inc., Fremont, Nebraska, and the designation of the Fremont Grain Inspection Department, Inc., owned by Mr. Eldon L. Davis, as an official agency at Fremont, Nebraska, to perform grain inspection services under the U.S. Grain Standards Act, as amended, effective October 20, 1978. This notice also proposes a geographic area within which the agency will operate.

DATE: Comments by March 29, 1979.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, Federal Grain Inspection Service, Compliance Division, 201 14th Street, S.W., Room 2405, Auditors Building, Delegation and Designation Branch, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), has been amended to extensively modify the official grain inspection system. Pursuant to Sections 7 and 7A of the Act (7 U.S.C. 79 and 79a), the Administrator of the Federal Grain Inspection Service (FGIS) has the authority to designate any State or local governmental agency, or any person, as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection), weighing, and supervision of weighing of grain at locations where the Administrator determines there is a need for such services. Such designation shall terminate triennially (7 U.S.C. 79(g)(1) and 79a(c)).

On June 23, 1978, a notice was published in the FEDERAL REGISTER (43 FR 27218-27219) announcing that (1) the stock of the Fremont Grain Exchange, Inc. (Exchange), Fremont, Nebraska, was sold to Mr. Eldon L. Davis, the Chief Inspector thereof; (2) Mr. Eldon L. Davis applied for designation in accordance with Section 7(f)(1) of the Act (7 U.S.C. 79(f)(1)) to operate as an official agency at Fremont, Nebraska, to be known as the Fremont Grain Inspection Department, Inc.; and (3) the Fremont Grain Inspection Department, Inc., was given an interim designation as the official agency at Fremont, Nebraska.

Interested persons were given until July 24, 1978, to submit written views and comments with respect to the requested transfer of designation and/or to apply for designation to operate as an official agency at Fremont, Nebraska. No comments were received regarding the June 23, 1978, notice. No additional applications were received,

other than the application from Mr. Davis.

The FGIS has conducted the required investigation of the Fremont Grain Inspection Department, Inc., which included an onsite review of the inspection point at Fremont (specified service point).

NOTE.—Section 7(f)(2) of the Act (7 U.S.C. 79(f)(2)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

As a result of this investigation and after due consideration of the request for transfer, the Fremont Grain Inspection Department, Inc., owned by Mr. Eldon L. Davis, was designated to perform official inspection functions (other than appeal inspection), not including official weighing, and the designation of the Exchange was canceled effective December 19, 1977.

A document designating the Fremont Grain Inspection Department, Inc., as an official agency was signed on October 20, 1978. Said designation also included an interim assignment of geographic area within which the official agency shall officially inspect grain. The geographic area assigned on an interim basis to the Fremont Grain Inspection Department, Inc., pending final determination in this matter is:

In Nebraska, the area shall be bounded on the North by: U.S. Route 20 from U.S. Route 81 east to the Eastern Pierce County line; the Pierce County line south; the northern Wayne County line east; the western Dixon County line north to U.S. Route 20; U.S. Route 20 east to the western Dakota County line; the Dakota County line north; the northern Dakota County line east to the Missouri River;

Bounded on the East by: The Missouri River south-southeast to State Route 91; State Route 91 west to the eastern Dodge County line; the Dodge County line south; the southern Dodge County line west to U.S. Route 77; U.S. Route 77 south including Wahoo, Nebraska, to the southern Saunders County line;

Bounded on the South by: The Saunders County line west; the southern Butler County line west; the southern Polk County line west;

Bounded on the West by: The western Polk County line north to the Platte River; the Platte River northeast to the western Platte County line; the Platte County line north; the northern Platte County line east to U.S. Route 81; U.S. Route 81 north to U.S. Route 20.

In Iowa, the area shall be bounded on the North by: The northern Crawford County line; the northern Carroll County line from Crawford County east to U.S. Route 71;

Bounded on the East by: U.S. Route 71 south, including Carroll, Iowa, to the southern Carroll County line; the Carroll County line west; the eastern Shelby County line south;

Bounded on the South by: The southern Shelby County line west; the southern Harrison County line west to State Route 183;

Bounded on the West by: State Route 183 north, including Missouri Valley, Iowa, to the northern Harrison County line; the Harrison County line east to the western Crawford County line; the Crawford County line north to the northern Crawford County line.

Exceptions to this designated geographic area are the following service locations inside the area which are serviced by other official agencies: Columbus, Nebraska, in Platte County to be serviced by Hastings Grain Inspection, Inc.; Shelby, Nebraska, in Polk County to be serviced by Omaha Grain Inspection Service, Inc.; Rising City, Nebraska, in Butler County to be serviced by Omaha Grain Exchange; and Charter Oak, Iowa, in Crawford County to be serviced by Sioux City Grain Exchange.

Interested persons may obtain maps of the proposed geographic area for this agency from the Compliance Division, Delegation and Designation Branch.

The specified service point of the Fremont Grain Inspection Department, Inc., is 603 East Dodge Street, Fremont, Nebraska 68025, and is located within the agency's proposed geographic area. A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. A service location for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection functions other than official grading where no licensed inspector is located. The designation document provides for the inclusion of additional specified service points and service locations which may be established in the future within the agency's assigned geographic area.

Publication of this notice does not preclude future amendment of this designation, consistent with the provisions and objectives of the Act.

Interested persons are hereby given opportunity to submit written views or comments with respect to the geographic area proposed for assignment to the Fremont Grain Inspection Department, Inc. All views or comments should be submitted in writing to the Office of the Director, Compliance Division, Federal Grain Inspection Service, 201 14th Street, S.W., Room 2405, Auditors Building, Washington, D.C.

20250. All materials submitted should be mailed to the Director not later than March 29, 1979. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Director and to all other information available to the U.S. Department of Agriculture before final determination of the assignment of geographic area is made with respect to this matter.

(Sec. 4, Pub. L. 94-582, 90 Stat. 2868 (7 U.S.C. 75a); sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note))

Done in Washington, D.C. on: February 6, 1979.

L. E. BARTELT,
Administrator.

(FR Doc. 79-4581 Filed 2-9-79; 8:45 am)

[3410-02-M]

TERMINATION OF OFFICIAL SERVICES

Replacement Agency Will Not Be Designated for the State of Delaware

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that a replacement agency will not be designated to provide official services in the State of Delaware. The Department of Agriculture of the State of Delaware, the agency formerly designated to provide official inspection services in Delaware, elected not to request official designation under the United States Grain Standards Act, as amended, and thus allowed its official agency status to terminate midnight, November 19, 1978.

EFFECTIVE DATE: February 12, 1979.

FOR ADDITIONAL INFORMATION CONTACT:

Edith A. Christensen, U.S. Department of Agriculture, Federal Grain Inspection Service, Compliance Division, Delegation and Designation Branch, 1400 Independence Avenue, S.W., Room 2405, Auditors Building, Washington, D.C. 20250, (202) 447-8525.

SUPPLEMENTARY INFORMATION: Pub. L. 94-582, enacted in 1976 to amend the United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (hereinafter the "Act"), provides in Section 27 that any interior inspection agency providing service on November 20, 1976, the date on which the amended Act became effective

could continue to do so without a designation under the Act until the expiration of a period as determined by the Administrator, but not to exceed 2 years after the Act's effective date (7 U.S.C. 74 note).

The November 1, 1978, issue of the FEDERAL REGISTER (43 FR 50952) announced that the Department of Agriculture of the State of Delaware, Dover, Delaware (State), notified the Federal Grain Inspection Service (FGIS) that it had elected not to request official designation under the terms of the Act and thus would allow its designation to terminate midnight, November 19, 1978.

Members of the grain trade and other interested persons were given until December 1, 1978, to comment on the need for continuing official inspection services in the State of Delaware and, subject to a final determination by the Administrator as to the need, make application for designation to operate as an official agency in Delaware.

No comments were received on the need for continuing official inspection service. However, the FGIS has received information from the State that indicates that there has been a limited number of requests received for full inspection service during the last fiscal year. Of the total number of inspections performed by the State during the last fiscal year, less than 3% were performed as a full grade service, indicating that nearly 98% of all inspections were for one or two grading factors only; i.e. moisture or foreign material, and not for an official U.S. grade. A survey taken by FGIS of interested parties in the State of Delaware's grain industry indicates that applicants will be able to secure the factor analyses they require for grain trade in Delaware from sources other than an officially designated agency.

One request for an application form was made, however, no application was submitted regarding the November 1, 1978, notice.

By reason thereof and after due consideration of all relevant matters and information available to the U.S. Department of Agriculture, the Administrator, FGIS, has determined that, at this time, a replacement agency will not be designated to provide official services in Delaware.

This action does not preclude the State of Delaware or any private agency or person from making future application for designation as an official agency if it can be established that there is a need for official services in Delaware.

(Sec. 27, Pub. L. 94-582, 90 Stat. 2889, (7 U.S.C. 74 note))

Done in Washington, D.C. on: February 6, 1979.

L. E. BARTELT,
Administrator.

[FR Doc. 79-4582 Filed 2-9-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket Nos. 34176, etc.; Order 79-2-46]

ALLEGHENY AIRLINES, INC.

Order Concerning Termination of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1979.

Notice of Allegheny Airlines, Inc., under sections 401(j)(1), 401(j)(2) and 419(a)(3) of the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978, concerning termination of service at Plattsburgh, Massena, Watertown, Saranac Lake/Lake Placid, Ogdensburg, New York and Rutland, Vermont, Dockets 34176, 34177, 34178, 34180, 34181, 34182; Interim Essential Air Transportation at Plattsburgh, Massena, Watertown, Saranac Lake/Lake Placid, Ogdensburg, New York and Rutland, Vermont, Docket 34681.

On December 6, 1978, Allegheny Airlines, Inc., filed notices under sections 401(j)(1), 401(j)(2) and 419(a)(3) of the Act of its intent to suspend all air service on March 7, 1979; at Plattsburgh, New York (Docket 34176); Massena, New York (Docket 34177); Watertown, New York (Docket 34178); Saranac Lake/Lake Placid, New York (Docket 34180); Rutland, Vermont (Docket 34181); and Ogdensburg, New York (Docket 34182). Allegheny is presently the only air carrier certificated at these points. In Order 75-4-67, April 11, 1975, the Board suspended for ten years Allegheny's authority under its certificate for Route 97 to serve each of these points, contingent upon the provision of a minimum level of replacement service by Air North, Inc., an Allegheny Commuter.¹

Answers in response to Allegheny's notice have been received from Air

North and Members of the New York State Delegation.² Air North states that it seeks certificated authority under sections 401 and 419 of the Act to provide air transportation to each of the points Allegheny seeks to terminate and to receive subsidy for such service pursuant to section 419(a)(5), and requests the Board to consider its application in conjunction with its consideration of Allegheny's notices to terminate service. Furthermore, it urges the Board to do so without a hearing. Concurrently with its answer, Air North filed an amendment to its 401 application, filed May 26, 1978, in Docket 32747, and a petition for an order to show cause why its application should not be granted.³ Answers in support of Air North's show cause petition have been filed by the Members of the New York delegation and the Watertown International Airport Commission.

We are very concerned about the air service needs of these communities, and we are prepared to take steps to see that these service needs are adequately met. Prior to relieving Allegheny of its certificate obligations, however, the Board must determine that essential air transportation will be provided in the absence of Allegheny's service responsibilities. Allegheny, the only air carrier certificated at these points, is meeting its certificate obligations under a replacement agreement approved by the Board in Order 75-4-67, in which Air North is providing the required minimum level of service as set forth in the Board's order.

We intend to make an interim essential air transportation determination for Massena, Ogdensburg, Plattsburgh, Rutland, Saranac Lake/Lake Placid and Watertown, but only after considering the views of the communi-

¹United States Senators Jacob K. Javits and Daniel Patrick Moynihan; Members of Congress Robert C. McEwen, Samuel S. Stratton, James M. Hanley and Matthew F. McHugh. Their late answer was accompanied by a motion for leave to file an otherwise unauthorized document. We will grant the motion.

²In its petition for an order to show cause, the carrier stated that it would serve the communities with 16-seat Twin Otters and 30-seat Shorts SD3-30; it has ordered its first two SD3-30 aircraft from Shorts Brothers and claimed that if the carrier does not receive CAB certification and a commitment for adequate subsidy compensation by March 31, 1979, the guaranteed price and delivery positions will be lost. In its exhibits it projected a subsidy need of \$1,554,000, and indicated that in FY 1978 it received a subsidy from Allegheny amounting to \$637,000 to operate its present service-pattern. The carrier stated the larger aircraft is necessary in order to provide essential air transportation because of peaking problems associated with its linear route system and the lack of passenger comfort inherent in the Twin Otters.

ties and state officials of the State in which each community is located.⁴ Once this interim determination is made, we will formally invite interested applicants to submit service proposals indicating the communities they would desire to serve and the service-pattern and equipment type to be operated.⁵ In addition, we will also inquire whether subsidy would be necessary and, if so, the amount which would be required.

We believe that we have a statutory responsibility to insure that communities are directly involved in the process of determining their essential level of air transportation, and that responsible community and state officials should have the opportunity to respond directly on this issue. Therefore, before we can make an interim determination and formally invite carriers to submit service proposals, we must find out from the communities and the appropriate state officials of New York and Vermont their views concerning the interim level of essential air transportation that should be provided each of these communities. We are aware that a number of the communities and the New York State Delegation have expressed their support of Air North's application and service proposal. However, a community's support of a particular carrier's service proposal is not necessarily the same as a community's own views as to what should be its level of essential air service.

Therefore, we are instituting an investigation into the interim level of essential air transportation that should be provided each of these communities, and are requesting each of the communities and the appropriate state officials of New York and Vermont to submit to the Board in that docket within 30 days of the service date of this order the following information:

(1) The affected point's principal communities of interest for air service,

(2) The appropriate size and characteristics of aircraft to be operated at the community, and

(3) The minimum level of frequencies which would provide essential service.

After this information is provided, we will make an interim determination and formally invite interested carriers to submit service proposals to provide this service. Once we have determined that a qualified carrier (or carriers) will be able to inaugurate and maintain the level of essential air transportation at a point that Allegheny seeks to terminate, we will then relieve Alle-

⁴We will make a final determination of each community's essential air transportation requirements before October 24, 1979. See section 419(a)(2)(A) of the Airline Deregulation Act of 1978 (Pub. L. 95-504).

⁵We are serving a copy of this order on all commuter air carriers which operate at a point in either New York or New England.

gheny of its certificate obligations at that point.

Furthermore, we are giving Allegheny notice of the possibility that a suitable replacement carrier(s) may not be found prior to March 7, the final day of its 90-day notice. In that event, its certificate obligations will remain in force for an additional 30-day period or until another air carrier, which is operating independently of Allegheny's service requirements, has begun to provide essential air transportation to such point, whichever occurs first. During the additional 30-day period Allegheny may continue its present arrangement with Air North as approved by the Board in Order 75-4-67 in order to be in compliance with its certificate obligations. We urge Allegheny to contact our staff to discuss the carrier's ability to continue to provide service to these points after March 7, and to specify any compensation for losses which may be required.

We will not at this time consider Air North's 401 application and its 419 service proposal.* Such a course of action would be premature before we receive the views of the communities and states involved or the service proposals of other carriers. However, we will grant the carrier's request that its application and service proposal be considered at the same time that we consider those received by the other carriers.

Accordingly,

1. We institute an investigation entitled *Interim Essential Air Transportation at Massena, Ogdensburg, Plattsburgh, Saranac Lake/Lake Placid, Watertown, New York and Rutland, Vermont*, Docket 34681, under sections 204 and 419 of the Federal Aviation Act of 1958, as amended;

2. We request the cities of Lake Placid, Massena, Ogdensburg, Plattsburgh, Saranac Lake, Watertown, New York, and Rutland, Vermont, the States of New York and Vermont, the New York State Department of Transportation and the Vermont Agency of Transportation to submit by March 9, 1979, their views regarding the level of essential air transportation that the Board should determine for each point;

3. We require Allegheny Airlines to continue to abide by its certificate obligations at Massena, New York; Ogdensburg, New York; Plattsburgh, New York; Saranac Lake/Lake Placid, New York; Watertown, New York; and Rutland, Vermont, for an additional 30-day period, until April 6, 1979, or until a fit, willing, and able replacement carrier is found by the Board to be capable to inaugurate and maintain essential air transportation at any such point, whichever first occurs;

*Air North's petition for an order to show cause will be dealt with in a separate order.

4. We consolidate Dockets 34176, 34177, 34178, 34180, 34181 and 34182 into the investigation instituted by paragraph 1 above;

5. We grant the motion of the New York State Delegation to file an otherwise unauthorized document;

6. We will serve a copy of the order on all those persons who have filed documents or who appear on the service lists of Dockets 34747, 34176, 34177, 34178, 34180, 34181 and 34182, the New York State Department of Transportation, the Vermont Agency of Transportation and on all commuter air carriers registered with the Board, which operate scheduled air transportation at any point in the State of New York or New England; and

7. This order may be amended or revoked at any time at the discretion of the Board without a hearing.

This order shall be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-4603 Filed 2-9-79; 8:45 am]

[6320-01-M]

[Docket No. 33068]

TRANS-PACIFIC LOW-FARE ROUTE INVESTIGATION

Hearing

The hearing in this proceeding will be held on March 6, 1979 at 9:30 a.m. (local time) in Room 1003, Hearing Room A, 1875 Connecticut Avenue, N.W., Washington, D.C.

For discussion of the issues in this proceeding see Orders 78-7-114, 78-12-128, 79-1-176 and the report of the prehearing conference in this proceeding.

Dated at Washington, D.C., February 6, 1979.

STEPHEN J. GROSS,
Administrative Law Judge.

[FR Doc. 79-4602 Filed 2-9-79; 8:45 am]

[3510-15-M]

DEPARTMENT OF COMMERCE

Maritime Administration

FIREFIGHTING TRAINING SITE PROPOSALS

In anticipation of U.S. Coast Guard (USCG) regulations requiring that certain waterborne commerce personnel undergo practical firefighting training, and recognizing the value of this training, the Maritime Administration (MARAD), in coordination with the USCG has been developing plans to expand the number of facilities availa-

*All Members concurred.

ble to provide hands-on firefighting training to qualified American merchant seamen. Accordingly, MARAD is proposing to establish a marine firefighting facility on the West Coast to serve the need for providing such training in that area, and is interested in receiving site proposals from public and private non-profit parties. The following minimum requirements are mandatory with respect to any site offered.

1. Unencumbered, accessible level land (approximately 3 acres) available for use by the Federal Government, including terms most favorable to the Government;

2. All necessary burn permits—all Federal, State, and local pollution and environmental clearances, including an environmental impact statement to be provided by the proposer; and

3. Provision of all required utilities (power, adequate water under pressure, sewage etc.) at the site.

MARAD has established the ensuing weighted criteria for determining site selection:

Criteria and Weight

1. Accessibility to U.S. merchant marine personnel who require firefighting training as part of the USCG licensing or certification process, 10.

2. Regular service by air and other modes of transportation. The following ranges of mileage distance shall be used in determining relative proximity to major transportation systems: (0-20)(20-50)(50-100)(100-200)(200+ miles), 9.

3. Availability of adequate overnight housing and dining facilities near the proposed field facility (not to exceed 30 minutes driving time), 9.

4. Buildings on the proposed land site that are suitable to house administrative offices, an assembly room (30/40 capacity), adequate separate toilet/shower facilities, locker space and areas for drying firefighting gear and storing spares and consumables—pre-fab or cinderblock type, functional but not pretentious, 6.

5. Proximity of a facility that might be utilized for conducting a MARAD/USCG approved course in marine firefighting, the completion of which is a prerequisite for attendance at the field exercise facility. The classroom portion of the training will not be conducted nor financed by MARAD. However, a facility suitable for industry classroom training (30/40 minimum capacity), within a reasonable distance of the field site, is a requisite, 5.

6. Proximity to an office in the Western Region of MARAD for administrative purposes, 4.

7. The offer of equipment and/or construction assistance by local interests, 4.

Letters of interest indicating intent to submit proposals shall be submitted by February 28, 1979 to the Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

MARAD will consider proposals of suitable sites received on or before April 2, 1979.

Further information may be obtained by contacting the Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202/377-5379.

Dated: February 6, 1979.

So ordered by Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 79-4643 Filed 2-9-79; 8:45 am]

[1505-01-M]

**COMMODITY FUTURES TRADING
COMMISSION**

PUBLICATION OF AND REQUEST FOR COMMENT ON PROPOSED RULES HAVING MAJOR ECONOMIC SIGNIFICANCE

Trade Rule 25 of the New York Cocoa Exchange, Inc. Rules 1404-A and B of the Chicago Mercantile Exchange

Correction

In FR Doc. 79-4150, appearing at page 7791, in the issue of Wednesday, February 7, 1979, on page 7792 in the last column, the first full paragraph, the comments date should read "March 9, 1979".

[6450-01-M]

**DEPARTMENT OF ENERGY
NATIONAL PETROLEUM COUNCIL**

Committee on Refinery Flexibility Meeting

Notice is hereby given that the National Petroleum Council's Committee on Refinery Flexibility will meet in the Mount Vernon Room of the Madison Hotel, 15th and M Streets, NW, Washington, DC, on Wednesday, March 7, 1979, beginning at 1:30 p.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee.

The tentative agenda for the meeting is as follows:

1. Opening remarks.
 - a. Jerry McAfee, Chairman

b. Hon. Alvin L. Alm, Government Cochairman.

2. Review and discuss progress of working groups.

a. Refinery Capability Task Group—John R. Hall, Chairman.

b. Oil Supply, Demand, and Logistics Task Group—S. E. Watterson, Jr., Chairman.

c. Coordinating Subcommittee—Warren B. Davis, Chairman.

3. Review and discuss timetable for completion of the study.

4. Review and discuss Committee's progress report to be presented to the National Petroleum Council.

5. Discuss any other matters pertinent to the overall assignment of the Committee.

All meetings are open to the public. The Chairmen of the Committee are empowered to conduct the meeting in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file 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 should inform Mr. Frank Verrastro, U.S. Department of Energy, (202) 252-5688, prior to the meeting, and reasonable provision will be made for their appearance on the agenda. Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Bldg., 1000 Independence Avenue, SW, Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 1, 1979.

ALVIN L. ALM,
Assistant Secretary,
Policy and Evaluation.

[FR Doc. 79-4570 Filed 2-9-79; 8:45 am]

[6450-01-M]

**NATIONAL PETROLEUM COUNCIL, TASK
GROUP OF THE COMMITTEE ON UNCONVENTIONAL GAS SOURCES**

Meeting

Notice is hereby given that a task group of the Committee on Unconventional Gas Sources will meet in February 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Unconventional Gas Sources will analyze the potential

constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Task Group on Tight Gas Reservoirs. The time, location and agenda of the task group meeting follows:

The third meeting of the Tight Gas Reservoirs Task Group will be on Tuesday, February 27, 1979, starting at 8:30 a.m. in Room 1118 of the Mobil Corporation offices, Prudential Plaza Building, 1645 Curtis Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the study methodology to be employed by the Tight Gas Reservoirs Task Group.
3. Discussion of the timetable of the Tight Gas Reservoirs Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Tight Gas Reservoirs Task Group.

The meeting is open to the public. The chairman of the task group 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 task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lucio A. D'Andrea, Office of Resource Applications, 202/633-9482, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, 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.

Issued at Washington, D.C., on February 2, 1979.

GEORGE S. McISAAC,
Assistant Secretary for
Resource Applications.

FEBRUARY 2, 1979.

[FR Doc. 79-4632 Filed 2-9-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Project No. 2818]

CITY AND BOROUGH OF SITKA

Availability of Environmental Impact
Statement for Inspection

FEBRUARY 2, 1979.

Notice is hereby given that on or about February 5, 1979, as required by the Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190) was placed in the public file of the Federal Energy Regulatory Commission. This statement deals with the environmental impact of the issuance of a Federal Energy Regulatory Commission license to the City and Borough of Sitka for the construction, operation, and maintenance of the proposed Green Lake Dam, reservoir, power tunnel, powerhouse, switchyard, transmission line, and access road. The project would have an installed capacity of 16,500 kW.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its San Francisco Regional Office located at 555 Battery Street, San Francisco, California 94111. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4609 Filed 2-9-79; 8:45 am]

[6450-01-M]

FORT WORTH BASIN AREA, TEX.

Inspection

FEBRUARY 6, 1979.

Notice is hereby given that on February 10, 1979, Commissioner George R. Hall will visit certain natural gas production and processing facilities in the Fort Worth Basin area, Texas. The visit is being arranged by the Texas Independent Producers and Royalty Owners (TIPRO). Commissioner Hall will be departing from Love Field, Texas at 9:00 a.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4616 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. CP66-110]

GREAT LAKES GAS TRANSMISSION CO.

Petition To Amend

FEBRUARY 2, 1979.

Take notice that on December 5, 1978, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP66-110 a Petition to amend further the certificate of public convenience and necessity issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act to authorize Applicant to sell natural gas to Midwestern Gas Transmission Company (Midwestern) and to render a related transportation service for Midwestern, all as more fully set forth in the petition on file with the Commission and open for public inspection.¹

The following numbered paragraphs relate statements made in the application:

(1) On November 17, 1978, Great Lakes entered into a gas purchase agreement with Midwestern, pursuant to which Great Lakes would resell to Midwestern, on a best efforts basis, up to 18,000,000 Mcf of natural gas which it had purchased from Transcanada Pipe Lines Limited (Transcanada). Midwestern would take title to the gas at the existing interconnection between Transcanada and Great Lakes, at the international border near Emerson, Manitoba.

(2) The sales price for the gas would be the same price that Great Lakes paid to Transcanada for the gas, currently \$2.16 per MM Btu, plus a charge for a compression service by Transcanada.

(3) 18,000,000 Mcf of natural gas is approximately the quantity which Great Lakes has been unable to take under existing import authorizations and which Great Lakes could not make up because of certain import and export restrictions.

(4) Great Lakes and Midwestern also entered into a transportation contract on November 17, 1978. Pursuant to this contract, Great Lakes would transport for Midwestern, on an interruptible basis:

(a) The gas referred to in paragraph (1) above, and

(b) The gas imported by Midwestern from Transcanada under an amendatory agreement dated November 16, 1978, providing for the importation of an additional 114,000,000 Mcf of gas.

(5) Midwestern's gas would be transported by Great Lakes from the international border, as follows:

¹This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

(a) to Northern National Gas Company, at Carlton, Minnesota;

(b) to Michigan Wisconsin Pipe Line Company, for the accounts of Natural Gas Pipeline Company of America and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., at Fortune Lake and Farwell, Michigan.

(6) The transportation fee charged by Great Lakes would be the current 100 percent load factor rate (including Purchase Gas Adjustments, if any) chargeable to Transcanada from time to time under Great Lakes' Rate Schedule T-4 of its FERC Gas Tariff, Original Volume No. 2, plus a charge of 2.0 cents per Mcf of gas transported.

(7) No new facilities would be required to effect delivery of the volumes involved in the instant Petition to Amend.

(8) In order for Great Lakes to have the capacity to transport the volumes referred to herein, Transcanada and Great Lakes have agreed, on November 17, 1978, to provide for the reduction in deliveries in Great Lakes' transportation service for Transcanada when Transcanada can do so, on the condition that Great Lakes give full demand and commodity credit to Transcanada for all reductions in the transportation volume.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4610 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. RP79-22]

TENNESSEE GAS PIPELINE CO.

Rate Increase

FEBRUARY 2, 1979.

Take notice that on January 29, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed

changes in its FERC Gas Tariff to be effective March 1, 1979, consisting of the following revised tariff sheets:

Ninth Revised Volume No. 1: Twenty-Fourth Revised Sheet Nos. 12A and 12B; First Revised Sheet Nos. 66 and 71;

Sixth Revised Volume No. 2: First Revised Sheet Nos. 266J, 268C, 277B, 285E, 286E, 287E, 297D, and 297E; Second Revised Sheet Nos. 264H, 266I, and 274E; Third Revised Sheet No. 141A; Fourth Revised Sheet Nos. 246D, 247D, 248D, 249H, and 249I; Fifth Revised Sheet No. 245D; Sixth Revised Sheet Nos. 76 and 215; Seventh Revised Sheet Nos. 53, 54, and 77; Eighth Revised Sheet No. 141; and Tenth Revised Sheet Nos. 11 and 12.

The proposed changes would increase revenues from jurisdictional sales and services by \$13,649,675 based on a test period consisting of the twelve months ended September 30, 1978, adjusted for known changes through June 30, 1979.

Tennessee states that the increased rates are required to reflect an increase in rate of return and related income taxes, increased plant and related expenses, and increases in the cost of materials, supplies, wages, taxes and the transportation of gas by others. Tennessee states that the proposed increase is within President Carter's guidelines for price increases.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 21, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4614 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. CP78-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Intent To Act

JANUARY 30, 1979.

On December 26, 1978, Guilford Mills, Inc. (Guilford), filed in Docket

No. CP78-4 a Petition to Modify Commission Order on Basis of Newly Arisen Facts (i.e., National Energy Legislation). Guilford requests the Commission to modify the order of September 25, 1978, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations to Transcontinental Gas Pipe Line Corporation (Transco) authorizing the transportation of natural gas in interstate commerce for Guilford for two years. Said order limits authorization to transportation of gas purchased by Guilford at rates consistent with prevailing intrastate rates as reflected in Commission Form No. 45. Said limitation would have the effect of permitting transportation during the second year only if Guilford should pay a rate to the producer of the gas less than that rate provided by the gas purchase contract. Rehearing of the order of September 25, 1978, was denied by order issued November 24, 1978.

In the instant petition Guilford submits that in view of the promulgation of the Natural Gas Policy Act of 1978 on November 9, 1978, the Commission should modify its limitation on transportation of gas purchased at the second year contract price. Considering the major changes in policy and scope of regulation made, required, and permitted by the Natural Gas Policy Act of 1978, and the novelty of the questions raised by the instant petition, notice is hereby given that the Commission does intend to act on the issues presented by the instant petition.¹

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 79-4615 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-150]

SOUTHERN CALIFORNIA EDISON CO.

Proposed Tariff Change

FEBRUARY 2, 1979.

Take notice that Southern California Edison Company (SCE) on January 15, 1979, tendered for filing proposed changes in its FERC Electric

¹The instant petition is stated to be filed pursuant to Section 1.34(b) of the Commission's Rules of Practice and Procedure which, *inter alia*, sets forth the procedure in part for applications for rehearing based upon matters that have arisen since hearing and decision. Since rehearing has heretofore been denied, the instant petition will not and cannot be entertained as an application for rehearing.

Service Tariffs, R-1 and R-2. SCE states that such tariff changes would increase revenues from base rates and fuel adjustment applicable to jurisdictional sales and service by an estimated \$5,481,000 if applicable during the 12-month period ending December 31, 1979.

SCE further states that the increase in charges averages an estimated 2.9% for customers served on the prior R-1 schedule and an estimated 4.0% for customers served on the prior R-2 schedule.

SCE indicates that the reasons for the proposed increase are the following: the inadequacy of existing rates to cover present and projected levels of operating costs including a return component commensurate with present and projected cost of capital.

SCE proposes an effective date of March 16, 1979.

Copies of the filing were served upon the utility's jurisdictional customers, the California Public Utilities Commission, and upon the Arizona Corporation Commission, according to SCE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 20, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-4612 Filed 2-9-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP64-31, et al.]

SOUTHERN NATURAL GAS CO.

Filing of Pipeline Refund Reports and Refund Plans

FEBRUARY 2, 1979.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concern-

ing the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C 20426, on or before February

20, 1979. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
12/4/78	Southern Natural	RP64-31	Report.
1/8/79	Cities	AR70-1	Report.
1/12/79	Northern Natural	G-9279, et al.	Plan.
1/15/79	Consolidated	RP72-157	Plan.
1/18/79	Columbia Gas	RP73-47	Report & Plan.
1/19/79	Texas Gas	RP77-139	Report.

[FR Doc. 79-4613 Filed 2-9-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1057-8]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Agency Comments

Pursuant to the requirements of section 102(2) (C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of January 1, 1978 and January 31, 1978.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI. Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI. Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the sources for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the source of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 29, 1979.

WILLIAM N. HEDEMAN, Jr.,
Director,
Office of Federal Activities.

APPENDIX I.—Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
D-COE-C34001-NJ	Permit to construct a Tidal Barrier and Dredge, Hackensack River, Bergen County, New Jersey.	EU3	C
D-COE-E30007-FL	Beach Erosion Control Study, St. Johns County, Florida.	LO2	E
D-COE-E34003-GA	Metropolitan Atlanta Water Resources Study, Lake Sidney Lanier Restudy, Georgia.	LO2	E
D-COE-E34010-MS	Operation and Maintenance, Arkabutla, Enid, Grenada and Sardis Lakes, Mississippi.	LO2	E
D-COE-K32015-HI	Pohoi Bay Navigation Improvements, Pohoi Bay, Hawaii.	LO1	J
D-COE-K36024-CA	Sweetwater River Flood Control Channel, San Diego County, California.	ER2	J
DEPARTMENT OF AGRICULTURE			
D-AFS-E65019-KY	Management of the Licking River Unit, Daniel Boone National Forest, Bath, Menifee, Morgan, and Rowan Counties, Kentucky (USDA-FS-R8-DES-ADM-78-04).	LO2	E
D-AFS-F65002-MI	Timber Resource Plan, Hiawatha National Forest, Alger and Delta Counties, Michigan.	LO2	F

APPENDIX I.—Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
D-AFS-J65068-00.....	Beartooth Face Planning Unit, Custer, Gallatin and Shoshone National Forest, Montana and Wyoming.	ER1	I
D-AFS-K40054-CA.....	Gasquet and Orleans Road, Chimney Rock Section, Six Rivers National Forest, California.	LO1	J
D-AFS-KG1019-CA.....	Trubuco Planning Unit, Cleveland National Forest, San Diego County, California.	LO1	J
D-AFS-K65023-CA.....	Big Bear Basin Planning Unit, San Bernardino National Forest, California.	ER2	J
D-AFS-K65023-CA.....	South Park Mountain, Shasta-Trinity National Forest, California.	LO2	J
D-AFS-L61099-OR.....	Elgin Planning Unit, Land Management, Umatilla and Wallowa-Whitman National Forest, Union and Wallowa Counties, Oregon (USDA-FS-R6-DES (ADM) (78-2).	LO1	K
D-SCS-D36027-WV.....	Upper Mud River Watershed, Lincoln and Boone Counties, West Virginia.	LO1	D
D-SCS-E36050-MS.....	Union Creek Channel Improvements, Neshoba and Newton Counties, Mississippi (USDA-SCS-EIS-RCD-ADM-78-1-(D)-MS).	LO2	E
D-SCS-E36051-AL.....	Factory Creek Watershed, Sumter County, Alabama.	LO1	E
DEPARTMENT OF COMMERCE			
D-EDA-E28027-TN.....	Water and Sewerage Facilities, Bradley and McMinn Counties, Tennessee (Joint EPA-EDA EIS).	LO2	E
D-NOA-B90001-RI.....	Rhode Island Coastal Management Program.	LO1	B
S-NOA-B91006-00.....	Fishery Management Plan for Atlantic Groundfish, Haddock, Cod and Yellow-tail Flounder.	LO1	B
D-NOA-L90014-00.....	Fishery Management Plan for the Northern Anchovy Fishery, Off the Pacific Coast.	LO2	K
DEPARTMENT OF TRANSPORTATION			
D-DOT-A52124-00.....	Standards for Nonpassenger Automobiles, Average Fuel Economy Model Years 1980-1981.	LO1	A
D-FAA-F51011-OH.....	Akron and Canton Regional Airport, North Canton, Summit County, Ohio.	LO2	F
D-FAA-F51012-MN.....	Construct New Runway 13-31 and Land Acquisition, Fergus Falls Municipal Airport, Ottertail County, Minnesota.	LO2	F
S-FHW-A42425-KS.....	I-435 Extension, Kansas City Loop, Johnson and Wyandotte Counties, Kansas (FHWA-KANS-EIS-DS-3) (see also FS-DOT-A41101-KS).	3	H
D-FHW-B40029-VT.....	Burlington Southern Connector, I-89 to Battery Street, Burlington, Chittenden County, Vermont (FHWA-VT-EIS-77-02-D).	ER2	B
D-FHW-C40033-NJ.....	NJ-152, Bay Avenue to JFK Bridge, Somers Point, Egg Harbor Township, Atlantic County, New Jersey.	ER2	C
D-FHW-C40034-NY...	US 219, Southern Expressway, Section III and IV Erie County, New York.	ER2	C
D-FHW-D40058-VA.....	Berkley Avenue Improvement, Norfolk, Virginia.	ER2	D
D-FHW-E40126-AL.....	US 98, Mississippi State Line to East of Wilmer, Mobile County, Alabama (FHWA-ALA-EIS-77-03D).	LO2	E
D-FHW-E40127-KY.....	Kentucky Turnpike, I-65, Elizabethtown to the Watterson Expressway, Louisville, Jefferson, Bullitt and Hardin Counties, Kentucky (FHWA-KY-EIS-77-01-D).	LO1	E
D-FHW-E40128-NC.....	I-40, Raleigh Beltline to I-95, Wake, Harnett and Johnston Counties, North Carolina.	LO2	E
D-FHW-E40131-SC.....	Twelfth Steet Extension, City of Cayce, Lexington County, South Carolina (FHWA-SC-EIS-77-04-D).	ER2	E
D-FHW-F40102-IL.....	Federal Aid Primary Route 789, IL-143, Madison County, Illinois.	ER2	F
D-FHW-F40103-WI.....	Tri-County Expressway, Winnebago, Calumet, and Outagamie Counties, Wisconsin.	EU2	F
D-FHW-H40076-IA.....	State Arterial 518 Highway, IA-518, Lee County, Iowa (FHWA-LOWA-EIS-77-05-D).	LO2	H
ENERGY RESEARCH & DEVELOPMENT ADMINISTRATION			
D-ERD-A00138-00.....	Rocky Flats Plant at Golden, Jefferson County, Colorado.	ER2	A
D-ERD-A07014-00.....	Coal Research Development and Demonstration Program (ERDA-1557-D).	ER2	D

NOTICES

APPENDIX I.—Draft Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
FEDERAL ENERGY ADMINISTRATION			
D-FEA-D03003-MD.....	Allocation of Petroleum Fuelstock, Baltimore Gas and Electric, Sollers Point, Baltimore County, Maryland.	ER2	D
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-C85019-PR.....	Residential Covadonga Development, Toa Baja, Puerto Rico.	LO2	C
D-HUD-D20001-WV.....	Green Acres to Merricks Creek Water Line, Cabell County, West Virginia.	LO2	D
D-HUD-F85035-MN.....	West Park Hills and Countryside Housing Development, Bloomington, Hennepin County, Minnesota.	LO1	F
D-HUD-G85078-TX.....	Clayton Subdivision, Harris County, Texas....	LO2	G
D-HUD-G85082-TX.....	Chimney Hill Subdivision, Harris County, Texas.	LO1	G
D-HUD-G85083-TX.....	Westcreek Subdivision, Travis County, Texas.	LO1	G
D-HUD-G85085-TX.....	Westland Creek Village Subdivision, Harris County, Texas.	LO1	G
TENNESSEE VALLEY AUTHORITY			
D-TVA-G01002-NM.....	Dalton Pass Uranium Mine, McKinley County, Texas.	ER2	G

APPENDIX II.—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-C85004-NJ.....	Stoeco Homes, Inc., Residential Lagoon Development, Ocean City, Cape May County, New Jersey.	EPA's concerns were adequately addressed in the final EIS.	C
FA-COE-F30006-MI.....	Mitigation of Shore Damage, Ludington Harbor, Michigan.	EPA's concerns were adequately addressed in the final EIS. EPA suggested the Corps conduct an analysis on the success of the proposed project and its effects on the open water and beach ecosystems.	F
F-COE-F35016-MI.....	Beadle Bay Development, Saginaw Bay, Huron County, Michigan.	EPA's concerns were adequately addressed in the final EIS.	F

APPENDIX III.—Final Environmental Impact Statements for Which Comments Were Issued
Between Jan. 1, 1978 and Jan. 31, 1978—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-L39009-AK.....	Port Loin Small Boat Harbor, Port Loin, Alaska.	EPA's review of the final EIS indicates the COE was not responsive to comments made by EPA on the draft EIS. Specifically, EPA's comments included: (1) Adequate verification of the Corp's hydrological model, and (2) a thorough analysis of increased waste water discharges and its impact on the harbor's water quality.	K
DEPARTMENT OF AGRICULTURE			
F-AFS-K61013-CA.....	Big Sur Coastal Planning Unit, Los Padres National Forest, California.	EPA's concerns were adequately addressed in the final EIS.	J
F-AFS-K65015-CA.....	Volcanouille Planning Unit, Eldorado National Forest, California.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF INTERIOR			
F-BIA-K6700-AZ.....	Vekol Hills Project, Papago Indian Reservation, Pinal County, Arizona.	EPA's concerns were adequately considered in the final EIS.	J
DEPARTMENT OF TRANSPORTATION			
F-DOT-A41432-IL.....	Lemont Road Bridge Replacement, IL-143, Cook and Dupage Counties, Illinois.	EPA's review of the final EIS indicated that the comments by EPA on the draft EIS have been adequately addressed.	F
F-DOT-A41598-VA.....	VA-265, Danville Bypass Expressway, Pittsylvania County, Virginia.	EPA's concerns were adequately addressed in the final EIS.	D
F-CGD-K61014-CA.....	Arden Bar Park and C. M. Goethe Park Land Use Plans, Sacramento County, California.	EPA's concerns were adequately addressed in the final EIS.	J
FS-FHW-A42231-WI.....	Dodgeville-Mount Horeb Roads US 18 and US 151, Iowa and Dane Counties, Wisconsin.	EPA's review of the supplement to the final EIS indicated its concerns were adequately addressed.	F
F-FHW-F40030-WI.....	County Trunk Highway "Q", Kenosha County, Wisconsin.	The EPA has determined the project as proposed to be environmentally unsatisfactory from the standpoint of environmental quality, health and welfare and has referred the matter to the CEQ for review pursuant to section 309(b) of the CAA. EPA's determination is based upon the impacts which would result from destruction of wetlands in the proposed high Q corridor.	A

NOTICES

APPENDIX III.—Final Environmental Impact Statements for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-F39003-MN	Barge Terminal Expansion, Packer River Terminal, Dakota County, Minnesota.	The EPA has determined the project as proposed to be environmentally unsatisfactory from the standpoint of environmental quality, health and welfare and has referred the project to the CEQ for review pursuant to section 309(B) of the CAA. EPA's objections result from the proposed filling of 23 acres of wetlands for the expansion of the existing large terminal without an adequate examination of alternatives and the potential for contributing to an already existing air quality problem.	A
F-FHW-J40028-CO.....	I-76, I-25 to I-70 at Wadsworth Boulevard, Adams County, Colorado.	EPA continues to have environmental reservations over the project as proposed. Specifically, EPA believes that air quality improvement would be better served if the funds for the proposed highway segment were used for transportation systems management projects like priority treatment for high occupancy vehicles and for mass transit.	I
F-FHW-K40048-NV.....	McCarran Boulevard, Ring Road, Sparks and Reno, Washoe County, Nevada.	Generally, EPA's concerns were adequately addressed in the final EIS.	J
F-UMT-C54002-NY.....	Buffalo Light Rail Rapid Transit Project, Erie and Niagara Counties, New York.	EPA's concerns were adequately addressed in the final EIS. Furthermore, the proposed project would have beneficial impacts on air quality, transportation efficiency and energy conservation.	C
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-D85014-MD.....	Piney Ridge, Carroll County, Maryland.	EPA's concerns were adequately addressed in the final EIS.	D
NUCLEAR REGULATORY COMMISSION			
F-NRC-E06007-MS.....	Yellow Creek Nuclear Plant Units 1 and 2, Tishomingo County, Mississippi, (NUREG-0365).	EPA's concerns were adequately addressed in the final EIS.	E

APPENDIX IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Jan. 1, 1978 and Jan. 31, 1978

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-G32023-AR.....	Poteau River Small Navigation Project, Fort Smith, Arkansas.....	G
F-COE-H34014-KS.....	Operation and Maintenance, Wilson Lake, Russell and Lincoln Counties, Kansas.	H
DEPARTMENT OF AGRICULTURE		
F-AFS-B61007-VT.....	Timber Management Plan, Green Mountain National Forest, Vermont....	B
F-AFS-J65045-MT.....	Big Hole Planning Unit, Lolo National Forest, Sanders County, Montana	I
F-REA-D08001-MD.....	230kv Transmission Line, Chalk Point to Lexington Park, Maryland (USDA-REA-MD).	
F-SCS-G36052-OK.....	Kickapoo Nations Watershed, Oklahoma and Lincoln Counties, Oklahoma.	G
F-SCS-G36059-TX.....	Tehuacana Creek Watershed, McLennan, Hill and Limestone Counties, Texas.	G

APPENDIX IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between Jan. 1, 1978 and Jan. 31, 1978—Continued

Identifying No.	Title	Source of review
DEPARTMENT OF DEFENSE		
F-USA-J10002-00.....	Transportation of Chemical Material, Operation RMT, Rocky Mountain Arsenal, Colorado to Tooele Army Depot, South Area, Utah.	I
DEPARTMENT OF INTERIOR		
F-BOR-D61006-MD.....	Seneca State Park, Land Acquisition, Montgomery County, Maryland.....	D
DEPARTMENT OF TRANSPORTATION		
F-FAA-C51002-NY.....	Runway 34 Improvements, Westchester County Airport, Newport, New York.	C
F-FHW-H40068-NB.....	Benkelman East, FAS Route 1270, Dundy County, Nebraska.....	H
F-FHW-L40016-AK.....	Taylor Highway, Tetlin Junction to Canadian Border, Alaska (FHWA-AK-EIS-77-01-F).	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-B89008-MA.....	Kendall Square Urban Renewal Project, Cambridge, Middlesex County, Massachusetts (HUD-RO1-EIS-77-01-F).	B
F-HUD-E28026-AL.....	Boykin Water System and Road Improvement, Wilcox County, Alabama	E
F-HUD-G85031-TX.....	Big Country Subdivision, Bexar County, Texas.....	G
F-HUD-G85054-TX.....	Riveria East Subdivision, Harris County, Texas.....	G
F-HUD-G85057-TX.....	Camden Park Subdivision, Harris County, Texas.....	G
F-HUD-G85059-TX.....	Greensbrook and Kings Lake Forest Subdivision, Harris County, Texas...	G
F-HUD-L85003-WA.....	Proposed Plat, Megan Heights, Kitsap County, Washington.....	K
DEPARTMENT OF LABOR		
RF-OSH-A99130-00.....	Standard For Occupational Exposure, Cotton Dust.....	A

APPENDIX V.—Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between Jan. 1, 1978 and Jan. 31, 1978

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF INTERIOR			
R-IGS-A00117-00.....	30, CFR Part 211, Coal Mining Operating Regulations, Mining on Federal Lands.	EPA suggested the inclusion of several environmental safe guards relating to the proposed rulemaking. EPA specifically requested the opportunity to review assessments on modification requests of existing cooperative agreements for States electing to continue certain regulatory operations in Federal mineral lands.	A
A-SFW-A90032-00.....	Classification of Wetlands and Deep Water Habitats of the United States, Notices (42 FR 62432).	EPA considered the proposed classification system to be a useful convention for its primary purposes, mapping and inventorying the wetlands and deep-water habitats of the Nation.	A

APPENDIX VI.—SOURCE FOR COPIES OF EPA COMMENTS

- A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.
- B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
- C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Fed-

- eral Plaza, New York, New York 10007.
- D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
- E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30308.
- F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.

K. Director of Public Affairs, Region, 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 79-4553 Filed 2-9-79; 8:45 am]

[6820-12-M]

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Limited Authorization to Executive Director To Sign Orders Disposing of Motions

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Announcement of limited authorization to Executive Director to sign Commission orders disposing of motions.

SUMMARY: The Federal Mine Safety and Health Review Commission announces a limited authorization to its Executive Director to sign Commission orders disposing of motions after he has ascertained, orally or in writing, the votes of each participating Commissioner.

DATES: The delegation is effective February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald Terry, Executive Director, Federal Mine Safety and Health Review Commission, 1730 K Street, NW., Washington, D.C. 20006; (202) 653-5644.

SUPPLEMENTARY INFORMATION: The limited authorization attached to this announcement authorizes the Executive Director of the Commission to sign on its behalf, orders disposing of motions. The authorization does not delegate to the Executive Director the authority to rule on motions; this authority remains with the Commission. The Commission expects to codify this authorization in its procedural rules.

Dated: February 6, 1979.

JEROME R. WALDIE,
Chairman.

LIMITED AUTHORIZATION AND DIRECTION FOR THE EXECUTIVE DIRECTOR

The Federal Mine Safety and Health Review Commission authorizes its Executive Director to sign, on its behalf, orders of the Commission disposing of motions. The Executive Director shall

ascertain either orally or in writing the vote of each participating Commissioner. His signature on a Commission order is a certification that a quorum of Commissioners has participated in the matter, and that a majority of the participating Commissioners voted to dispose of the motion in the manner indicated by the order. The Executive Director shall note on the order dissenting votes if requested to do so by the dissenting Commissioner. A person aggrieved by an order signed by the Executive Director may move within 10 days of the date of the order that the order be signed or initialed by the participating Commissioners.

This authorization extends to action on the following motions: motions for extensions of time; motions for permission to file briefs in excess of page limits; motions to accept late filed briefs; motions to consolidate; motions to expedite proceedings; and motions for oral argument.

JEROME R. WALDIE,
Chairman.

RICHARD V. BACKLEY,
Commissioner.

FRANK F. JESTRAB,
Commissioner.

A. E. LAWSON,
Commissioner.

MARIAN PEARLMAN NEASE,
Commissioner.

[FR Doc. 79-4569 filed 2-9-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that

requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 7, 1979.

A. Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045:

1. BANKERS TRUST NEW YORK CORPORATION, New York, New York (trust company and investment advisory activities; Florida): to engage, through its subsidiary, Bankers Trust Company of Florida, in activities that may be carried on by a trust company, including activities of a fiduciary, investment advisory, agency, or custodian nature. These activities would be conducted from an office in Palm Beach, Florida, and the geographic area to be served is Palm Beach County, Florida.

2. CITICORP, New York, New York (commercial lending and leasing activities; California, Colorado, Hawaii, Idaho, Kansas, Nevada, Oregon, Utah, Washington): to engage, through its subsidiary, Citicorp (USA), Inc., in commercial lending activities for its own account (with the intention that Citibank, N.A., Citibank (New York State), N.A., and other commercial banks may participate in the loans); and leasing personal or real property or acting as agent, broker, or advisor in leasing such property in accordance with the Board's Regulation Y. These activities would be conducted from an office in San Francisco, California, and the geographic areas to be served encompass 27 counties in California, six counties in Washington and six in Oregon, Boise and Lewis Counties, Idaho, Humboldt County, Nevada, Wichita County, Kansas, Denver County, Colorado, Salt Lake County, Utah, and Honolulu County, Hawaii.

B. Federal Reserve Bank of Philadelphia, 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. FIRST PENNSYLVANIA CORPORATION, Philadelphia, Pennsylvania (industrial banking, financing, and insurance activities; Colorado): to engage, through its subsidiary, East Continental Industrial Bank, in operating an industrial bank as authorized

by Colorado law, including the acceptance of time and savings deposits; making, acquiring and servicing loans and other extensions of credit; and selling life, accident and health, and property damage and liability insurance directly related to its extensions of credit. These activities would be conducted from an office in Aurora, Colorado, and the geographic area to be served in southeast Aurora, Colorado. This application is for the relocation of an office within the same city.

2. **PHILADELPHIA NATIONAL CORPORATION**, Philadelphia, Pennsylvania (investment advisory activities; national, international): to engage, through its subsidiaries, Charter Atlantic Corporation and Fischer, Francis, Trees & Watts, Inc., in providing investment advisory and investment management services for portfolios of fixed-income securities of domestic and foreign customers wherever located. These activities would be conducted from an office in New York, New York.

C. *Federal Reserve Bank of Atlanta*, 104 Marietta Street, N.W., Atlanta, Georgia 30303:

DEPOSIT GUARANTY CORP., Jackson, Mississippi (mortgage financing and insurance activities; Mississippi): to engage, through its subsidiary, Deposit Guaranty Mortgage Company, in making or acquiring loans and other extensions of credit; and selling and participating in the proceeds of the sale of life (mortgage cancellation) and accident and health insurance directly related to its extensions of credit. These activities would be conducted from offices in Natchez, Greenwood, and Laurel, Mississippi, and the geographic areas to be served are the Natchez, Greenwood, and Laurel, Mississippi metropolitan areas.

D. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

FIRST CHICAGO CORPORATION, Chicago, Illinois (mortgage banking activities; District of Columbia, Maryland, Texas, Virginia): to engage, through its subsidiary, First Chicago Realty Services Corporation, in making, acquiring, and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be conducted from offices in Houston, Texas, and Washington, D.C., and the geographic areas to be served are Texas and the Washington, D.C. metropolitan area.

E. *Federal Reserve Bank of Kansas City*, 925 Grand Avenue, Kansas City, Missouri 64198:

1. **MIDLAND CAPITAL CO.**, Oklahoma City, Oklahoma (mortgage banking activities; California): to engage, through its subsidiary, Midland Mortgage Co., in mortgage banking, including origination and servicing

of all types of residential and commercial mortgage loans. These activities would be conducted from an office in La Palma, California, and the geographic areas to be served are the Long Beach, Downey, Cerritos, and La Habra, California areas.

2. **NEW MEXICO BANCORPORATION, INC.**, Santa Fe, New Mexico (insurance activities; New Mexico): to act as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to extensions of credit by it or its subsidiary banks, and acting as agent or broker in the sale of any insurance for its subsidiary banks. These activities would be conducted from the main offices of Applicant's subsidiary banks in Santa Fe, Albuquerque, and Taos, New Mexico, and the geographic areas to be served are New Mexico (extensions of credit by Applicant), 16 counties of northern and central New Mexico (extensions of credit by subsidiary banks), and Santa Fe, Bernalillo, and Taos Counties, New Mexico (insurance for subsidiary banks).

F. *Other Federal Reserve Banks*: None.

Board of Governors of the Federal Reserve System, February 6, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4617 Filed 2-9-79; 8:45 am]

[6210-01-M]

HIGH PLAINS BANCORPORATION, INC.

Formation of Bank Holding Company

High Plains Bancorporation, Inc., Forgan, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.25 per cent of the voting shares of The First State Bank, Forgan, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 5, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4618 Filed 2-9-79; 8:45 am]

[6210-01-M]

PARK RAPIDS BANCSHARES, INC.

Formation of Bank Holding Company

Park Rapids Bancshares, Inc., Park Rapids, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 82.67 per cent of the voting shares of Citizens National Bank of Park Rapids, Park Rapids, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 27, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 31, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4619 Filed 2-9-79; 8:45 am]

[6210-01-M]

SOCIETY CORP.

Acquisition of Bank Holding Company

Society Corporation, Cleveland, Ohio, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire Harter Bancorp, Canton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Society Corporation, Cleveland, Ohio, is also indirectly engaged in the nonbank activities of leasing personal property and providing credit life insurance directly related to extensions of credit. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's non-banking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 6, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 6, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc 79-4620 Filed 2-9-79; 8:45 am]

[6210-01-M]

SWANVILLE BANCSHARES, INC.

Formation of Bank Holding Company

Swanville Bancshares, Inc., Swanville, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.82 per cent of the voting shares of First State Bank of Swanville, Swanville, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 2, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 5, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 79-4621 Filed 2-9-79; 8:45 am]

[4110-87-M]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Center for Disease Control

PERMISSIBLE LIMITS FOR LIFTING LOADS IN
INDUSTRY

Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health of the Center for Disease Control and will be open to the public for observation and participation, limited only by the space available:

Date: February 22, 1979.

Time: 10 a.m. to 4:30 p.m.

Place: Room 160, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To discuss the details of planned contract research concerned with establishing permissible limits for one-handed manipulation of loads.

Additional information may be obtained from:

Dr. Donald W. Badger, Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513-684-8469.

Dated: February 5, 1979.

WILLIAM B. FOGGE,
*Director, Center
for Disease Control.*

[FR Doc. 79-4595 Filed 2-9-79; 8:45 am]

[OS 4110-12-M]

Office of the Secretary

FAMILY POLICY TASK FORCE OF THE
SECRETARY'S ADVISORY COMMITTEE ON
THE RIGHT AND RESPONSIBILITIES OF
WOMEN

Meeting Cancellation

This notice is to cancel the Family Policy Task Force meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women on Wednesday, February 14, 1979, from 2:00 to 6:00 P.M., as listed in the January 31 FEDERAL REGISTER, page 6208. It will be rescheduled at a later date.

Dated: February 6, 1979.

SUSAN C. LUBICK,
*Executive Secretary, Secretary's
Advisory Committee on the
Rights and Responsibilities of
Women.*

[FR Doc. 79-4573 Filed 2-9-79; 8:45]

[4310-10-M]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OFFICE OF THE SECRETARY PROCUREMENT
ACTIONS

Requirement for Legal Review

Notice is hereby given that, pursuant to Interior Procurement Regulations 41 CFR 14-1.352, the following policy and procedures for legal review of Office of the Secretary procurement related documents is established:

As used herein, the term "legal review" means review of pertinent procurement documents for legal sufficiency by the Office of the Solicitor.

Legal review shall be requested a sufficient time in advance of taking the action indicated, five working days is established as the normal time for legal review in addition to the time required for the transmittal of documents. However, this time may be increased or decreased by agreement of the appropriate attorney and contracting officer, depending upon the urgency or the complexity of the particular case.

Legal review shall be requested prior to issuance of solicitations (Invitations for Bids and Requests for Proposals) and resulting contracts for the procurement of supplies or services estimated to cost in excess of the amounts set forth below:

a. Formally advertised procurements (including small business restricted advertised procurements) and modifications to resulting contracts in excess of \$50,000.

b. Negotiated procurements (including those negotiated under section 8(a) of the Small Business Act) in excess of \$25,000, and modifications to resulting contracts in excess of \$25,000.

c. Procurements of amounts less than those stated in a and b above when the Contracting Officer considers legal review to be desirable.

Legal review shall be requested of pertinent documents in the following circumstances:

a. When there are apparent or suspected irregularities in precontract documents such as bids, proposals, or bonds; or when there are any unusual circumstances which might affect the legality of the proposed action.

b. Prior to acceptance of a novation or change of name agreement, or of a notice of assignment, an assignment, or a release of assignment, pursuant to the Assignment of Claims Act of 1940, as amended.

c. Prior to release of any communications or contracting officer's report relative to a protest, or an alleged mistake in bid, or a determination of bidder nonresponsibility.

d. Prior to execution of findings of fact and final decisions, made pursuant to the Disputes clause, notices of termination, cure notices, show cause letters, suspension orders, or other documents which may have special legal effect.

Employees of the Office of Administrative Services are encouraged to seek the advise of the Solicitor's Office on other procurement related matters.

For additional information contact Gregory D. Rothwell, Chief, Branch of Procurement Management, Office of Administrative Services, Department of the Interior, Washington; D.C. 20240. Telephone: 202-343-2105.

LARRY E. MEIEROTTO,
*Deputy Assistant Secretary
of the Interior.*

FEBRUARY 5, 1979.

[FR Doc. 79-4599 Filed 2-9-79; 8:45 am]

[7590-01-M]

**NUCLEAR REGULATORY
COMMISSION**

[Docket No. 70-364]

BABCOCK AND WILCOX CO., NUCLEAR MATERIALS DIVISION, PLUTONIUM PLANT—PARKS TOWNSHIP SITE

Negative Declaration

The Nuclear Regulatory Commission (the Commission) has renewed Materials License No. SNM-414 for the Babcock and Wilcox Company, Nuclear Materials Division, Plutonium Plant located on the Parks Township Site near Leechburg, Pennsylvania. The license renewal authorizes continued operation of plutonium fuel fabrication activities.

The Commission's Division of Fuel Cycle and Material Safety prepared an environmental impact appraisal for the license renewal. On the basis of this appraisal, the staff concluded that an environmental impact statement for this particular license renewal was not warranted because there will be no significant environmental impact attributable to the licensing action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the Local Public Document Room established at Apollo Memorial Library, 219 North Pennsylvania Avenue, Apollo, Pennsylvania 15613.

Dated at Silver Spring, Md., this 2nd day of February 1979.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
*Acting Chief, Fuel Reprocessing
and Recycle Branch, Division
of Fuel Cycle and Material
Safety.*

[FR Doc. 79-4590 Filed 2-9-79; 8:45 am]

[7590-01-M]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977, 42 FR 62052), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section Nos. 17.1, "Quality Assurance During the Design and Construction Phases" and 17.2, "Quality Assurance During the Operations Phase" of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to §§ 17.1 or 17.2 is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan, including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 2nd day of February, 1979.

For the U.S. Nuclear Regulatory Commission.

ROGER S. BOYD,
*Director, Division of Project
Management, Office of Nuclear
Reactor Regulation.*

[FR Doc. 79-4593 Filed 2-9-79; 8:45 am]

[7590-01-M]

[NUREG-75/087]

REVISION TO THE STANDARD REVIEW PLAN

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977 42 FR 62052), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 3 to Section No. 6.2.1.1.C (Pressure-Suppression Type BWR Containments) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 3 to Section No. 6.2.1.1.C is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 (5 U.S.C. 552 (a)).

Dated at Bethesda this 1st day of February, 1979.

For the U.S. Nuclear Regulatory Commission.

R. J. MATTSON,
Director, Division of Systems
Safety, Office of Nuclear Reactor
Regulation.

[FR Doc 79-4594 Filed 2-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

**Issuance of Amendment to Provisional
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation which revised the Technical Specifications for operation of the R. E. Ginna Plant located in Wayne County, New York. The amendment is effective as of the date of issuance.

The amendment modifies the Appendix A Technical Specifications to allow a change in the sampling frequency for secondary coolant, and to reduce the limit on iodine activity in the secondary coolant.

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 April 30, 1976, (2) Amendment No. 23 to License No. DPR-18, 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 Rochester Public Library, 115 South Avenue, Rochester, New York 14627. 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 30th day of January, 1979.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of Op-
erating Reactors.

[FR Doc. 79-4592 Filed 2-9-79; 8:45 am]

[3110-01-M]

**OFFICE OF MANAGEMENT AND
BUDGET**

AGENCY FORMS UNDER REVIEW

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The Agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless

specific issues are raised; such forms are identified in the list by an asterisk(*)).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

The timing of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

Department of Agriculture

(AGENCY CLEARANCE OFFICER—DONALD
W. BARROWMAN—447-6202)

NEW FORMS

**ECONOMICS, STATISTICS, AND
COOPERATIVES SERVICE
CO-OP TRUCK COORDINATION
STUDY**

SINGLE TIME

FARMER COOPERATIVES

125 RESPONSES; 62 HOURS

**OFFICE OF FEDERAL STATISTI-
CAL POLICY & STANDARD, 673-
7977**

**ECONOMICS, STATISTICS, AND
COOPERATIVES SERVICE
COOPERATIVE RAIL TRANSPOR-
TATION STUDY**

SINGLE TIME

**FARMER COOPERATIVES IN 5
STATES**

950 RESPONSES; 475 HOURS

**OFFICE OF FEDERAL STATISTI-
CAL POLICY AND STANDARD,
673-7977**

**FOOD AND NUTRITION SERVICE
CONVERSION REVIEW**

FNS 132 & 133

MONTHLY

STATE AGENCIES

324 RESPONSES; 112,362 HOURS

ELLETT, C. A., 395-5080

**FOOD AND NUTRITION SERVICE
ADMINISTRATIVE REVIEW
REPORT-SCHOOLS AND INSTI-
TUTIONS**

FNS-168

ON OCCASION

SCHOOLS AND INSTITUTIONS

2,178 RESPONSES; 3,267 HOURS

ELLETT, C. A., 395-5080

NOTICES

8937

Department of Commerce

(AGENCY CLEARANCE OFFICER—EDWARD MICHAELS—377-4217)

NEW FORMS

*BUREAU OF THE CENSUS RUBBER AND PLASTICS HOSE AND BELTING (PRODUCTION AND SHIPMENTS)
MA-30B
ANNUALLY
RUBBER AND PLASTICS HOSE MANUFACTURERS
150 RESPONSES; 75 HOURS
CAYWOOD, D. P., 395-6140

NATIONAL BUREAU OF STANDARDS
STANDARD ECONOMIC REFERENCE DATA SYSTEM USER QUESTIONNAIRE
NBS-1111A & 111B
SINGLE TIME
BUS., GOV., & ACADEMIC PER. WHO ARE MEMBERS OF PROF. ASSOC.
2,000 RESPONSES; 1,000 HOURS
CAYWOOD, D. P., 395-6140

Department of Defense

(AGENCY CLEARANCE OFFICER—JOHN V. WENDEROTH—697-1195)

REVISIONS

DEPARTMENTAL AND OTHER DOD INDUSTRIAL PLANT EQUIPMENT REQUISITION
DD 1419
ON OCCASION
DOD COMPONENTS & DOD CONTRACTORS
9,000 RESPONSES; 9,000 HOURS
CAYWOOD, D. P., 395-6140

EXTENSIONS

*DEPARTMENT OF THE AIR FORCE
TURBINE WHEEL HISTORICAL RECORD
AFTO 44
ON OCCASION
AF DEPOT CONTRACTOR
6,000 RESPONSES; 2,000 HOURS
CAYWOOD, D. P., 395-6140

Department of Energy

(AGENCY CLEARANCE OFFICER—ALBERT H. LINDEN—566-9021)

EXTENSIONS

COMPLAINANT'S REPORT
ERA-140
ON OCCASION
ANY PER. OR FIRM WHICH BEL. ACT. OF ANOTHER ARE NOT IN COMP. W/PET.
7,500 RESPONSES; 7,500 HOURS
WILL, JEFFERSON B., 395-5867

Department of Health, Education, and Welfare

(AGENCY CLEARANCE OFFICER—PETER GNESS—245-6478)

EXTENSIONS

*HEALTH SERVICES ADMINISTRATION
MIGRANT HOSPITALIZATION PROGRAM REFERRAL FORM
HSA-50
ON OCCASION
CLIENTS OF MIGRANT HEALTH CENTERS NEEDING HOSPITALIZATION
3,000 RESPONSES 480 HOURS
EISINGER, RICHARD 395-3214

Department of Housing and Urban Development

(AGENCY CLEARANCE OFFICER—JOHN KALAGHER—755-5184)

EXTENSIONS

HOUSING MANAGEMENT
REPORT ON FAMILY CHARACTERISTICS FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS
HUD 52675
SEMI-ANNUALLY
PHA'S OPERATING SECTION EXISTING PROJECTS
2,800 RESPONSES; 4,200 HOURS
STRASSER, A., 395-5080
HOUSING PRODUCTION AND MORTGAGE CREDIT
SCHEDULE OF LAND DEVELOPMENT LOTS—TITLE X
FHA-3554
ON OCCASION MORTGAGE INSURANCE FOR LAND DEVELOPMENT
30 RESPONSES; 30 HOURS
STRASSER, A., 395-5080

Department of Labor

(AGENCY CLEARANCE OFFICER—PHILIP M. OLIVER—523-6341)

NEW FORMS

EMPLOYMENT AND TRAINING ADMINISTRATION
CONTINUOUS WAGE AND BENEFIT HISTORY (CWBH) EVALUATION
ETA-18A
SINGLE TIME
UNEMPLOYMENT INSURANCE CLAIMANTS
3,000 RESPONSES; 750 HOURS
STRASSER, A. 395-50-80

REVISIONS

*EMPLOYMENT STANDARDS ADMINISTRATION
APPLICATION FOR A FARM LABOR CONTRACTOR CERTIFICATE
OF REGISTRATION
WH-410
ANNUALLY

AGRICULTURAL WORKERS
13,000 RESPONSES; 6,500 HOURS
STRASSER, A., 395-5080

Environmental Protection Agency

(AGENCY CLEARANCE OFFICER—JOHN J. STANTON—245-3064)

NEW FORMS

*EPA ASBESTOS SURVEY REPORT (SURVEY OF ACTIVITIES TO CONTROL SPRAYED ASBESTOS-CONTAINING MATERIALS IN SCHOOL BUILDINGS)
ON OCCASION
SCHOOL DISTRICT SUP'TS
11,000 RESPONSES; 5,500 HOURS
CLARKE, EDWARD H. 395-5867

Executive Office of the President, Other

(AGENCY CLEARANCE OFFICER—ROY NIERENBERG—456-6570)

REVISION

COUNCIL ON WAGE AND PRICE STABILITY
6 CFR PART 706—VOLUNTARY PAY AND PRICE STANDARDS
ON OCCASION
BUSINESS FIRMS (NON-FARM)
1,350 RESPONSES; 66,250 HOURS
STRASSER, A., 395-5080

U.S. Commission on Civil Rights

(AGENCY CLEARANCE OFFICER—RUTH M. FORD—254-6274)

NEW FORMS

LETTER REQUESTING EMPLOYMENT INFORMATION
SINGLE TIME
BANKS, HOSPITALS, COLLEGES, AND UNIVERSITIES
64 RESPONSES; 32 HOURS
COLLINS, L. V. 395-3214

Veterans Administration

(AGENCY CLEARANCE OFFICER—R. C. WHITT—389-2282)

REVISIONS

CLAIM FOR DISABILITY INSURANCE BENEFITS
29-357
ON OCCASION
INSURED VETERANS
25,000 RESPONSES; 43,750 HOURS
CAYWOOD, D.P. 395-6140

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-4436 Filed 2-9-79; 8:45 am]

[3170-01-M]

**OFFICE OF SCIENCE AND
TECHNOLOGY POLICY**

**SCIENCE, TECHNOLOGY AND DEVELOPMENT
ADVISORY COMMITTEE**

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Science, Technology and Development Advisory Committee.

DATE: February 26 and 27, 1979.

TIME: 9:00 a.m. to 5:00 p.m.

PLACE: Room 2008, New Executive Office Building, 726 Jackson Place, N.W. Washington, D.C.

CONTACT PERSON: Mr. William J. Montgomery, Executive Officer, Office of Science and Technology Policy, 17th & Pennsylvania Ave. N.W., Washington, D.C. 20500 (telephone: 202/395-4692). Anyone who plans to attend the meeting should contact Mr. Montgomery by February 22, 1979.

SUMMARY MINUTES: May be obtained from Mr. William J. Montgomery at the address listed above.

PURPOSE OF ADVISORY COMMITTEE: In March 1978, the President decided to create a Foundation for International Technological Cooperation in the reorganized foreign aid structure. To develop detailed plans for the Foundation, a Planning Office has been established reporting to Governor Gilligan, Chairman of the Development Coordination Committee. OSTP has been instrumental in developing the concept of the Foundation and the Planning Office; the Advisory Committee being established will advise the Director of OSTP on the concept and early planning of the Foundation, as well as on related policy issues and programs of the U.S. Government.

TENTATIVE AGENDA:

MONDAY, FEBRUARY 26

0930-1200 Report on Current Status of FITC.
1200-1330 Lunch.
1330-1700 Discussion of Bill to Create FITC.
1700 Adjourn.

TUESDAY, FEBRUARY 27

0900 Discussion of Draft Items.
1700 Adjourn.

**WILLIAM J. MONTGOMERY,
Executive Officer.**

[FR Doc. 79-4673 Filed 2-9-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5144]

COTTON BELT INVESTMENT CORP.

**Issuance of License to Operate as a Small
Business Investment Company**

On August 29, 1978, a notice was published in the FEDERAL REGISTER (43 FR 38654), stating that Cotton Belt Investment Corporation, located at 4542 Memorial Drive, Decatur, Georgia 30032, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1978); for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until close of business September 13, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 04/04-5155 to Cotton Belt Investment Corporation on January 17, 1979, to operate as a small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 2, 1979.

**PETER F. MCNEISH,
Deputy Associate
Administrator for Investment.**

[FR Doc. 79-4577 Filed 2-9-79; 8:45 am]

[8025-01-M]

**FINAL REPORT ON IMPROVING GOVERNMENT
REGULATIONS AND AGENDA OF REGULATIONS
SCHEDULED FOR REVIEW OR DEVELOPMENT,
JANUARY-JULY 1979**

AGENCY: Small Business Administration.

ACTION: Final Report on SBA Procedures; Semiannual Regulations Agenda.

SUMMARY: The Small Business Administration is issuing this final report on its procedures to implement Executive Order No. 12044 of March 23, 1978 (43 FR 12661). The procedures provide for developing SBA regulations; analyzing alternatives and cost and benefit impacts; revising and improving existing regulations to increase their clarity and effectiveness and reduce their burden; and increasing public participation in regulations development.

This document also lists SBA regulations that are scheduled for review or development during the six-month period January 31, 1979, through July 31, 1979. This should increase public awareness of the Agency's regulatory activity and result in more effective public participation.

EFFECTIVE DATE: January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

George M. Grant, Jr., Associate General Counsel, 202-653-6662, 1441 L Street, N.W., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: The President in issuing Executive Order No. 12044 emphasized its importance to ensure that Government regulations are written clearly in plain English; are developed through a process having early and broad public involvement; and are reviewed by agency heads to see that feasible alternatives have been carefully examined and regulatory burdens reduced to the maximum extent possible. Additionally, agencies are to comprehensively examine existing agency regulations to revise and reform them to make them clearer, more cost-effective and less burdensome.

On May 25, 1978, the Small Business Administration published for public comments (43 FR 22605) our plans for implementing Executive Order 12044. We requested that comments be submitted by July 30, 1978. Two comments were received. One suggested a 60 day public comment period on all SBA rules. The other expressed concern regarding possible additional delays and complexities in SBA regulations issuance.

This SBA procedure generally provides a 60 day comment period on proposed significant SBA rules and rule changes. However, SBA believes it is adequate to allow a lesser time period for public comments regarding non-significant rulemaking proposals.

A number of changes have been made in the SBA procedure to allow more expedited and efficient coordination. There is no longer a general requirement for SBA formal working groups in regulations development, though these may be utilized when deemed appropriate. The Office of the Associate General Counsel for Legislation would serve as the administrative office facilitating compliance with the Executive Order and SBA implementing procedures. The program office responsible for developing the regulation would work with other interested SBA offices in analyzing and evaluating the regulations proposals and alternatives. SBA believes the procedures will substantially improve the SBA rulemaking process.

The Major Features of the SBA System Under the Executive Order are:

DEVELOPMENT OF SIGNIFICANT REGULATIONS

Before proceeding to the development of a significant SBA regulation or regulation change SBA would prepare a work plan for submittal to the Administrator. The work plan would set forth the need for and the objectives of the regulations proposal, the major issues to be considered and the alternative approaches to be explored.

The purpose of the work plan is to disclose the major issues raised by the regulation proposal. Consideration would be given to related SBA regulations and effects on other SBA programs; small business, competition and major Federal programs and policies would also be considered. Consideration would focus on major issues to be resolved, assignment of responsibilities, coordination to meet requirements for timely and adequate regulations, and plans for public involvement in the development of the regulation.

After approval of the work plan, SBA would draft a proposed regulation. Particular attention would be given to a clear and adequate explanatory preamble to the proposed regulation to be published in the **FEDERAL REGISTER**.

The proposed regulation would be reviewed to ascertain compliance with the Executive Order, including cost and benefit analysis, plain English writing, optimum selection from among regulatory alternatives, and public participation.

In determining whether a regulation proposal would have major economic consequences so that a formal regulatory analysis is required, consideration would be given to effects on productivity and efficiency, practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of costs among industries and regions. A formal regulatory analysis would be made if the regulation is likely to impose gross economic costs of \$100 million per year on the economy; cause a major increase in costs or prices for individual industries, levels of government or geographic regions; or if the Administrator determines in other cases that a regulatory analysis is appropriate.

Public comment period upon a significant proposed regulation published in the **FEDERAL REGISTER** would generally be at least 60 days. SBA would also give the public early and meaningful opportunity to participate in the development of the regulation, including possible public hearings, direct distribution of the proposed regulation to interested persons and organizations, and other appropriate means.

After receipt of public comments, the regulation would be reviewed to make any appropriate revisions, and the final regulation would be published with an explanation of how the comments of the public were considered and treated.

SBA minor, routine and technical regulations would be subject to the general policies of the Executive Order and these procedures.

REVIEW OF EXISTING REGULATIONS

Existing SBA regulations would be reviewed to determine whether they are achieving the policy goals of the Executive Order and to follow the same SBA procedures as apply for the development of new regulations.

In selecting existing regulations or portions thereof to be reviewed, SBA would consider—

- (1) The nature and extent of complaints received,
- (2) The potential for removing or improving burdensome or ineffective requirements,
- (3) The need for eliminating conflicts and inconsistencies,
- (4) The need for simplification and clarification,
- (5) Opportunity for consolidation and better organization of regulations,
- (6) Changes since the regulation was issued and the length of time since the regulation was last reviewed.

SBA REGULATIONS AGENDA

SBA will publish in the **FEDERAL REGISTER** in January and July of each year the SBA Regulations Agenda. The Agenda would list existing SBA regulations being considered for review and possible revocation or revision and would summarize each proposed or final regulation or advance notice of proposed rulemaking which SBA has under development or review. The Agenda would also state whether the regulations are significant or non-significant, the need for and legal basis of the action being taken, estimated target dates for completion of steps in the development or review of such regulations, and the status of regulations previously listed on the Agenda. The name and telephone number of a knowledgeable agency official would be provided for each item in the Agenda.

OPPORTUNITY FOR PUBLIC PARTICIPATION

SBA would take effective steps to assure that the public has early and meaningful opportunity to participate in each significant agency regulation development, revision or amendment, including as appropriate advance notices published in the **FEDERAL REGISTER**, sending notices of such regulations proposal to publications likely to be read by those affected, and wide no-

tifying of interested parties directly. This would include notification to State and local government and to minority media and organizations. Similar notification would also be made of proposed and final regulation issuance. Consideration would be given to hearings to help narrow or clarify issues and provide additional information.

SBA's procedures for implementation of Executive Order 12044 follow.

CHAPTER 1—AUTHORITY AND GENERAL SCOPE

1. AUTHORITY

a. Executive Order 12044 issued March 23, 1978, directing all agencies to adopt procedures to improve existing and future regulations; and the Small Business Act and Small Business Investment Act of 1958.

b. Section 1 of Executive Order 12044 provides that:

“ * * * Regulations shall be as simple and clear as possible. They shall achieve legislative goals effectively and efficiently. They shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. To achieve these objectives, regulations shall be developed through a process which ensures that:

- (a) The need for and purpose of the regulation are clearly established.
- (b) Heads of agencies and policy officials exercise effective oversight.
- (c) Opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations and individual members of the public.
- (d) Meaningful alternatives are considered and analyzed before the regulation is issued; and
- (e) Compliance costs, paperwork and other burdens on the public are minimized.”

2. SCOPE

In accordance with the provisions of EO 12044, this SOP provides guidelines and procedures for implementation of the Regulations Development and Review (RDR) Program in SBA, which will be administered by the Office of the Associate General Counsel for Legislation.

4. RESPONSIBILITIES

All SBA offices shall assist as required and as set forth throughout this SOP in implementing its procedures. Administrative functions under this SOP of the Office of the Associate General Counsel for Legislation are to:

a. Provide staff support on regulations matters, including the coordination of the staffing, analysis and review of regulation work plans, significant proposed regulations and final regulations.

b. Keep current records on the progress of regulations development by

SBA offices, including all regulations changes in process through their final promulgation, and information on the progress of agency plans to evaluate regulations after their final issuance.

c. Monitor the programs of SBA offices for reviewing and revising their existing regulations.

d. Make reports regarding adherence to schedules by SBA offices and working groups on regulations matters.

e. Develop the material for the SBA Semiannual Agenda of Regulations to be approved by the Administrator and published in the FEDERAL REGISTER pursuant to section 2(a) of Executive Order 12044.

f. Assist SBA offices in regulations writing and in training personnel for regulation writing functions.

g. Maintain SBA rulemaking dockets, including copies of all proposed and final SBA regulations, public comments and agency studies, which dockets shall be available for public inspection.

h. Make recommendations to SBA regulations writing offices regarding resources, priorities and coordination of SBA regulations development, including efficient time periods and procedures.

i. Upon request, provide comments regarding SBA compliance with the purpose and provisions of Executive Order 12044.

j. Maintain liaison with interested offices and organizations concerning SBA regulations process, and possible improvements.

4. OBJECTIVE

SBA, as the agency with primary responsibility for assisting small business, will revise and reform its own procedures and regulations to make them clearer, more cost-effective and less burdensome, so that the purposes of the Executive Order are carried out, and the regulations of this agency will be more useful to small business concerns, Agency personnel and the public.

5. COVERAGE AND INTERPRETATION

a. This SOP applies to SBA regulations published in or amending Title 13 of the code of Federal Regulations, Chapter 1. It shall be applied to SBA regulations which are being developed, amended or revised. However, with respect to proposed regulations which have been published in the FEDERAL REGISTER prior to the effective date of this SOP, its requirements may be waived insofar as permitted by the Executive Order.

b. The provisions of this SOP shall be interpreted in accordance with the purposes of Executive Order 12044, to implement procedures to make SBA regulations more useful to the public and to Agency administering person-

nel, and to emphasize the important issues and real alternatives in the regulation development process. It is not intended to create delay in the process or provide new grounds for judicial review. It is intended to make SBA regulations clearer, less burdensome and more cost-effective, and to provide greater opportunity for public input into the SBA regulations development process.

c. The procedures in this SOP shall be in addition to the requirements of SOP 00 03 regarding preparation of FEDERAL REGISTER documents.

CHAPTER 2—PROCEDURES FOR DEVELOPMENT OF REGULATIONS

6. DEFINITIONS

a. "Significant" SBA regulations and changes to regulations are those which:

(1) Require a Regulatory Analysis (see paragraph 10) or otherwise impose substantial direct or indirect compliance costs.

(2) Concern a matter on which there is substantial public interest or controversy.

(3) Have significant impact on small business, the public, SBA, the Federal Government, or State and local governments; or

(4) Involve important SBA policy.

b. "Nonsignificant" SBA regulations and changes to regulations are those not covered above, for example:

(1) Regulations which reduce the burden on the public through easing of minor Agency requirements.

(2) Editorial changes.

(3) Minor organizational changes involving a title, etc.

PART I—SIGNIFICANT REGULATIONS

7. WORK PLAN—SCOPE

Before proceeding with the development of a significant SBA regulation or change to a regulation a Work Plan shall be prepared for the purpose of disclosing the major issues raised by the proposal for the regulation. The work plan shall be prepared as an SBA Form 606 report and recommendation to the Administrator. The work plan also should note major effects on closely related SBA regulations and on other SBA programs, as well as the immediate issues involved in the regulation proposal.

Other effects on small business, competition and major Federal programs and policies should also be considered in the preparation of the work plan (e.g., community development, efficient coordination of Government programs). Consideration should focus on major issues to be resolved, assignment of responsibilities and coordination to meet requirements for timely and adequate regulations. A work plan may recommend particular policies

and procedures for incorporation in the proposed regulations to be developed and may note alternative possible approaches.

8. WORK PLAN—PROCEDURES

The work plan shall be prepared by the appropriate program office with the assistance of the Office of General Counsel and other interested offices. It shall set forth:

a. The need for and the objectives of the regulation proposal

b. The major issues and alternative approaches

c. Minimization of reporting and recordkeeping requirements

d. Plans for public involvement in the development of the regulation. The Chief Counsel for Advocacy shall be consulted regarding the plans for early and meaningful public participation.

e. Plans for coordination with other SBA offices and other agencies.

f. Schedules and target dates

g. Possible issue papers to be prepared

h. Possible need for policy guidance and a regulatory analysis (see paragraph 10). The work plan shall be coordinated with other interested SBA offices and approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program, and then submitted to the Administrator for approval. Until the work plan is reviewed by the Administrator, development of the regulation shall not proceed.

9. REGULATION DEVELOPMENT

Generally, significant agency regulations shall be developed by the appropriate program office with assistance from the General Counsel's office and the other interested offices. After approval of the work plan, the pertinent offices will develop and draft a proposed regulation or alternative provisions for such regulation and develop any supporting material and analysis. Position papers, circulation of preliminary drafts, meetings and consultations should be utilized if deemed necessary or helpful. Particular attention should be given to a clear and adequate explanatory preamble to the proposed regulation to be published in the FEDERAL REGISTER. The proposed regulation shall be approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program, as well as by other interested SBA offices, prior to its submittal to the Administrator.

The proposed regulation should comply with the requirements of Section 2(d) of EO 12044, including cost and benefit consideration, plain English writing, optimum selection from

among regulatory alternatives, and public participation. The aspects set forth in Section 2(e) of the Order should be reviewed in relation to the proposed regulation. Consideration should also be given to whether a Regulatory Analysis is appropriate, see paragraph 10 below.

10. REGULATORY ANALYSIS

In determining whether a regulation proposal, revision or amendment would amendment would have major economic consequences so that a formal regulatory analysis under Section 3 of the Executive Order is required or appropriate, consideration will be given to how the costs and benefits of the proposed regulation can be quantified, in dollar terms or otherwise. Related regulations should be viewed together. Effects on productivity and efficiency, effective and practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of costs among industries and regions will be considered in evaluating whether a regulatory analysis should be made, and the preferable regulatory approach. A regulatory analysis will be made if:

a. The regulation is likely to impose gross economic costs of \$100 million per year on the economy,

b. The regulation would cause a major increase in costs or prices for individual industries, levels of government or geographic regions, or

c. The Administrator determines in other cases that a regulatory analysis is appropriate.

Even if a full regulatory analysis is not deemed necessary, to the extent feasible, quantified estimates of costs and burdens will be made to assist policy officials and the Administrator. Consultants may be utilized to make necessary studies if SBA or other Government resources are not available if a regulatory analysis or evaluation is required. Of course, responsible SBA officials must weigh the validity and relevance of such studies and information. Any regulatory analysis will be initially made available in draft form for public comment, and a final regulatory analysis will be prepared and made available to the public when the final regulation is published in the FEDERAL REGISTER. If a regulatory analysis is made, the urban and community impact analysis required by OMB Circular No. A-116 (August 16, 1978) should be incorporated into the economic analysis.

11. OPPORTUNITY FOR PUBLIC PARTICIPATION

SBA shall take effective steps to assure that the public has early and meaningful opportunity to participate in the development and revision of agency regulations, utilizing the FED-

ERAL REGISTER, publications likely to be read by those affected, wide direct notification of interested parties, including State and local government and minority media and organizations. Consideration should also be given to hearings to help narrow and clarify issues and provide additional information.

The following measures will be taken by this Agency to provide greater opportunity for public participation:

a. Each office shall review and study additional steps which can be taken to notify interested organizations and individuals that a regulation is under development and to seek their advice and reaction. The Chief Counsel for Advocacy will assist in such review and study and will have general responsibility for recommending particular procedures which can be adopted to encourage more public participation in the SBA regulations development process, including consideration of measures which have been utilized by other Federal agencies.

b. When approved by the Administrator a proposal for a significant regulation or regulation change will be published in the FEDERAL REGISTER, generally with a public comment period of at least 60 days. Other appropriate methods of public communications will also be utilized.

c. All final regulations will be published in the FEDERAL REGISTER and public notice will be distributed to interested organizations and media.

d. In connection with allowing State and local government officials, or their representatives, opportunity to participate in the development of any SBA regulations having major intergovernmental significance, the SBA will facilitate the submission of comments by such officials or representatives in accord with the President's Memorandum of March 23, 1978.

e. The Federal Advisory Committee Act applies to advisory committee recommendations to SBA on proposed SBA regulations.

12. FINAL REGULATION

After receipt of public comments, the regulation shall be resubmitted to the appropriate offices for final consideration and drafting and forwarded for approval through interested offices to the Administrator with any appropriate revisions and explanations of how the comments of the public were considered and treated. The final regulation shall be approved by the Associate or Assistant Administrator or Special Assistant to the Administrator having responsibility for the program prior to its submittal to the Administrator. With respect to those regulations which are the primary program responsibility of the General

Counsel's Office, the final regulation shall similarly be approved by the General Counsel, prior to its submittal to the Administrator.

PART II—NONSIGNIFICANT REGULATIONS

13. DEVELOPMENT

Minor, routine and technical regulations and regulation changes are also subject to the general policy set forth in Section 1 of Executive Order 12044, as follows:

a. They shall be as simple and clear as possible.

b. They shall achieve legislative goals effectively and efficiently.

c. They shall not impose unnecessary burdens on the economy, individuals, public or private organizations, or State and local governments.

The appropriate program office shall prepare such proposed and final nonsignificant regulations with the assistance of the Office of General Counsel and other interested offices. The Office of the Associate General Counsel for Legislation shall be kept informed of the scope, coordination and progress of all such development of nonsignificant regulations and shall be provided copies of such proposed and final regulations. A clear explanation of the purpose and effect of each such proposed and final regulation shall be published with it in the FEDERAL REGISTER, along with discussion of alternatives considered and response to any public comments received.

In the event any member of the Management Board or the Office of the Associate General Counsel for Legislation has reason to believe that a regulation or regulation change is significant, but is not being so handled under the provisions of this SOP, the matter may be brought before the Deputy Administrator or the Administrator for determination, and if determined to be significant, it shall be treated accordingly under this SOP. Proposed regulations not deemed significant by SBA shall be accompanied by a statement to that effect at the time of their publication in the Federal Register for public comment.

PART III—EMERGENCY REGULATIONS

14. "TEMPORARY" ISSUANCES

In unusual cases, significant regulations or amendments requiring prompt issuance without full compliance with the provisions of this SOP shall be published as "temporary" regulations. Pursuant to Section 6(b)(6) of Executive Order 12044 any such emergency regulation which is not in compliance with the Order shall be published in the FEDERAL REGISTER containing a statement of why it is impracticable or contrary to the public interest to fully comply with the provisions of the

Order, giving the name of the SBA policy official responsible for such determination. As soon as possible after issuance action must be instituted to comply with any procedures omitted from such temporary regulations.

CHAPTER 3—REVIEW OF EXISTING REGULATIONS

15. CRITERIA FOR REVIEW

Section 4 of EO 12044 requires agencies to periodically review their existing regulations to determine whether they are achieving the policy goals of the Order. This review shall follow the same procedural steps outlined for the development of the new regulations.

In selecting regulations to be reviewed, the office having program responsibility shall consider:

- a. The nature and extent of the complaints received.
- b. The potential for removing or improving burdensome or ineffective requirements.
- c. The need for eliminating conflicts and inconsistencies.
- d. The need for simplification and clarification.
- e. Opportunity for consolidation and better organization of regulations.
- f. Changes since the regulation was issued and the length of time since the regulation was last reviewed.

16. PROCEDURE FOR REVIEW

Revisions and changes of existing SBA regulations shall be developed under the requirements set forth for new regulations in the prior chapters of this SOP. Work plans should specify the purpose and scope of particular regulation revision projects.

CHAPTER 4—REPORTING

17. REPORTING REQUIREMENTS

a. Each office shall submit a semiannual Regulations Report to the Office of the Associate General Counsel for Legislation summarizing each proposed or final regulation or advance notice of proposed rulemaking which that office has under development or review. The report shall be submitted to the Office of the Associate General Counsel for Legislation no later than the last working day of June and December each year, and supplemented with a bimonthly updating report not later than the last working day of August, October, February and April. Each report shall describe the regulations being considered, whether they are significant or nonsignificant, the

need for and legal basis of the action being taken, estimated target dates for completion of steps in the development of such regulations, and the status of regulations previously listed on the agenda.

The name and telephone number of a knowledgeable agency official shall also be provided for each item in the Report and, if possible, whether a regulatory analysis will be required.

b. Each office shall submit to the Office of the Associate General Counsel for Legislation a list of the existing regulations, or portions thereof, which it is recommending for review and possible revocation or revision together with a brief description of the reasons for such selection. The list of existing regulations being recommended shall be submitted as part of the office's semiannual Regulations Report and bimonthly supplement.

c. In addition to the above information relating to the SBA Regulations Agenda required by the Executive Order to be published in the FEDERAL REGISTER, the Office of the Associate General Counsel for Legislation may request offices to provide reports or appropriate information necessary in the performance of its functions under this SOP.

d. The SBA Regulations Agenda will be approved by the Administrator prior to its publication in the FEDERAL REGISTER. Copies of the SBA Regulations Agenda will be distributed on a regular basis to interested organizations and members of the public. The Agenda will be published in January

and July of each year, and supplements may be published at other times if deemed necessary.

Existing Regulations which SBA is considering for initial review and revision or amendment are published herewith in the Agency's Semiannual Regulations Agenda.

Dated: February 1, 1979.

A. VERNON WEAVER,
Administrator.

SMALL BUSINESS ADMINISTRATION REGULATIONS SCHEDULED FOR REVIEW OR DEVELOPMENT JANUARY 1979, THROUGH JULY 1979

The following Small Business Administration regulations are scheduled for review or development during the six-month period January 31, 1979, through July 31, 1979. This should increase public awareness of the Agency's regulatory activity and result in more effective public participation.

Publication of this Agenda does not impose any binding obligation on SBA with regard to any specific item on the Agenda. Additional regulatory action not listed on the Agenda is not precluded.

For further information on Agenda items, the public is encouraged to contact the individual listed for the particular item.

Comments or inquiries about the Agenda itself should be addressed to the Associate General Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 2020-653-6662.

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA

SIGNIFICANT REGULATIONS

Title of regulation	Summary	Knowledgeable official	Target date
Procurement and Technical Assistance The Small Business and Capital Ownership Development Program—proposed as—13 CFR Part 124.1-1 through 124.4-1.	<p>A. Description: Establishes assistance available and eligibility under SBA's new Small Business and Capital Ownership Development Program which will provide under §§ 8(a) and 7(j) of the Small Business Act contract, financial, technical and management assistance to socially and economically disadvantaged individuals.</p> <p>B. Why Significant: Extensive public interest in the new statutorily-created minority enterprise programs and SBA's implementation.</p> <p>C. Need: Mandated by Pub. L. 95-507.</p> <p>D. Legal Basis: Pub. L. 95-507, § 5(b)(6) of Small Business Act, 15 U.S.C. 634(b)(6).</p> <p>E. Regulatory Analysis: Not required.</p>	Richard Philbin, 202-653-6475.	Notice of Proposed Rulemaking January 25, 1979

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SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—
Continued

Title of regulation	Summary	Knowledge- able official	Target date
Procurement and Technical Assistance 13 CFR Part 124. Research and Development Assistance 13 CFR Part 125.	<p>A. Description: Proposed regulation would rewrite and combine Parts 124 and 125 and would establish SBA policy and procedure for the Certificate of Competency Program and the Prime Contracting Assistance, Property Sales Assistance, Subcontracting Assistance and Technology Assistance Programs.</p> <p>B. Why Significant: Substantial Public and Government interest in a major redrafting of legislation providing SBA procurement assistance.</p> <p>C. Need: New and expanded statutory authority and transfer of the 8(a) program responsibility, make this revision necessary.</p> <p>D. Legal Basis: Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6) and Pub. L. 95-507.</p> <p>E. Regulatory Analysis: Will not be required.</p>	Ed Odell, 202-653- 6332.	Notice of Proposed Rulemaking February 1979
Small Business Investment Companies 13 CFR Part 107.	<p>A. Description: Amendments to several sections of Part 107 have been developed as a result of the enactment of Pub. L. 95-507. The proposed changes are:</p> <p>(1) Section 107.3, <i>Definition of a Section 301(d) Licensee</i>, is changed to allow for the formation of a 301(d) SBIC as a limited partnership.</p> <p>(2) Section 107.4(a), <i>Limited Partnership SBIC</i>, is changed to allow for the formation of a 301(d) SBIC as a limited partnership.</p> <p>(3) Section 107.101(d)(1) and (2), <i>Operational Requirement</i>, raises the amount of private capital necessary for licensing of an SBIC after October 1, 1979, from \$150,000 to \$500,000.</p> <p>(4) Section 107.205, <i>Leverage for Section 301(d) Licensees</i>, is changed to clarify the reduced interest rate on debentures issued by 301(d) SBICs and the removal of SBA's discretionary right to insist on repayment of any interest subsidy on debentures or any dividend subsidy on preferred stock of a 301(d) SBIC. The additional tier of preferred stock which is now available to certain Section 301(d) SBIC is explained.</p> <p>(5) Section 107.808, <i>Idle Funds</i>, is changed to reflect that an SBIC's funds which are not invested in small concerns and not necessary for the day-to-day operations must be invested in direct obligations, of, or obligations guaranteed as to principal and interest by the United States; or in certificates of deposit, maturing within one year or less, issued by any institution whose accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or in savings accounts of such institutions.</p> <p>B. Why Significant: Public interest and important policy considerations.</p> <p>C. Need: Mandated by Pub. L. 95-507.</p> <p>D. Legal Basis: Section 308 of the Small Business Investment Act of 1958 and Pub. L. 95-507.</p> <p>E. Regulatory Analysis: Will not be required.</p>	Peter McNeish, 202-653- 6584.	Notice of Proposed Rulemaking February 1979

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SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—
Continued

Title of regulation	Summary	Knowledge-able official	Target date
Surety Bond Guarantee 13 CFR Part 115.	<p>A. <i>Description:</i> Pub. L. 95-507 made significant changes in policy governing SBA's program to assist small businesses in obtaining certain bid payment or performance bonds. Regulations being considered.</p> <p>(1) Broadening of definition of "surety."</p> <p>(2) New definition of surety bonds eligible for guarantee.</p> <p>(3) Notification that SBA may vary the terms of guarantee from surety to surety, based upon the experience of a particular surety.</p> <p>(4) Broadening of terms of guarantee to permit payment by SBA for expenses incurred by surety upon its discovery of "imminent breach" of contract.</p> <p>(5) Establishment of ceiling on SBA's guarantee obligation including new "imminent breach" authority.</p> <p>(6) Notification of explicit rulemaking authority (formerly only incorporated by reference to another Act—the Small Business Act) and power to require sureties to meet SBA standards for underwriting, claim practices, and loss ratios.</p> <p>(7) Establishing specific basis for denying liability under bond guarantee.</p> <p>(8) Notification of authority to make reasonable audit of sureties.</p> <p>B. <i>Why Significant:</i> Public and congressional interest in new program policies.</p> <p>C. <i>Need:</i> Mandated by Pub. L. 95-507.</p> <p>D. <i>Legal Basis:</i> Section 308(c) of the Small Business Investment Act of 1958, 15 U.S.C. 687, and Title IV Part B of the Small Business Investment Act of 1958, 15 U.S.C. 694a, 694b.</p> <p>E. <i>Regulatory Analysis:</i> Not required.</p>	Earl Chambers, 202-653-6803.	Notice of Proposed Rulemaking February 1979
Pollution Control 13 CFR Part 111.	<p>A. <i>Description:</i> Redefine eligibility for guaranteed financing for acquisition of pollution control facilities including solid and liquid waste and to modify the program's application processing and administrative fee structure.</p> <p>B. <i>Why Significant:</i> Public interest and important new policy considerations.</p> <p>C. <i>Need:</i> Reflect new SBA Policy on pollution control financing.</p> <p>D. <i>Legal Basis:</i> Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), § 20(b)(8) and (9) of the Small Business Act, and 15 U.S.C. 694-1 and 694-2.</p> <p>E. <i>Regulatory Analysis:</i> Not required.</p>	Earl Chambers, 202-653-6803.	Notice of Proposed Rulemaking February 1979
Small Business Size Standards 13 CFR Part 121.	<p>SBA is considering raising the size standards contained in Section 121-3-11, <i>Definition of small business for assistance by SBICs or by development companies.</i></p>	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979
Small Business Investment Companies 13 CFR Part 107.	<p>SBA is considering amending Section 107.4 to specify that SBA will make non-recourse loans to SBICs formed as limited partnerships.</p>	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979

SMALL BUSINESS ADMINISTRATION REGULATIONS REVIEW AND DEVELOPMENT AGENDA—
Continued

Title of regulation	Summary	Knowledge- able official	Target date
Small Business Investment Companies 13 CFR Part 107.	Section 107.101(d)(2), governs the ratio of private to non-private capital required for SBA leverage to SBICs. SBA is considering changing rules governing ratio of purely private to non-private capital which a small business investment company (SBIC) must have in order to be eligible for leverage from SBA. The question has arisen because of the recent proliferation of non-private (Government) funds for capitalization of SBICs.	Peter McNeish, 202-653-6584.	Notice of Proposed Rulemaking March 1979
Administration 13 CFR Part 101.	This is a comprehensive review to update all regulations governing the organization and functions of the Agency.	Thomas Leydon, 202-653-6225.	Notice of Proposed Rulemaking June 1979
Administration 13 CFR Part 101.	Rules of Practice for Adjudicative Proceedings regarding termination of participation or completion of participation in the section 8(a) program. Published as final rule under mandate Pub. L. 95-507.	Martin Teckler, 202-653-6797.	Final Rule Published January 24, 1979
Procurement and Technical Assistance 13 CFR Part 124.	Final Rule clarifying the procedures by which SBA will determine that a small business concern participating in its section 8(a) program has completed participation or should be terminated. This rule is published as final under the mandate of Pub. L. 95-507.	Richard Philbin, 202-653-6475.	Final Rule Published January 24, 1979
Business Loan Policy 13 CFR Part 120.3.	SBA contemplates a new Guaranty Agreement for short term loans (SBA 750B). New rules will be necessary for the implementation of this new form.	Edwin Holloway, 202-653-6860.	Notice of Proposed Rulemaking April 1979
Loans to State and Local Development Companies 13 CFR Part 107.	Rules governing the participation of the development company are being revised to reflect changes mandated by Pub. L. 95-507.	Wendell Hulcher, 202-653-6620.	Notice of Proposed Rulemaking January 1979
Disaster Loans 13 CFR Part 123.	Procedure for requesting disaster declarations and time limit for request.	Richard Wray, 202-653-6470.	Proposed rule Published September 19, 1978
Business Loan Policy 13 CFR Part 120.	Reflects changes mandated by Pub. L. 95-89: broadens the category of eligible small contractors, extends the maturity of small contractor financing and makes other program changes.	Richard Wray, 202-653-6470.	Proposed rule Published October 17, 1978
Nondiscrimination in Federally Assisted Programs of SBA 13 CFR 113.	Proposed revision to implement section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in employment or receipt of services.	J. Arnold Feldman, 202-653-6054.	Proposed rule Published March 8, 1978. Comment period closed May 8, 1978.
Business Loan Policy 13 CFR Part 120.	Implements section 211 of Pub. L. 95-507 which changed SBA's policy of not making loans to concerns owned and controlled by Indian tribes.	Evelyn Cherry, 202-653-6696.	Final Rule Published February 1979

[FR Doc. 79-4142 Filed 2-9-79; 8:45 am]

[8025-01-M]

[Application No. 04/04-5161]

FIRST FLORIDA CAPITAL CORP.**Application for a License to Operate as a Small Business Investment Company**

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by The First Florida Capital Corporation (applicant) with the Small Business Administration pursuant to 13 CFR 107.102 (1978).

The officers, directors and stockholders are as follows:

Stanley L. Seligman, President, Director & 40% Stockholder, 125 North 46th Avenue, Hollywood, Florida 33021.

Sol Klein, Secretary, Treasurer, Director & 8.57% Stockholder, 4052 Estepona Avenue, Miami, Florida 33166.

Joel Pinsky, Vice-President, Director & 17.14% Stockholder, 1 Westmount Square, Suite 1212, Montreal, Quebec, Canada.

Norman Zavalkoff, Vice President, Director & 25.50% Stockholder, 6767 Cote Des Neiges, Suite 207, Montreal, Quebec, Canada.

Peter Shapiro, 4.50% Stockholder, 5803 Glenarden Avenue, Cote St-Luc, Quebec, Canada.

Naomi Davine, 4.29% Stockholder, 15 Albion Road, Hampstead, Quebec, Canada.

The applicant will maintain its principal place of business at 125 North 46th Avenue, Hollywood, Florida 33021. It will begin operations with \$500,000 of private capital derived from the sale of 50,500 shares to stockholders shown above.

The applicant will conduct its operations in the Dade and Broward Counties of Florida.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business

Investment Act and the SBA Rules and Regulations.

Notice is hereby given by any person may, not later than February 27, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hollywood, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: February 5, 1979.

PETER F. McNEISH,
Deputy Associate
Administrator
for Investment.

[FR Doc. 79-4576 Filed 2-9-79; 8:45 am]

[8025-01-M]**MARWIT CAPITAL CORP.**

[License No. 09/02-0175]

Filing of Application for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given that Marwit Capital Corporation (Marwit), Union Bank Building, Suite 480, 610 Newport Center, Newport Beach, California 92660, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to §107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004(1979)), for approval of a conflict of interest transaction.

Mr. Carl Minton, a Director and an attorney at law regularly serving Marwit, is deemed an Associate of Marwit pursuant to Section 107.3 of the Small Business Administration Rules and Regulations.

Mr. Minton is a Director and 15 percent shareholder of Triple A Accessories, Inc. (Triple A), 16200 South Maple Avenue, Gardena, California 90248.

Marwit proposes to lend Triple A \$111,120 for a period of five years. In addition, Marwit will purchase warrants to acquire 18 percent of Triple A's common stock (after exercise of the warrants).

Since Mr. Minton is a Director and 10 or more percent shareholder of Triple A, Triple A is an Associate of Marwit, and the financing falls within the purview of Section 107.1004(b)(1) of the SBA's Regulations and requires a written exemption from SBA.

Notice is further given that any person may, not later than February

27, 1979, submit to SBA written comments on the proposed transaction. Any such comments should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, Washington, D.C. 20416.

A copy of this Notice shall be published in newspapers of general circulation in Newport Beach and Gardena, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 1, 1979.

PETER F. McNEISH,
Deputy Associate
Administrator
for Investment.

[FR Doc. 79-4574 Filed 2-9-79; 8:45 am]

[8025-01-M]

[Proposed License No. 02/02-0361]

WOOD RIVER CAPITAL CORP.**Application for a License to Operate as Small Business Investment Company**

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1978)), under the name of Wood River Capital Corporation, 645 Madison Avenue, New York, New York 10022, for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended, (Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name and Title

Stanley R. Rawen, Jr., Chairman, Director, 30 Benenson Drive, Cos Cob, Connecticut 06807.

Edward B. Ory, President, Asst. Executive, Director, 200 East 66th Street, New York, New York 10021.

Peter A. Banker, Executive Vice President, Director 136 E. 64th Street, New York, New York 10021.

Seymour L. Wane, Secretary Treasurer, Director, 25 Clive Hill Road, Short Hills, New Jersey 07078.

Cyril F. O'Neil, Director, 161 Buxton Road, Bedford Hills, New York 10507.

Herbert M. Friedman, Director, 230 Elk Avenue, New Rochelle, New York 11230.

Louis Max, Jr., Owns 100% of the voting stock of Marline Resources Company, Inc., 230 Elk Avenue, New Rochelle, New York 11230.

Marline Resources Company, Inc., 100% owner of stock of applicant, 767 Fifth Avenue, New York, New York 10022.

The above individuals have actively been associated for a number of years with the development and management of small business enterprises. Some have had wide experience in venture capital and other small business entities as well as having been actively engaged in selecting and supervising venture capital investments. It will be the general policy of the applicant to work closely with its clients. The applicant proposes to begin operations with \$4,000,000 of paid-in capital and paid-in surplus derived from the sale of 100 shares of common stock for \$100 and a \$3,999,900 capital contribution by Marline Resources Company, Inc. (Marline). The Securities to be sold by the applicant will represent less than 10% of Marline's total assets.

The applicant will conduct its business primarily in New York City. The applicant intends to provide financial assistance to small business concerns combining both debt and equity features. It will also make long-term loans.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Any person may, on or before February 27, 1978, submit to SBA written comments on the proposed Licensee. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York City.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 5, 1979.

PETER F. MCNEISH,
Deputy Associate
Administrator
for Investment.

[FR Doc. 79-4475 Filed 2-8-79; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

(Redelegation of Authority Nos. 5.12, 38.10, 99.18, and 112.8)

MISSION DIRECTOR, USAID SRI LANKA

Redelegation of Authority; Amendment

Pursuant to the authority delegated to me by A.I.D. Delegations of Author-

ity Nos. 5, 38, 99, and 112, A.I.D. Redelegation of Authority No. 162-7 is amended as follows:

1. The introductory Paragraph is amended to read as follows:

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to other authorities and functions delegated to me, I hereby redelegate to the Mission Director, USAID/Sri Lanka, and to any person acting in that official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

2. Subparagraph 2(b) is amended by deleting all that follows after the word "agreements" and inserting in lieu thereof a semicolon.

3. Subparagraph 2(c) is amended by deleting the word "and" after the semicolon at the end of the sentence.

4. Subparagraph 2(d) is amended by deleting all that follows after the words "Implementation Orders" and inserting in lieu thereof the words "(PIO's); and".

5. Paragraph 2 is further amended by adding a new subsection (e) to read as follows:

"(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements."

This amendment to Redelegation of Authority No. 162-7 is effective immediately.

Dated: February 2, 1979.

JOHN H. SULLIVAN,
Assistant Administrator,
Bureau for Asia.

[FR Doc. 79-4596 Filed 2-9-79; 8:45 am]

[4710-02-M]

[Nos. 5.23, 38.21, 99.17, and 112.11]

MISSION DIRECTOR, USAID NEPAL

Redelegation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority No. 5, dated December 29, 1961 (27 FR 449), as amended, with respect to Loan Agreements; No. 38, dated June 3, 1977 (42 FR 31511), with respect to Project Agreements, Trust Fund Agreements, and Grants to International Organizations; No. 99, dated April 27, 1973 (38 FR 12834), with respect to Contracting and Related Functions; and No. 112, dated October 12, 1975 (40 FR 48955), with respect to

other authorities and functions delegated to me, I hereby redelegate to the Mission Director, USAID/Nepal, and to any person acting in that official capacity, authority to exercise any of the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate and execute loan and grant agreements and amendments thereto, with respect to loans and grants authorized under the Foreign Assistance Act of 1961, as amended (the Act), in accordance with the terms of the authorization of such loan or grant; such grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with foreign governments, foreign government agencies and international organizations having a membership consisting primarily of such foreign governments;

2. Authority to implement loan and grant agreements with respect to loans and grants authorized under the Act to the following extent:

(a) Authority to prepare, negotiate, sign and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers or grantees in satisfaction of conditions precedent to financing under such loan or grant agreements;

(c) Authority to negotiate, execute and implement all agreements and other documents ancillary to such loan and grant agreements;

(d) Authority to sign or approve Project Implementation Orders—(PIO's); and

(e) Authority to approve contractors, review and approve the terms of contracts, amendments and modifications thereto, and invitations for bids with respect to such contracts financed by funds made available under such loan or grant agreements.

The authorities enumerated above may be redelegated by the individual listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph 1 with respect to execution of loan and grant agreements and amendments may not be redelegated.

The authority enumerated above in paragraph 1 with respect to execution of loan and grant agreements is also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to Nepal.

The authorities enumerated above may be exercised only after appropriate consultation with A.I.D. technical and legal staff.

The unpublished Redelegation of Authority to the Mission Director, USAID Nepal, dated November 11,

1977, is hereby revoked. Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This Redelegation of Authority is effective immediately.

Dated: February 2, 1979.

JOHN H. SULLIVAN,
Assistant Administrator,
Bureau for Asia.

[FR Doc. 79-4597 Filed 2-9-79; 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

FIAT 850 AND 124 MODELS FOR MODEL YEARS 1970-1974 IMPORTED BY FIAT MOTORS OF NORTH AMERICA, INC.

Public Proceeding Rescheduled

A public proceeding scheduled for 10:00 A.M. on February 21, 1979 with respect to undercarriage corrosion in the 850 and 124 models of the Fiat automobile for model years 1970 through 1974 has been rescheduled for 10:00 A.M., March 21, 1979, Room 6332, Department of Transportation Headquarters, 400 Seventh Street S.W., Washington, D.C. 20590.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Joan Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, telephone 202-426-2850, before the close of business on March 14, 1979.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 6, 1979.

FRANK BERNDT,
Associate Administrator
for Enforcement.

[FR Doc. 79-4627 Filed 2-9-79; 8:45 am]

[4910-59-M]

[Docket No. IP77-22; Notice 2]

HUNG-A INDUSTRIAL CO., LTD.

Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by Hung-A Industrial Co., Ltd. of Pusan, Korea, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for two noncompliances with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars*. The basis of the petition was that the noncompliances are inconsequential as they relate to motor vehicle safety.

Notice of the petition was published on March 2, 1978, and an opportunity afforded for comment (43 FR 8609).

Paragraph S6.4 of Standard No. 119 requires that each tire shall have treadwear indicators enabling a person inspecting the tire to determine visually whether the tire has worn to a tread depth of one-sixteenth of an inch. Hung-A has shipped approximately 28,000 tires without treadwear indicators to the United States for use on boat trailers. Hung-A argues that this noncompliance is inconsequential as "the treadwear can be easily noticed because of the saw rib tread pattern of the tires. With this type of pattern, the wearing of the tire can easily be seen by the consumer, in order that he may determine the replacement time for safety measures."

Paragraph S6.5(d) of Standard No. 119 requires tires to be marked with maximum load rating and corresponding inflation pressure of the tire when cold. This information was omitted from Hung-A tires although they did comply with the requirements S6.5(j) that the letter designating the tire load range be marked on the tire. Hung-A argues that the classification gives "a very similar effect for the safety of the consumer", and that its tires otherwise meet all Federal and Association requirements. The company reports that in the 2 year period that these tires have been available "there have been no reports of accident or safety malfunction by the consumer or supplier". It has shipped an additional 11,000 nonconforming tires out of the United States and is now producing conforming tires.

Ten comments were received from tire dealers and consumers, all supporting Hung-A. Typical was that of Dale Trew of "Ranch P.V.", California. He supported Hung-A's claim that "tread can be seen easily just by taking a close look at the tread be-

cause of saw rib pattern of the tire". While he agreed that it is better to have the maximum load limit on the tire, Mr. Trew argued that "load range B or C is sufficient for a small boat trailer because consumers can easily find out load rate B or C range to any tire dealer". Other commenters referred to the lack of accidents or safety problems associated with the tires.

The NHTSA has decided to deny Hung-A's petition. The purpose of the treadwear indicator is to provide a positive sign that the tire should be replaced, rather than requiring a subjective determination by the owner. The exposure of wear indicators is a warning that the wet traction capability of the tire has been decreased and that the likelihood of blow-outs or flats has been increased.

In addition, the absence of maximum load/inflation pressure information cannot be considered inconsequential. The standard's requirement is intended to relieve the user of the burden of obtaining access to a tire and rim manual to obtain information which is so vital to preventing overloading and underinflating the tire, two factors that are among the major contributors to tire failure on the road.

Accordingly, petitioner has failed to meet its burden of persuasion that the noncompliances with Standard No. 119 herein described are inconsequential as they relate to motor vehicle safety, and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on February 5, 1979.

MICHAEL M. FINKELSTEIN,
Associate Administrator
for Rulemaking.

[FR Doc. 79-4443 Filed 2-9-79; 8:45 am]

[4910-59-M]

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee's Safe Utilization of Commercial Vehicles Task Force. The meeting will be held from 8 a.m. to 5 p.m. on February 28 and from 8 a.m. to 3 p.m. on March 1, 1979 at the CABELL Federal Building, Room 9E25, 1100 Commercial Street, Dallas, Texas 75201.

The Task Force will be discussing issues related to the safe utilization of commercial vehicles and preparing a report to the Secretary of Transportation on Commercial Vehicles Maintenance and Safety Inspection Programs.

Attendance is open to the interested public but limited to the space available.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on February 7, 1979.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 79-4628 Filed 2-9-79; 8:45 am]

[4810-31-M]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 79-10; Reference: ATF O 1100.107]

DELEGATION TO THE ASSISTANT DIRECTOR (REGULATORY ENFORCEMENT) OF AUTHORITIES OF THE DIRECTOR IN 27 CFR PART 194, LIQUOR DEALERS

Delegation Order

1. *Purpose.* This order delegates certain authorities, now vested in the Director by regulations in 27 CFR Part 194, to the Assistant Director (Regulatory Enforcement), and permits redelegation to Regulatory Enforcement personnel, Headquarters and field.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the special taxes imposed on wholesale and retail dealers in liquors, wholesale and retail dealers in beer, and limited retail dealers, and to operations of such dealers. It has been administratively determined that certain authorities now vested in the Director by regulations in 27 CFR Part 194, Liquor Dealers, belong at and should be delegated to a lower organizational level.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR Part 194, Liquor Dealers:

a. To prescribe:

(1) All forms required by 27 CFR Part 194, under 27 CFR 194.41.

(2) The format of ATF F 52A (5170.9), Wholesale Liquor Dealer's Report of Receipts, ATF F 52B (5170.9), Wholesale Liquor Dealer's Report of Disposals, and ATF F 338 (5110.48), Wholesale Liquor Dealer's Semiannual Report, which are provided by users at their own expense, under 27 CFR 194.244.

b. To approve written applications for variations in the type and format of records of receipt and disposition, or in the methods of preparing such records, in order to use data processing equipment, other business machines, or existing accounting systems, under 27 CFR 194.229.

c. To approve the reproduction of records of the same class by the process described by the applicant and the provisions for the preserving, examining, viewing, and using of the reproductions are satisfactory, under 27 CFR 194.243.

d. To approve applications, filed pursuant to 27 CFR 194.229, to modify ATF forms 52A (5170.9), 52B (5170.9), and 338 (5110.48) for use in tabulating or other mechanical equipment, under 27 CFR 194.244.

4. *Redelegation.* a. The authority in paragraph 3a above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

b. The authorities in paragraphs 3b through 3d above may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist.

c. The authorities in paragraphs 3c and 3d above may be redelegated to regional regulatory administrators to approve, without submission to Headquarters for approval, applications for variations or the reproduction of records which are identical to previous approvals by Bureau Headquarters. Regional regulatory administrators may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or area supervisor.

Effective date. This order becomes effective on February 6, 1979.

Signed: February 6, 1979.

JOHN G. KROGMAN,
Acting Director.

[FR Doc. 79-4624 Filed 2-9-79; 8:45 am]

[4810-22-M]

Office of the Secretary

SUGAR FROM BELGIUM, FRANCE, AND THE FEDERAL REPUBLIC OF GERMANY

Antidumping: Withholding of Appraisal and Determinations of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisal and Determinations of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that antidumping investigations have resulted in determinations that sugar from Belgium, France, and the Federal Republic of Germany (FRG) is being sold at less than fair value under the Antidumping Act, 1921. Appraisal of entries of this merchandise from these three countries will be suspended for 3 months. These cases are being referred to the U.S. International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Kugelman, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On July 10, 1978, a petition in proper form was received from counsel for Florida Sugar Marketing and Terminal Association, Inc. (FSM), alleging that sugar from Belgium, Denmark, the Federal Republic of Germany, France, and the United Kingdom is being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). On August 8, 1978, FSM withdrew its petition as it related to sugar imported from the United Kingdom and Denmark. On the basis of this information, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of August 18, 1978 (43 FR 36746-36747).

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. However, the notice also indicated that there was substantial doubt that imports of such merchandise from these countries were causing, or were likely to cause, injury. Accordingly, the United States Inter-

national Trade Commission was advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

On September 25, 1978, the United States International Trade Commission determined it could not find "no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established", by reason of the importation of sugar from Belgium, France, or the FRG. Therefore, the investigation proceeded.

For purposes of these investigations, the sugar under consideration includes raw and refined sugar provided for in item numbers 155.20 and 155.30 of the Tariff Schedules of the United States (TSUS).

DETERMINATIONS OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, sugar from Belgium, France, and the FRG is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THESE DETERMINATIONS ARE BASED

The reasons and bases for the above determinations are as follows:

a. *Scope of the Investigations.* The investigations encompassed all imports of the subject merchandise originating in France, Belgium or the FRG. All imports during the investigatory period were of raw sugar.

b. *Bases of Comparisons.* For purposes of these determinations, the proper bases of comparison are between the purchase prices and the home market prices of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States of sugar from these three countries were made to unrelated purchasers in the United States prior to the dates of exportation. Home market prices, as defined in § 153.2, Customs Regulations (19 CFR 153.2), were used since such or similar merchandise was sold in the home markets in sufficient quantities to provide an adequate basis for comparisons.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was requested concerning U.S. import and home market sales during the period March 1, 1978, through August 31, 1978. No substantive responses were received from any of the involved exporters. Therefore, resort was made to such information as was available, pursuant to § 153.31(a), Customs Regulations (19 CFR 153.31(a)).

c. *Purchase Prices.* For the purposes of these determinations, purchase

prices have been calculated on the bases of the prices to United States purchasers, after deducting ocean freight, marine insurance, loading and handling costs, United States duty and Customs brokerage charges, when any of the above items were included in the selling prices. This information was obtained from Customs entry documents with respect to shipments to the U.S. during the investigatory period.

d. *Home Market Prices.* For purposes of these determinations, home market prices have been calculated on the basis of the European Community 1977/78 raw sugar intervention price per pound, as published in the *Official Journal of the European Communities*. The intervention price for raw sugar is established under the European Communities Common Agricultural Policy and represents the minimum price below which the price of sugar sold within the Community is not permitted to fall. The Customs Service has ascertained that the prices at which actual transactions are made within the EC (which includes the countries subject to this investigation) are at least at or above the published intervention prices.

A Countervailing Duty Order was issued on this merchandise on July 31, 1978 (43 FR 33327). As all sales of sugar examined during these anti-dumping investigations were entered prior to the effective date of that order, no countervailing duties were collected and therefore no adjustment was necessary to reflect additional duties assessed pursuant to the CVD Order. In the event of the issuance of a "Finding of Dumping" with respect to this product from France, Belgium or the FRG, such countervailing duties paid on future shipments would be considered as a circumstance of sale for dumping duty assessment purposes.

e. *Results of Fair Value Comparisons.* Using the above criteria, comparisons were made on 100 percent of the sales of sugar to the United States during the period of investigation. These comparisons indicate that the purchase prices were less than the home market prices of such or similar merchandise in all instances. Margins were found ranging from approximately 88 to 128 percent on 100 percent of the sales of French sugar, 62 to 131 percent on 100 percent of the sales of Belgian sugar, and 121 percent on 100 percent of the sales of West German sugar. The weighted-average margins on these sales amounted to 102, 103 and 121 percent on French, Belgian and West German sugar, respectively.

The Secretary has provided an opportunity to known interested parties to present written and oral views pursuant to § 153.40, Customs Regulations

(19 CFR 153.40). No views were received, and no requests were received for a 6-month withholding of appraisalment.

Customs officers are being directed to withhold appraisalment of sugar originating in France, Belgium and the FRG in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisalment notice, which is published pursuant to § 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective upon publication in the *FEDERAL REGISTER*. It shall cease to be effective at the expiration of 3 months from the date of this publication unless previously revoked.

The United States International Trade Commission is being advised of these determinations.

These determinations are being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of
the Treasury.

FEBRUARY 6, 1979.

[FR Doc. 79-4604 Filed 2-9-79; 8:45 am]

[4810-40-M]

Office of the Secretary

[Supplemental to Dept. Circular Public
Debt Series—No. 2-79]

TREASURY NOTES OF SERIES B-1987

Interest Rate

FEBRUARY 7, 1979.

The Secretary announced on February 6, 1979, that the interest rate on the notes designated Series B-1987, described in Department Circular—Public Debt Series—No. 2-79, dated February 1, 1979, will be 9 percent. Interest on the notes 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. 79-4589 Filed 2-9-79; 8:46 am]

[7035-01-M]

**INTERSTATE COMMERCE
COMMISSION**

Office of Hearings

[Notice No. 25]

ASSIGNMENT OF HEARINGS

FEBRUARY 7, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111545 (Sub-250F), Home Transportation Company, Inc., now assigned February 6, 1979, at Tampa, Florida, is cancelled transferred to Modified Procedure.

MC 144887 (Sub-1F), Northern Dutches Taxi, Inc., now assigned for hearing on April 16, 1979, (2 days), at Poughkeepsie, NY, in a hearing room to be later designated.

MC 101134 (Sub-8F), Arco Coaches, Inc., now assigned for hearing on April 18, 1979, (3 days), at New York, NY., in a hearing room to be later designated.

MC 87909 (Sub-28F), Kroblin Transportation Systems, Inc., now assigned for hearing on March 26, 1979, (10 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 71593 (Sub-10F), Forwarders Transport, Inc., now assigned for hearing on April 17, 1979, (1 day), at New York, NY., in a hearing room to be later designated.

MC 93649 (Sub-22F), Gaines Motor Lines, Inc., now assigned for hearing on April 18, 1979, (3 days), at New York, NY., in a hearing room to be later designated.

MC 107295 (Sub-873F), Pre-Fab Transit Co., now assigned for hearing on April 23, 1979, (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 142887 (Sub-1), New England Bulk Terminal, Inc., now assigned for hearing on April 2, 1979, (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 68908 (Sub-8F), Mullen Bros., of North Adams, Mass. Downing Inc., now assigned for hearing on April 25, 1979, (3 days), at Boston, Massachusetts, in a hearing room to be later designated.

MC 144011, Hall Systems, Inc., now assigned continued hearing February 14, 1979, (3 days), in the Sheraton Motor Inn Downtown 300 N. 10th Street, Birmingham, Ala.

MC 144678 (Sub-3F), American Freight System, Inc., now assigned for hearing on March 19, 1979, (5 days), at Des Moines, Iowa, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-4640 Filed 2-9-79; 8:45 am]

[7035-01-M]

[Notice No. 19]

**MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS**

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, of its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 41406 (Sub-108TA), filed January 3, 1979., Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN

46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. *Iron and steel articles*, from the plant site of Inland Steel Company at East Chicago, IN to the Milwaukee, WI Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Bruce A. Klimek, Staff Asst., Inland Steel Company, 30 W. Monroe St., Chicago, IL 60603. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41406 (Sub-109TA), filed January 3, 1979., Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. *Iron and steel articles*, from the plantsites of United States Steel Corporation located at or near Gary, IN, Joliet and South Chicago, IL, to points in Kenosha, Milwaukee and Racine Counties, WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): J. H. Dodgson, Mgr. Traffic Central Area, United States Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41406 (Sub-110TA), filed January 3, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, Indiana 46323. *Aluminum and aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, WV to points in AL, AR, FL, GA, LA, MS, NC, SC, IN, and TX, for 180 days. SUPPORTING SHIPPER(S): R. E. Nowell, Mgr. Trans. Services, Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, WV 26164. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., I.C.C., Everett McKinley Dirksen Building, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 41915 (Sub-43TA), filed December 24, 1978. Applicant: MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, York, Pennsylvania 17405. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, D.C. 20005. (1) *petroleum, petroleum products, vehicle body sealer and/or sound deaener compounds*, (except in bulk, in tank vehicles), and *filters* from points in Warren County, MS to points in AL, CT, DE, FL, GA, KY, LA, MD, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV and DC; and (2) *petroleum, petro-*

leum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk, in tank vehicles) from points in AL, GA, KY, NY, OH, PA, RI, SC, VA, and WV to points in Warren County, MS, restricted in parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS for 180 days. Supporting shipper: Quaker State Oil Refining Corp., P.O. Box 989, Oil City PA 16301. Send protests to Charles F. Myers, I.C.C., P.O. Box 869, Federal Square Station, 228 Walnut St., Harrisburg, PA 17108.

MC 41951 (Sub-34TA), filed December 29, 1978. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Foodstuffs, (1) from Cheriton, VA, to points in CT, DE, FL, GA, IL, IN, KY, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, TN, VA, WV, and DC; and (2) from Queen Anne, MD, to points in DE, FL, GA, IL, IN, KY, MD, MI, NC, OH, SC, TN, VA, WV, and DC., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): K.M.C. Foods, Inc., P.O. Box 298, Queen Anne, MD 21657. SEND PROTESTS TO: Theresa M. Esposito Transportation Asst., ICC, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 52704 (Sub-202TA), filed December 27, 1978. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", La-Fayette, AL 36862. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. (1) Plastic containers, from the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA, to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, WV, MD and the District of Columbia; (2) Plastic preforms or plastic base cups for plastic containers, from the facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, and Coats and Clark, Inc., at or near Seneca, SC, to the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA; and (3) Materials, equipment and supplies used in the manufacture and distribution of plastic containers or parts therefor, (except commodities in bulk), from points in the destination states named in (1) above, to the facilities of Sewell Plastics, Inc., located at or near Greenville, SC and Pittsburgh, PA; for 180 days. An underlying ETA seeks 90 days authority. SUPPORT-

ING SHIPPER(S): Sewell Plastics, Inc., 5111 Phillip Lee Drive, Atlanta, GA 30336. SEND PROTESTS TO: Mable E. Holston Transp. Asst., Room 1616, 2121 8th Avenue, North, Birmingham, AL 35203.

MC 100666 (Sub-419TA), filed December 21, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmer Drive, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-E, The Oil Center, 2601 N.W. Expressway, Oklahoma City, OK 73112. (1) Petroleum, petroleum products, vehicle body and sealer and/or sound deadener compounds, (except in bulk, in tank vehicles), and filters, from points in Warren County, MS, to points in AR, IL, IA, KS, LA, MO, OK, and TX; (2) Petroleum, petroleum products, vehicle body sealer, and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in (1) above, except in bulk, in tank vehicles) from points in IL, KY, and OK, to points in Warren County, MS, restricted in (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Connie A. Guillory DS, ICC, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, LA 70113.

MC 111812 (Sub-608TA), filed January 3, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, P.O. Box 1233, Sioux Falls, SD 57101. (1) Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); and (2) Foodstuffs when moving in mixed loads with articles listed in (1) above from the facility of Oscar Mayer & Co., Inc. at or near Beardstown, IL to the state of CA for 180 days. Supporting shipper: Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: J. L. Hammond, I.C.C., Rm. 455, Federal Bldg., Pierre, SD 57501.

MC 114457 (Sub-465TA), filed December 27, 1978. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 5514. Representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Containers, container ends, and container closures and materials, equipment and supplies used in the manufacture, sale,

and distribution of containers, from the facilities of Crown, Cork & Seal Company at Baltimore and Fruitland, MD; Lawrence, MA; North Bergen, NJ; Philadelphia, PA; and Winchester, VA to points in the United States in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Crown Cork & Seal Co., Inc., 9300 Ashton Rd., Philadelphia, PA 19136. Send protests to: Delores A. Poe Transp. Asst., ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 115762 (Sub-11TA), filed December 28, 1978. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Highway 41-A North, Hopkinsville, KY 42240. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. (1) Malt beverages and related advertising materials, from Evansville, IN., to Hopkinsville, KY, and (2) Empty malt beverage containers, pallets, and rejected shipments of malt beverages, from Hopkinsville, KY to Evansville, IN, for 180 days. Supporting shipper(s): Mike K. Carter President, King Kole Bottling, Inc., P.O. Box 525, 25th & Beltline, Hopkinsville, KY 42240. Send protests to: Linda H. Sypher DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 118202 (Sub-100TA), filed January 4, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Eugene Schultz, P.O. Box 406, Winona, MN 55987. (1) Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds (except in bulk, in tank vehicles), and filters from points in Warren County, MS to points in and east of ND, SD, NE, CO, OK and TX, and (2) Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part 1 above (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA and WV to points in Warren County, MS. Restricted in Parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 119489 (Sub-54TA), filed December 26, 1978. Applicant: PAUL ABLER, d.b.a. CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, NE 68701. Representative: Bradford E.

Kistler, P.O. Box 82028, Lincoln, NE 68501. *Propane*, in bulk, in tank vehicles, from the Mid America Pipe Line Terminal at or near Greenwood, NE, to points in SD, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trwy., Kansas City, MO 64116. Send protests to: Carroll Russell, I.C.C., Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, NE 68102.

MC 123255 (Sub-194TA), filed December 21, 1978. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. *Borate rock* in bulk, from Money Point, VA to Barrington, NJ, for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Corp., Director of Trans., Fiberglas Tower, Toledo, OH 43659. Send protests to: Frank L. Calvary, I.C.C., 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Blvd., Columbus, OH 43215.

MC 123819 (Sub-74TA), filed December 21, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, 3359 Cazassa Road, Memphis, TN 38116. Representative: Mr. Bill R. Davis, Suite 101-Emerson Center, 2814 New Spring Road Atlanta, GA 30339. *Canned goods* (except frozen and in bulk), from the facilities of the Joan of Arc Company (1) at or near Belledeau and St. Francisville, LA to points in IL, WI and MO, and (2) at Turkey, NC to points in ME, VT, NH, MA, CT, RI, NY, NJ, PA, IL and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joan of Arc Company, 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Floyd A. Johnson, I.C.C., 100 North Main Bldg., Suite 2006, 100 North Main St., Memphis, TN 38103.

MC 124078 (Sub-919TA), filed December 11, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Bentonite Clay, Foundry Sand Additives and Ingredients, Foundry Facings, Foundry Sand, Graphite Ore, Coke Breeze, Calcined Petroleum Coke & Carbon Scrap or any mixture of these products*, in bulk, in bags from Green Bay, WI to points in IL, IN, IA, MI & MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Carpenter Brothers, Inc., 606 West Wisconsin Avenue, Milwaukee, WI 53202, Bradley H. Booth, President. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-920TA), filed December 27, 1978. Applicant: SCHWER-

MAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601 Milwaukee, WI 53201. *Petroleum and Petroleum Products* in bulk, in tank vehicles from Memphis, TN and West Memphis, AR to points in AR, AL, MS, MO, & TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Belcher Co. of Tennessee, Box 2048, West Memphis, AR 72301, Benny Webb, Supply and Distribution Mgr. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 124211 (Sub-351TA), filed December 21, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 DTS, Omaha, NE 68101. Representative: Thomas L. Hilt, (same address as applicant). (1) *Such commodities as are manufactured, processed, distributed, or dealt in by manufacturers or converters of paper and paper products, (except commodities in bulk)*, from the plantsite and storage facilities of The Mead Corporation located at or near Chillicothe and Schooleys, OH to points in AZ, CA, OR, and WA. (2) *Paper and paper articles, (except in bulk)*, from the plantsite and storage facilities of the Mead Corporation located at or near Kingsport and Gray, TN to points in AZ, CA, OR, and WA., for 180 days. Supporting shipper(s): M. E. Flynn Traffic Analyst-Motor, The Mead Corporation, Courthouse Plaza, N.E., Dayton, OH 45463. Send protests to: Carroll Russell DS, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124711 (Sub-74TA), filed December 6, 1978. Applicant: BECKER CORPORATION, P.O. Box 1540, Edmond, OK 73034. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. *Sulphuric Acid*, in bulk, in tank vehicles, from Tulsa, OK, to points in AR, IA, KS, LA, MO, NE, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ozark-Mahoning Company, 1870 South Boulder, Tulsa, OK 74119. Send protests to: M. E. Taylor, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 124711 (Sub-No. 75TA), filed December 2, 1978. Applicant: BECKER CORP., P.O. Box 1540, Edmond, OK 73034. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. *Anhydrous ammonia*, in bulk, in tank vehicles, from Mapco Pipeline Terminal near Mocane, Oklahoma, to points in Kansas, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olin Corp., P.O. Box 991, Little Rock, AR 72203. Send protests to: M. E. Taylor, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 126305 (Sub-108TA), filed December 27, 1978. Applicant: BOYD BROTHERS TRANSPORTATION COMPANY, INC., R.D. 1, Clayton, Alabama 36016. Representative: George A. Olsen, P.O. Box 357, Gadstone, N.J. 07934. *Iron and Steel Fabricated Pipe*, from the facilities of Baumann Coatings, Inc., Bessemer, Alabama, to Rockport and Jefferson County, Indiana, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Baumann Coatings, Inc., 2095 4th Avenue, S.W., Bessemer, AL 35020. Send protests to: Mabel E. Holston, Trans. Asst., I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 133154 (Sub-8 TA), filed December 29, 1978. Applicant: BELL TRANSPORT COMPANY, 16036 Valley Boulevard, Fontana, CA 92335. Representative: Jerry I. Michael, Traffic Manager, 16036 Valley Boulevard, Fontana, CA 92335. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Plate or Sheet Steel in bundles* from plant sites of Natter Manufacturing, a Division of VSI Corporation at or near Covina, CA and/or Temple City, CA to new plant site at or near Salt Lake City, UT, and (2) *Computer Panels and Parts thereof* from new plant site at or near Salt Lake City, UT to points in AZ, CA, and CO, originating at or destined to the facilities of Natter Manufacturing, a Division of VSI Corporation at or near Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Natter Manufacturing, a Division of VSI Corp., 9449 Gidley St., Temple City, CA 91780. Send protests to: Irene Carlos, Trans. Asst., I.C.C., Rm. 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.

MC 134064TA, filed December 18, 1978. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, GA 80501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Petroleum products* (except in bulk), from the facilities of Witco Chemical Corporation, at or near Bradford, PA, to points in AL, FL, GA, and SC, for 180 days. Supporting shipper(s): Witco Chemical Corp., 77 North Kendall Ave., Bradford, PA 16701. Send protests to: Sara K. Davis, Trans. Asst., I.C.C., 1252 West Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 134105 (Sub-41TA), filed December 28, 1978. Applicant: CELERYVALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, Tennessee 37404. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meat, 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 John Morrell & Co., at or near Montgomery, AL to points in the United States in and east of TX, OK, KS, NE, SD, and ND, restricted to traffic originating at the named origin and destined to the named destinations for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Illinois 60604. Send protests to: Glenda Kuss, Trans. Asst., I.C.C., Suit A-422, U.S. Courthouse 801 Broadway, Nashville, TN 37203.

MC 134134 (Sub-33TA), filed December 29, 1978. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, P.O. Box 7439, Omaha, Nebraska 68107. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, Nebraska 68501. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from the facilities of Armour Food Company at or near Omaha, NE, to points in OH and Washington D.C. and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Armour Food Company, D. W. Long, Transportation-Distribution Manager, 5024 South 33rd Street, Omaha, NE. Send protests to: Carroll Russell, I.C.C., Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134404 (Sub-42TA), filed December 27, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes transporting: *Cleaning products, toilet preparations, nutritional foods, and materials, supplies and equipment used in the manufacture, distribution or sale of the above named commodities (except commodities in bulk), from Dayton, OH and Nashville, TN to Denver, CO, Jacksonville, FL, Atlanta, GA, Bedford Park, Chicago and Peoria, IL, Kansas City, KS, Baltimore, MD, Detroit, MI, St. Louis, MO, Elizabeth, NJ, Syracuse, NY, Charlotte, NC, Columbus and Cincinnati, OH, East Stroudsburg, Philadelphia and Pittsburgh, PA,*

Saylesville, RI, Dallas, TX and Richmond, VA, under a continuing contract or contracts with The Drackett Products Company, Division of Bristol Meyers Company of Cincinnati, OH for 180 days. Supporting shipper(s): The Drackett Products Company, 5020 Spring Grove Avenue, Cincinnati, OH 45232. Send protests to: Robert E. Johnston, I.C.C., 9 Clinton St., Newark, NJ 07102.

MC 134755 (Sub-166TA), filed January 5, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, and filters*, from points in Warren County, MS, to points in AR, AZ, CA, CO, IA, IL, IN, KS, MI, MN, MO, NE, NV, NM, OK, OR, TX, UT, WA, and WI, (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part (1) above*, from points in IL, IN, and OK, to points in Warren County, MS. Restriction: (1) and (2) restricted against the transportation of commodities in bulk, in tank vehicles, and to shipments originating at or destined to the facilities of Quaker State Refining Corporation in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: John V. Barry, I.C.C., 600 Federal Bldg., 910 Walnut St., Kansas City, MO 64106.

MC 135078 (Sub-36TA), filed December 8, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Such commodities as are dealt in, sold and used by retail department stores and mail order houses, (except foodstuffs, plumbing fixtures and supplies, and commodities in bulk), from (a) the commercial zones of Boston, MA, and New York, NY, to the facilities of P. N. Hirsch & Company at Vandalia, IL, and Kansas City, MO, and (b) said facilities of Vandalia, IL, to the said facilities at Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Walter E. Hanson, Traffic Manager, P. N. Hirsch & Company, a Division of Interco, 2001 Walton Road, St. Louis, MO 63114. SEND PROTESTS TO: Carroll Russell DS, Suite 620, 110 North 14th Street, Omaha, NE 68102.*

MC 135410 (Sub-37TA), filed December 19, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON

TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Animal and poultry feed (except in bulk), from the facilities of Doane Products Company at Muscatine, IA to points in CT, IL, IN, KY, MD, MA, MI, NJ, NY, OH, PA, VA, WV and WI, restricted to traffic originating at the named origin and destined to the named destinations for 180 days. An underlying ETA has been filed for 90 days authority. SUPPORTING SHIPPER(S): Doane Products Company, P.O. Box 879, Joplin, MO 64801. SEND PROTESTS TO: Charles Little, 414 Leland Office Building, 527 E. Capitol Avenue, Springfield, IL 62701.*

MC 135633 (Sub-15TA), filed January 2, 1979. Applicant: NATIONWIDE AUTO TRANSPORTERS, INC., 140 Sylvan Avenue, Englewood Cliffs, NJ 07532. Representative: Allen F. Herman, 140 Sylvan Avenue, Englewood Cliffs, NJ 07632. *Trucks, in drive-away service in secondary or subsequent movements, between points in the U.S. including AK, but excluding HI, for 180 days. An underlying ETA seeks 90 days authority. There are approximately 40 statements of support that can be examined at the Commission's office. SEND PROTESTS TO: Joel Morrors, I.C.C., 9 Clinton Street, Newark, NJ 07102.*

MC 135874 (Sub-152TA), filed January 4, 1979. Applicant: LTL PERISHABLES, INC. 550 East 5th Street, South St Paul, MN 55075. Representative: K. O. Petrick, 550 East 5th Street, South St Paul, MN 55075. *Alcoholic beverages (except commodities in bulk), from New York, Canandaigua, Hammond-sport, and Greenwich, NY, Little Ferry, NJ, Bardstown, Louisville, KY, Schaefferstown, PA, St. Louis, MO, Lawrenceburg, IN, Allen Park and Detroit, MI, and Lynchburg, TN to Sioux Falls, SD, restricted to traffic originating at the named origins of in foreign commerce and destined to Sioux Falls, SD, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Sioux Falls Wholesale Company, P.O. Box 925, Sioux Falls, SD 57101. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. & U.S. Courthouse, 110 South 4th St., Minneapolis, MN 55401.*

MC 136605 (Sub-84TA), filed December 28, 1978. Applicant: DAVIS BROS. DIST., INC., 216 Trade St., Missoula, MT 59807. Representative: Allen P. Felton, 216 Trade St., Missoula, MT 59807. *Lumber, lumber products, wood, wood products and forest products from points in MT to points in ND, SD, MN, WI, IL, CA, NE, KS, MO, IA, UT, WY, NM, NV, TX and OK, for 180*

days. An underlying ETA seeks 90 days authority. There are approximately (12) statements of support attached to this application which may be examined at the I.C.C., in Wash. D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane, I.C.C., 2602 1st Ave. North, Billings, MT 59101.

MC 140166 (Sub-7TA), filed December 14, 1978. Applicant: JOHN B. McNABB d.b.a. McNABB FARMS, P.O. Box 4366, Pocatello, Idaho 83201. Representative: Dennis M. Olsen, 485 "E" Street, Idaho Falls, Idaho 83401. *Animal and poultry feed and feed ingredients*, between Pocatello, Idaho and points in Wheatland, Bighorn, Golden Valley, Musselshell, Treasure, Yellowstone, Stillwater and Sweetgrass in MT. SUPPORTING SHIPPER(S): Ralston Purina Company, 835 South 8th Street, St. Louis, MO 63188. Applicant has filed an underlying ETA seeking up to ninety days of operating authority. SEND PROTESTS TO: Barney L. Hardin, I.C.C. Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 140563 (Sub-18TA), filed December 21, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Fibrous glass products and materials, mineral wool, mineral wool products and materials insulated air ducts, insulating products and materials, glass fibre rovings, yarn and strands, glass fibre mats and mattings, flexible air ducts*, (except commodities in bulk), and (2) *Materials, equipment and supplies* used in the manufacture of commodities named in (1) above, (except in bulk), between the facilities of CertainTeed Corporation located at or near Williamstown Junction, NJ, and in Camden and Cumberland Counties, NJ, on the one hand, and, on the other, points in AL, GA, IN, KY, MI, NC, OH, SC, TN, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): CertainTeed Corporation, Insulation Group, P.O. Box 860, Valley Forge, PA 19482. SEND PROTESTS TO: Sara K. Davis Transp. Asst., ICC, 1252 West Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 140563 (Sub-22TA), filed December 19, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 220 Century Parkway, Atlanta, GA 30345. (1) *Waste newspapers, cores, and other supplies, materials, and equipment used in the manufacture or distribution of newsprint paper* (except com-

modities in bulk), from points in AL, FL, NC, SC, and TN to Laurens County, GA, and (2) Newsprint paper, from Laurens County, GA to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Southeast Paper Manufacturing Co., P.O. Box 1169, Dublin, GA 31021. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., I.C.C., 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 140829 (Sub-174TA), filed December 14, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in the states of AR, NM, OK, and TX, restricted to traffic originating at the named facilities and destined to points in the named destination states, for 180 days. SUPPORTING SHIPPER(S): William L. Reeder, Coordinator-Distribution Planning, Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: Carroll Russell, I.C.C., Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140859 (Sub-8TA), filed December 28, 1978. Applicant: WESTERN KENTUCKY TRUCKING, INC., 1245 Center Street, P.O. Box 1072, Henderson, KY 42420. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Foodstuffs*, (except frozen), *materials, equipment, and supplies* used in the manufacture, sale or distribution of foodstuffs, (except frozen), between Owensboro and Henderson, KY, on the one hand, and, on the other, points in IL, IN, MO, KY, TN, and that part of OH on and south of Interstate Highway 70, for 180 days. SUPPORTING SHIPPER(S): Charles H. Powell, Divisional Traffic Mgr., Ragu Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. SEND PROTESTS TO: Linda H. Sypher DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 142941 (Sub-21TA), filed December 28, 1978. Applicant: SCARBOROUGH TRUCK LINES, INC., 1313 North 25th Avenue, Phoenix, AZ 85009. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Powered lawn mowers, powered snow throwers, and powered turf equipment*, from the facilities of Trade Winds Company, Inc., at Manawa, WI, and the facilities of Outboard Marine Corporation at Galesburg, IL, to points in the United States, (except Alaska and Hawaii), for

180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Outboard Marine Corporation, 100 Sea-Horse Drive, Waukegan, IL 60085. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 143027 (Sub-5TA) filed December 18, 1978. Applicant: MICHAEL J. RESUDEK, d.b.a. CAPITAL AIR FREIGHT, 3533 International Lane, Madison, Wisconsin 53704. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wisconsin 53703. *General commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which because of size or weight require the use of special equipment), between points in Iowa, Marquette and Sauk Counties, WI, on the one hand, and, on the other, Dane County Regional Airport, at or near Madison, WI, restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. Approximately 6 shipper support statements are attached. Send protests to: John E. Ryden, District Supervisor, Room 619, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.

MC 143267 (Sub-41TA), filed December 26, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th Street, N.W., Washington, D.C. 20005. *Aluminum and aluminum articles* from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Ravenswood, WV, to points in the United States in and east of MN, IA, MO, AR and LA for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corporation, P.O. Box 98, Ravenswood, WV 26164. Send protests to: Mary Wehner, DS, I.C.C., 731 Federal Bldg., Cleveland, OH 44199.

MC 143701 (Sub-5TA), filed January 5, 1979. Applicant: WILLIAM OBERSTE, INC., 628 Walnut, P.O. Box 394, Blue Springs, MO 64015. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. *Sugar*, from the facilities of Godchaux-Henderson Sugar Co., Inc. at or near Reserve and Kenner, Louisiana to the states of AL, AR, FL, GA, IL, IA, KY, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV, WI, IN, KS, MI and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Godchaux-Henderson Sugar Company, Inc., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Vernon V. Coble, I.C.C., 600 Feder-

al Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 143868 (Sub-6TA), filed December 13, 1978. Applicant: R.E.T.E.N.O. CARRIERS, INC., 2001 North Tuler, Suite H, So. El Monte, CA 91733. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheets or sheeting, with or without backing*, from Long Beach, CA, to Tupelo, MS, Hickory, NC, Morristown, TN and South Boston, VA and to points in IL, IN, MA, MI, NJ, NY, OH, PA and WI, for 180 days. Supporting shipper(s): Formosa Plastics Group (USA), Inc., 4130 Santa Fe Avenue, P.O. Box 1440, Long Beach, CA 90801. Send protests to: Irene Carlos, Trans. Asst., I.C.C., Rm. 1321 Federal Bldg., 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143995 (Sub-12TA), filed December 19, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. 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: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Div., of H. J. Heinz Co., at or near Iowa City, IA, to points in MO, and points in IL on and south of Interstate 70, under a continuing contract(s) with J. J. Heinz Co., restricted to traffic originating at the named facilities and destined to the named states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 144438 (Sub-4 TA), filed December 14, 1978. Applicant: COUNTY LINE TRUCKING, INC., 224 N. Defiance St., Archbold, OH 43502. Representative: Michael M. Briley, 300 Madison Ave., 12th Fl., Toledo, OH 43603. *Meats, meat products, meat by-products and commodities distributed by meat packinghouses* (except in cans or bottles and except commodities in bulk in tank vehicles), from the facilities of Dinner Bell Foods, Inc. at Archbold, OH to Windsor Locks, CT; Baltimore, MD; Boston, MA; Buffalo, New York, and Rochester, NY (and points within the respective commercial zones of each city), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dinner Bell Foods, Inc., P.O. Box 388, Defiance OH 43512. Send protests to: District Supervisor, 313 Federal Build-

ing, 234 Summit Street, Toledo, Ohio 43604.

MC 144572 (Sub-8 TA), filed December 27, 1978. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717-17th Street, Suite 2600, Denver, CO 80202. *General commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Universal Car Loading and Distribution, Inc. in the commercial zones of North Haven, CT; Boston, MA; Baltimore, MD; Newark, NJ; New York, NY; and Philadelphia, PA to the commercial zones of Phoenix, AZ; Los Angeles and San Francisco, CA; Denver, CO; Chicago, IL; Minneapolis, MN; Kansas City and St. Louis, MO; Portland, OR; Memphis, TN; and Seattle, WA, for 180 days. Restriction: Restricted to shipments which are at the time moving on bills of lading issued by Universal Car Loading and Distribution, Inc., a freight forwarder operating under part IV of the Interstate Commerce Act for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Universal Car Loading and Distributing, Inc., 345 Hudson St., New York, NY 10014. Send protests to: Roger L. Buchanan, I.C.C., 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 144865 (Sub-2 TA), filed December 27, 1978. Applicant: JASCO TRUCKING, INC., 202 94th Street, S.W., Albuquerque, NM 87105. Representative: Campbell, Cherpelis & Pica, Suite 405, 20 First Plaza, Albuquerque, NM 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the Chimney Rock Mine located approximately 10 miles south of Chimney Rock, near Highway 151, Archuleta County, CO, to the Ideal Basic Industries, Inc., plant, Tijeras, Bernalillo County, NM., under a continuing contract, or contracts, with The Ideal Basic Industries, Inc., plant for 90 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ideal Basic Industries, Cement Division, P.O. Box 8789, 950 17th Street, Denver, CO. 80201. Send protests to: DS, ICC, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, NM 87101.

MC 145150 (Sub-5 TA), filed December 26, 1978. Applicant: HAYNES TRANSPORT CO., INC., P.O. Box 9, R. R. No. 2, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Building, Suite 110L, 1010 Tyler, Topeka, KS 66612. *Dry fertilizer*, (in bulk), (a) from Tulsa, OK,

to points in KS and MO; (b) from Joplin, MO, to points in KS; and (c) from points in Cherokee County, KS, to points in MO, and OK, for 180 days. Applicant states it does not intend to tack or interline. An underlying ETA seeks 90 days authority. Supporting shipper(s): C & S Trading and Brokerage, dba CSTB, Inc., 78A Parsons Plaza, Parsons, KS 67357. (2) Agric Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Thomas P. O'Hara, DS, ICC, 256 Federal Building & U.S. Courthouse, 444 S.E. Quincy, Topeka, KS 66683.

MC 145726 (Sub-2TA), filed December 27, 1978. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of John Morrell & Co., at Montgomery, AL, to all points in all States in and east of TX, OK, KS, NE, SD and ND., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPERS(S): John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. SEND PROTESTS TO: Mabel E. Holston Transp. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145802 (Sub-1TA), filed December 28, 1978. Applicant: RONALD E. REED, d/b/a TRIPLE R TRUCKING, RFD, Laurens, IA 50554. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corporation at or near Storm Lake and Cherokee, IA, to points in FL, GA, IL, LA, and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 145870 (Sub-1TA), filed December 28, 1978. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Coal*, (1) from Allen, KY and Harlan, KY to points in VA, and (2) from Roanoke,

VA to points in FL, GA, and SC for 180 days. Applicant has also filed an underlying application seeking up to 90 days of emergency temporary authority. SUPPORTING SHIPPER: J. P. Gardner Coal Co., 705 Campbell Ave., S.E., Roanoke, VA. SEND PROTESTS TO: Paul D. Collins, I.C.C., 110-502, Federal Bldg., 400 North Elghth St., Richmond, VA 23240.

MC 145870 (Sub-2TA), filed December 28, 1978. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Fabricated steel, kiln cars, and mining equipment*, from the facilities of Enterprise Fabricators, Inc., at Bristol, VA to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NC, OH, PA, SC, TN, VA and WV, for 180 days. Applicant has also filed an underlying application seeking up to 90 days of emergency temporary authority. SUPPORTING SHIPPER: Enterprise Fabricators, Inc., P.O. Box 151, Bristol, VA 24201. SEND PROTESTS TO: Paul D. Collins, I.C.C. 10-502 Federal Bldg., 400 North Eighth St., Richmond, VA 23240.

MC 145882 (Sub-1TA), filed December 26, 1978. Applicant: KUVASZOK TRANSPORT, INC., 1630 Rhonda Road, St. Joseph, MI 49085. Representative: J. Joseph Daly, P.O. Box 558, St. Joseph, MI 49085. (1) *Sand*, in bulk, from points in LaSalle County, IL and Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI, (2) *Dry fertilizer, fertilizer material, and dry urea*, all in bulk or in bags, from the plant sites of C. F. Industries, Inc., at or near Terre Haute, IN, and Mapleton, IL, to points in MI, for 180 days. Supporting shipper(s): Manley Bros., P.O. Box 538, Chesterton, IN 46304. Farm Bureau Services, Inc., 7373 West Saginaw Highway, Lansing, MI 48917. Send protests to: C. R. Flemming, I.C.C., 225 Federal Bldg., Lansing, MI 48933.

MC 145918 (Sub-1TA), filed December 28, 1978. Applicant: 1st O & D, INC., 2035 South Halsted, Chicago, IL 60608. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor oil and such commodities as are dealt in by automotive departments of retail stores*, (except commodities in bulk), from Chicago, IL to points in AL, AR, CO, CT, DE, GA, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH,

OK, PA, SC, SD, TN, VA, WV and WI under a continuing contract or contracts, with Sovereign Oil Company, Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Richard A. Stiefel, President, Sovereign Oil Company, 6801 West 66th Place, Chicago, IL 60638. Send protests to: Lois M. Stahl Transp. Asst., ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145926 (Sub-1TA), filed December 29, 1978. Applicant: HALL BROS. TRANSPORTATION CO., INC., State Road 37 North, Orleans, IN 47452. Representative: Alki E. Scopelitis, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: (1) *Automobile parts*, from Bedford, IN, to Detroit, MI, and Chicago, IL, and (2) *Materials, equipment and supplies*, used in the manufacture and distribution of automobile parts (except commodities in bulk), from Detroit and Fowlerville, MI; Chicago, IL; and Milwaukee, WI, to Bedford, IN, restricted to a contract or continuing contracts with Ford Aerospace & Communications Corporation, Division of Ford Motor Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Ford Aerospace & Communications Corporation, Division of Ford Motor Company, 3120 West 16th Street, Bedford, IN 46421. Send protests to: Beverly Williams, Trans. Asst., I.C.C., Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 146033TA, filed January 9, 1979. Applicant: LARRY H. WINEBARGER, d/b/a WINEBARGER TRUCK LINES, P.O. Box 244, Lenoir, NC 28645. Representative: Jon F. Holmgren, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Lenoir, NC, to CA, ID, NV, OR, UT and WA, and (2) *new furniture parts, and materials, equipment and supplies* used in the manufacture and distribution of new furniture, from CA, OR, MO and WA, to Lenoir, NC, under a continuing contract or contracts with Singer Furniture Division, for 180 days. Supporting Shipper(s): Singer Furniture Division, P.O. Box 1588, Lenoir, NC 28645. Send protests to: Terrell Price, I.C.C., 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, NC, 28205.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

(FR Doc. 79-4639 Filed 2-9-79; 8:45 am)

[7035-01-M]

(Notice No. 20)

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 2900 (Sub-351TA), filed December 20, 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, commodities in bulk, those requiring special equipment, those of unusual value, and household goods as defined by the Commission)—

1. Between Helena, AR and Minden, LA: From Helena over U.S. Highway 49 to Junction U.S. Highway 79, then

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over U.S. Highway 79 to Minden and return.

2. Between Little Rock, AR and Tallulah, MS: From Little Rock over U.S. Highway 65 to Vicksburg and return.

3. Between Little Rock, AR and Ruston, LA: From Little Rock over U.S. Highway 167 to Ruston and return.

4. Between Little Rock, AR and the junction of U.S. Highway 67 and 290 near Ft. Stockton, TX: From Little Rock over U.S. Highway 67 to the junction U.S. Highway 290 and return.

5. Between Little Rock, AR and DeQueen, AR: From Little Rock over U.S. Highway 70 to DeQueen and return.

6. Between the junction of U.S. Highway 65 and 165 and Monroe, LA: From the junction of U.S. Highway 65 and 165 over U.S. Highway 165 to Monroe and return.

7. Between the junction of U.S. Highway 70 and 71 and Alexandria, LA: From the junction of U.S. Highway 70 and 71 over U.S. Highway 71 to Alexandria and return.

8. Between Shreveport, LA and Alexandria, LA: From Shreveport over LA Highway 1 to Alexandria and return.

9. Between Lake Village, AR and Lubbock, TX: From Lake Village over U.S. Highway 82 to Lubbock and return.

10. Between Shreveport, LA and Lake Charles, LA: From Shreveport over U.S. Highway 171 to Lake Charles and return.

11. Between Texarkana, AR and Houston, TX: From Texarkana over U.S. Highway 59 to Houston and return.

12. Between the junction of U.S. Highway 84 and LA 1 and Lubbock, TX: From the junction of U.S. Highway 84 and LA 1 over U.S. Highway 84 to Lubbock and return.

13. Between Idabel, OK and the junction of U.S. Highway 59 and 259 near Nacogdoches, TX: From Idabel over U.S. Highway 259 to the junction of U.S. Highway 59 and return.

14. Between Shreveport, LA and Round Rock, TX: From Shreveport over U.S. Highway 79 to Round Rock and return.

15. Between Shreveport, LA and El Paso, TX: From Shreveport over U.S. Highway 80 (also over Interstate Highway 20) to El Paso and return.

16. Between Hugo, OK and Tyler, TX: From Hugo over U.S. Highway 271 to Tyler and return.

17. Between Denison, TX and Beaumont, TX: From Denison over U.S. Highway 69 to Beaumont and return.

18. Between Tyler, TX and Corsicana, TX: From Tyler over TX Highway 31 to Corsicana and return.

19. Between Dallas, TX and Houston, TX: From Dallas over U.S. Highway 75 to Houston and return.

20. Between Kinder, LA and Brady, TX: From Kinder over U.S. Highway 190 to Brady and return.

21. Between Kinder, LA and Iowa, LA: From Kinder over U.S. Highway 165 to Iowa and return.

22. Between Houston, TX and Austin, TX: From Houston over U.S. Highway 290 to Austin and return.

23. Between Waco, TX and Hempstead, TX: From Waco over TX Highway 6 to Hempstead and return.

24. Between Perry, OK and Giddings, TX: From Perry over U.S. Highway 77 to Giddings and return.

25. Between Ponca City, OK and Bartlesville, OK: From Ponca City over U.S. Highway 60 to Bartlesville and return.

26. Between Ponca City, OK and Warwick, OK: From Ponca City over U.S. Highway 177 to Warwick and return.

27. Between Tulsa, OK and Amarillo, TX: From Tulsa over U.S. Highway 64 to Enid, OK, then over U.S. Highway 60 to Amarillo and return.

28. Between Enid, OK and Austin, TX: From Enid over U.S. Highway 81 to Austin and return.

29. Between Seiling, OK and Austin, TX: From Seiling over U.S. Highway 183 to Austin and return.

30. Between Oklahoma City, OK and Amarillo, TX: From Oklahoma City over U.S. Highway 66 to Amarillo and return.

31. Between Arnett, OK and Brady, TX: From Arnett over U.S. Highway 283 to Brady and return.

32. Between the junction U.S. Highway 60 and 83 south of Canadian, TX and Junction, TX: From the junction of U.S. Highways 60 and 83 over U.S. 83 to Junction and return.

33. Between Oklahoma City, OK and San Antonio, TX: From Oklahoma City over H. E. Bailey Turnpike to Lawton, OK (also from Oklahoma City over T.S. Highway 277 to Lawton), then over U.S. Highway 281 to San Antonio and return.

34. Between Amarillo, TX and Ft. Worth, TX: From Amarillo over U.S. Highway 287 to Ft. Worth and return.

35. Between Dumas, TX and San Antonio, TX: From Dumas over U.S. Highway 87 to San Antonio and return.

36. Between Dumas, TX and Pampa, TX: From Dumas over TX Highway 152 to Pampa and return.

37. Between Amarillo, TX and Borger, TX: From Amarillo, over U.S. Highway 136 to Borger and return.

38. Between Lubbock, TX and McCamey, TX: From Lubbock over U.S. Highway 82 to junction U.S. Highway 385, then over U.S. Highway 385 to McCamey and return.

39. Between Greenville, TX and Brownfield, TX: From Greenville over

U.S. Highway 380 to Brownfield and return.

40. Between Wichita Falls, TX and Sonora, TX: From Wichita Falls over U.S. 277 to Sonora and return.

41. Between Durant, OK and Davidson, OK: From Durant over U.S. 70 to Davidson and return.

42. Between Denton, TX and Stephenville, TX: From Denton over U.S. 377 to Stephenville and return.

43. Between Brownwood, TX and Brady, TX: From Brownwood over U.S. Highway 377 to Brady and return.

44. Between San Antonio, TX and El Paso, TX: From San Antonio over Interstate Highway 10 to the junction of U.S. Highway 290, then over Interstate 10 (also portions of U.S. Highway 290) to El Paso and return.

45. Between Fredericksburg, TX and the junction of U.S. Highway 290 and Interstate Highway 10: From Fredericksburg over U.S. Highway 290 to its junction with Interstate Highway 10 and return.

46. Between Houston, TX and San Antonio, TX: From Houston over U.S. 90 to San Antonio and return.

47. Service on routes 1 through 45 above is authorized to and from all intermediate points. Also, serving Sheerin and Sunray, TX as off route points, for 180 days.

Applicant seeks (a) to serve all places in the commercial zone of each authorized point, (b) to tack this authority with that issued in MC-2900 and subs thereto, and (c) to interline. Supporting shippers: There are approximately 449 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 2900 (Sub-352TA), filed January 5, 1979. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: R. E. Allish (same as above). *General commodities* (except those of unusual value, commodities in bulk, those requiring special equipment, household goods as defined by the Commission and Classes A and B explosives) between the facilities of Mercury Marine, Division Brunswick Corp., at or near Stillwater, OK and points in the states of AR, FL, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, NC, OH, PA, SC, TN, TX, and WI, for 180 days. SUPPORTING SHIPPER(S): Mercury Marine Div. Brunswick, Corp., 1939 Pioneer Road, Fond Du Lac, WI 54935. SEND PROTESTS TO: G. H. Fauss, Jr., ICC, Box 35008, 400 West Bay St., Jacksonville, FL 32202.

MC 18738 (Sub-48TA), filed December 27, 1978. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One North LaSalle Street, Chicago, IL 60606. *Iron and steel products*, between the following points or areas: between Chicago, IL and Kenosha, WI and Racine Counties in WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Central Steel and Wire Co., 3000 W. 51st Street, Chicago, IL 60632. SEND PROTESTS TO: Lois M. Stahl, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 18738 (Sub-49TA), filed December 27, 1978. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One North LaSalle Street, Chicago, IL 60606. *Iron and steel products*, between the following points or areas: facilities of A. M. Castle & Co., Franklin Park, IL to facilities of A. M. Castle, Wauwatosa, WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): A. M. Castle & Co., 3400 N. Wolf Road, Franklin Park, IL 60131. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 36918 (Sub-11TA), filed January 2, 1979. Applicant: FASTWAY TRANSPORTATION, INC., 151 Morristown Road, Matawan, NJ 07747. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. *Carpets, carpet padding, and materials and supplies* used in the manufacture of carpets and carpet padding, between the facilities of General Felt Industries, Inc., at or near Camden, Trenton, NJ and Eddystone and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, DC, Charlottesville, Hampton, Norfolk, Richmond and Virginia Beach, VA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): General Felt Industries, Inc., Park 80 Plaza W.-1, Saddlebrook, NJ 07662. SEND PROTESTS TO: ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 41432 (Sub-159TA), filed December 8, 1978. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, 2355 Stemmons Freeway, Dallas, TX 75207. Representative: Eldon E. Bresee, P.O. Box 10125, 2355 Stemmons Freeway, Dallas, TX 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular* routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by

the Commission, commodities in bulk, and those requiring special equipment, serving all points within the commercial zones of the service points in Routes (1) through (16) below. Applicant requests authority to operate from, to or between the following points or described areas.

(1) Between Memphis, TN and junction TN Hwy. 88 and U.S. Hwy. 79 serving all intermediate points: From Memphis over U.S. Hwy. 51 to junction TN Hwy. 88, then over TN Hwy. 88 to junction U.S. Hwy. 79 and return over the same route.

(2) Between Memphis, TN and Nashville, TN serving the intermediate points between Memphis, TN and Huntingdon, TN including Huntingdon, TN: From Memphis over U.S. Hwy. 70 to junction U.S. Hwy. Alt. 70, then over U.S. Hwy. Alt. 70 to junction U.S. Hwy. 70, then over U.S. Hwy. 70 to Nashville and return over the same route.

(3) Between Brownsville, TN and Huntingdon, TN serving the intermediate point of Jackson, TN and the off-route point of Lexington, TN: From Brownsville over U.S. Hwy. 70 to Huntingdon and return over the same route.

(4) Between Nashville, TN and Knoxville, TN serving the intermediate point of Cookeville, TN and the off-route point of Sparta, TN: From Nashville over Interstate Hwy. 40 to Knoxville and return over the same route.

(5) Between Nashville, TN and Chattanooga, TN serving the intermediate points between Nashville, TN and Murfreesboro, TN including Murfreesboro, TN: From Nashville over U.S. Hwy. 41 to Chattanooga and return over the same route.

(6) Between Memphis, TN and Chattanooga, TN serving no intermediate points: From Memphis over U.S. Hwy. 72 to junction U.S. Hwy. Alt. 72, then over U.S. Hwy. Alt. 72 to junction U.S. Hwy. 72, then over U.S. Hwy. 72 to junction Interstate Hwy. 24, then over Interstate Hwy. 24, to Chattanooga and return over the same route.

(7) Between Chattanooga, TN and Knoxville, TN serving all intermediate points, and the off-route point of Etowah, TN: From Chattanooga over U.S. Hwy. 11 to Knoxville and return over the same route.

(8) Between Knoxville, TN and Maryville, TN serving the intermediate point of Alcoa, TN: From Knoxville over U.S. Hwy. 129 to junction TN Hwy. 73, then over TN Hwy. 73 to junction U.S. Hwy. 411, then over U.S. Hwy. 411 to Maryville and return over the same route.

(9) Between Knoxville, TN and Bristol, VA serving all intermediate points: From Knoxville over U.S. Hwy. 11W and return over the same route.

(10) Between Knoxville, TN and Bristol, VA serving all intermediate points: From Knoxville over U.S. Hwy. 11E to Bristol and return over the same route.

(11) Between Knoxville, TN and Greenville, TN serving the intermediate points of Dandridge, TN and Newport TN: From Knoxville over U.S. Hwy. 70 to junction U.S. Hwy. 411, then over U.S. Hwy. 411 to Greenville and return over the same route.

(12) Between Johnson City, TN and junction U.S. Hwy. 23 and U.S. Hwy. 19 serving the intermediate point of Erwin, TN: From Johnson City over U.S. Hwy. 23 to junction U.S. Hwy. 19 and return over the same route.

(13) Between Johnson City, TN and junction U.S. Hwy. 421 and U.S. Hwy. 70 (U.S. Hwy. 158) serving the intermediate point of Elizabethton, TN: From Johnson City over U.S. Hwy. 321 to junction U.S. Hwy. 421, then over U.S. Hwy. 421 to junction U.S. Hwy. 70 (U.S. Hwy. 158) and return over the same route.

(14) Between Newport, TN and junction Interstate Hwy. 40 and U.S. Hwy. 23 serving no intermediate points: From Newport over Tennessee Hwy. 32 to junction Interstate Hwy. 40, then over Interstate Hwy. 40 to junction U.S. Hwy. 23 and return over the same route.

(15) Between Chattanooga, TN and Atlanta, GA serving no intermediate points: From Chattanooga over U.S. Hwy. 41 to Atlanta and return over the same route.

(16) Between Chattanooga, TN and Birmingham, AL serving no intermediate points: From Chattanooga over U.S. Hwy. 11 to Birmingham and return over the same route.

(17) Between junction U.S. Hwy. Alt. 70 and U.S. Hwy. 45W and junction U.S. Hwy. 45, and U.S. Hwy. 70 serving no intermediate points as an alternate route for operating convenience only: From junction U.S. Hwy. Alt. 70, and U.S. Hwy. 45W over U.S. Hwy. 45W to junction U.S. Hwy. 45, then over U.S. Hwy. 45 to junction U.S. Hwy. 70, and return over the same route.

(18) Between junction U.S. Hwy. Alt. 70 and U.S. Hwy. 45E and junction U.S. Hwy. 45, and U.S. Hwy. 70 serving no intermediate points as an alternate route for operating convenience only: From junction U.S. Hwy. Alt. 70, and U.S. Hwy. 45E over U.S. Hwy. 45E to junction U.S. Hwy. 45, then over U.S. Hwy. 45 to junction U.S. Hwy. 70, and return over the same route.

(19) Between junction U.S. Hwy. 11W and U.S. Hwy. 25E and junction U.S. Hwy. 25E and U.S. Hwy. 70 serving no intermediate points and serving junction U.S. Hwy. 11E and U.S. Hwy. 25E for purposes of joinder only: From junction U.S. Hwy. 11W and U.S. Hwy. 25E over U.S. Hwy. 25E to junction

U.S. Hwy. 70 and return over the same route, for 180 days.

RESTRICTED in routes (1) through (19) above against the handling of shipments (1) originating at points in TN (except Memphis, TN and its Commercial Zone) destined to points in NC, SC, GA, and AL and (2) originating at points in NC, SC, GA, and AL destined to points in TN (except Memphis, TN and its Commercial Zone). An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 338 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Opal M. Jones, ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 52704 (Sub-203TA), filed December 27, 1978. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H" LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Paper and paper products*, from the facilities of Union Camp Corporation at or near Savannah, GA, to points in MO; and (2) *materials, equipment and supplies used in the manufacture or distribution of paper and paper products* (except commodities in bulk), from points in MO to the facilities of Union Camp Corporation at or near Savannah, GA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. SEND PROTESTS TO: Mabel E. Holston, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

MC 52861 (Sub-49TA), filed January 4, 1979. Applicant: WILLS TRUCKING, INC., 4500 Rockside Road, Cleveland, OH 44131. Representative: John A. Wilson, 3185 Columbia Road, Richfield, OH 44286. *Scrap metals*, in dump vehicles, from South Bend, Fort Wayne, Richmond, and Muncie, IN, to Defiance, OH, and Charlotte, MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Superior Companies, Inc., 1610 N. Calhoun Street, Fort Wayne, IN 46804. SEND PROTESTS TO: Mary Wehner, ICC, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 69116 (Sub-217TA), filed January 3, 1979. Applicant: SPECTOR FREIGHT SYSTEM, d.b.a. SPECTOR INDUSTRIES, INC., 1050 Kingery Highway, Bensenville, IL 60106. Representative: Joel E. Steiner, 39 South La Salle Street, Chicago, IL 60603. *Railway car and locomotive wheels*,

loose or attached to axles, with or without bearings, Keokuk, IA to points in OH, PA and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Amsted Industries, Inc., Griffin Wheel Company, 200 West Monroe Street, Chicago, IL 60606. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 83292 (Sub-1TA), filed December 27, 1978. Applicant: FLANAGIN BROS. INC., 1805 Bernice Rd., Lansing, IL 60438, P.O. Box 3014, Munster, IN. Representative: Larry Flanagan, 1805 Bernice Road, Lansing, IL 60438. *Salt in dump trucks, building materials in dump trucks, stone, sand, asphalt, gravel and slag in dump trucks* (in bulk), between IN, IL and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 98964 (Sub-16TA), filed December 22, 1978. Applicant: P.B.I. FREIGHT SERVICE, 960 North 1200 West, Orem, UT 84057. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Electrical appliances* originating at the facilities of General Electric Co. in Clearfield, UT; from Page, AZ, to Phoenix, AZ, and its commercial zone, serving the intermediate point of Flagstaff, AZ; from Page, AZ, over U.S. Highway 89 to Flagstaff, AZ, then over Hwy I-17 to Phoenix, AZ, for 180 days. Applicant requests authority to tack at Page, AZ, with its existing authority in MC-98964, Base Certificate and Sub No. 10, authorizing service between Salt Lake City, UT, and Page, AZ. Applicant requests authority to interline at Phoenix, AZ. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): General Electric Co., 1051 S. Freeport Ind. Pkwy., Clearfield, UT 84015. SEND PROTESTS TO: L.D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 101075 (Sub-124TA), filed December 27, 1978. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, MN 56560. Representative: Ronald B. Pitsenbarger (same as above). *Liquefied petroleum gas*, in bulk, from the

facilities of the Cochin Pipeline Co. located at or near Carrington, ND, and Benson, MN, to points in MN, ND and SD, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Farmers Union Central Exchange, Inc., P.O. Box 43089, St. Paul, MN 55164. SEND PROTESTS TO: Ronald R. Mau, ICC, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 105375 (Sub-84TA), filed December 26, 1978. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr. (same as above). *Sugar*, in bulk, from the plantsite or storage facility of American Crystal Sugar Company located at Chaska, MN to Chicago and Kankakee, IL; Lafayette, IN; and Battle Creek, MI, for 180 days. SUPPORTING SHIPPER(S): General Foods Corporation, 250 North Street, White Plains, NY 10625. SEND PROTESTS TO: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 106674 (Sub-355TA), filed December 22, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy. 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same as above). *Plasterboard joint system and materials, supplies, and products* used in the installation, application and distribution thereof, from the facilities of Georgia-Pacific Corporation at or near Akron, NY, to OH, PA and MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Georgia-Pacific Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010. SEND PROTESTS TO: J. H. Gray, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 108973 (Sub-16TA), filed December 26, 1978. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, MN 55114. Representative: Joseph I. Dudley, W-1260 First National Bank Building, St. Paul, MN 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite of Champion International Corporation at or near Ontonagon, MI over irregular routes to Joliet, IL, Minneapolis/St. Paul and St. Cloud, MN; St. Joseph, MO; Omaha, NE; Sioux Falls, SD; and Beloit and Milwaukee, WI, under a continuing contract or contracts with Champion International Corporation, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

SEND PROTESTS TO: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 109238 (Sub-11TA), filed January 4, 1979. Applicant: DEHART MOTOR LINES, INC., Highway 64-70 West, P.O. Box 368, Conover, NC 28613. Representative: Joe W. Flowers (same as above). *Foods or foodstuffs*, from Jersey City, NJ to points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): C. F. Mueller Company, 180 Baldwin Avenue, Jersey City, NJ 07306. SEND PROTESTS TO: Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 111045 (Sub-159TA), filed December 26, 1978. Applicant: REDWING CARRIERS, INC., 8515 Palm River Road, P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same as above). *Sand*, in bulk, in tank vehicles, from Pacific, MO to Marion, AL, for 180 days. There is no environmental impact involved in this application. An underlying ETA seeks 90 days authority.

SUPPORTING SHIPPER(S): Cast South, Inc., P.O. Box 336, Marion, AL 36756. SEND PROTESTS TO: Donna M. Jones, ICC, Monterey Building, Room 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 111274 (Sub-35TA), filed December 20, 1978. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain drying, handling and storage equipment, steel buildings, feed processing and distributing equipment and fertilizer spreaders and materials and components*, between Mackinaw, IL, Westerville, OH, Taylorville, IL, Dodge City, KS, Bluffton, IN, Salina, KS, Pender, NE, Corydon, IA, on the one hand, and Olds, Alberta, on the other, for 180 days. (Through points of entry on the U.S. Canadian Boundary in Sweetgrass, MT). An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Stirling Enterprises Ltd., Olds, Alberta, Canada. SEND PROTESTS TO: Charles D. Little, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 113908 (Sub-459TA), filed January 5, 1979. Applicant: ERICKSON TRANSPORT, P.O. Box 3180, Springfield, MO 65804. Representative: B. B. Whitehead (same as above). *Frying oil*, in bulk, from Fayetteville, AR and Milwaukee, WI, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority.

SUPPORTING SHIPPER(S): Campbell Soup Company, Fayetteville, AR 72701. SEND PROTESTS TO: John V. Barry, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 116457 (Sub-39TA), filed December 21, 1978. Applicant: GENERAL TRANSPORTATION INCORPORATED, 1710 S. 27th Avenue (P.O. Box 6484), Phoenix, AZ 85005. Representative: D. Parker Crosby, 1804 S. 27th Avenue (P.O. Box 6484), Phoenix, AZ 85005. *Gypsum wallboard, gypsum lath, gypsum wallboard systems, gypsum products, plaster and products, tools, equipment, and supplies used in the installation thereof* (except in bulk or in tank vehicles), from points in TX and MM to AZ, CA, UT, CO, ID, NV, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Andrew V. Baylor, ICC, Room 2020, Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 124692 (Sub-261TA), filed December 20, 1978. Applicant: SENTINEL TRANSPORTATION COMPANY, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, P.O. Box 1680, Fargo, ND 58107. *Aluminum plate and sheet*, from the Trentwood Works plantsite of Kaiser Aluminum & Chemical Corporation, at or near Spokane, WA to points in CA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, CA 94643. SEND PROTESTS TO: Paul J. Labane, ICC, 2602 - 1st Avenue North, Billings, MT 59101.

MC 124896 (Sub-80TA), filed January 8, 1979. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne & Ralston Street, P.O. Box 3485, Wilson, NC 27893. Representative: Larry Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds* (except in bulk, in tank vehicles), and filters, from points in Warren County, MS to points in AL, AZ, CA, CO, FL, GA, IN, IA, KS, KY, MD, MI, MN, MO, NE, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WI, and WV; and (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in part (1) above, (except in bulk, in tank vehicles), from

points in AL, GA, KY, NY, OH, PA, RI, SC, VA, and WV to points in Warren County, MS, for 180 days. Restricted in parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. SUPPORTING SHIPPER(S): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: Archie W. Andrews, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 124949 (Sub-4TA), filed December 26, 1978. Applicant: HI-LINE TRUCKING, INC., P.O. Box 628, Sidney, MT 59270. Representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st Street, Billings, MT 59101. *Oil field equipment and supplies used in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products*, between Sidney and Glendive, MT and Divide, Burke, Renville, Bottineau, Williams, Mountrail, Ward, McKenzie, Mercer, Billings, Dunn, Oliver, Golden, Valley, Stark, Morton, Burleigh, Slope, Hettinger, Grant, Bowman, Adams, McLean, McHenry, Sioux and Emmons Counties, ND, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Gas Production Enterprise, Houston, TX. SEND PROTESTS TO: Paul J. Labane, ICC, 2602-1st Avenue North, Billings, MT 59101.

MC 125916 (Sub-7TA), filed December 26, 1978. Applicant: NORWOOD TRANSPORTATION, INC., 2330 South 4200 West, Magna, UT 84044. Representative: Macey A. McMurray, 800 Beneficial Life Tower, 26 South State Street, Salt Lake City, UT 84111. *Salt, salt products or salt plus additives, in bulk or package, or block salt, or mixed shipments thereof; and mineral mixtures in packages moving in mixed shipments with salt or salt products*, from points in Salt Lake and Tooele Counties, UT, to points in Delores, Delta, Garfield, LaPlata, Moffat, Montezuma, Montrose, Mesa, Ouray, Rio Blanco, San Juan, and San Miguel Counties, CO; and Carbon, Fremont, Lincoln, Natrona, Sublette, Sweetwater, and Uinta Counties, WY, for 180 days. SUPPORTING SHIPPER(S): Leslie Salt Co., 866 West 2600 South, Salt Lake City, UT 84119. Utah Salt Company, Inc., 1865 South Main, Suite 25, Salt Lake City, UT 84115. Lake Point Salt Company, 1428 Hardy Road, Lake Point, UT 84074. SEND PROTESTS TO: L. D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 127840 (Sub-86TA), filed December 27, 1978. Applicant: MONTGOM-

ERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North La-Salle Street, Chicago, IL 60601. *Petroleum products, vehicle body sealers, sound deadening compounds and acoustical control items*, in bulk, in tank vehicles, from Warren County, MS, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MN, MO, MS, NE, NC, ND, OH, OK, RI, SD and TX, for 180 days. Restricted to shipments originating at the facilities of Quaker State Oil Refining Corp. located at Warren County, MS. SUPPORTING SHIPPER(S): Quaker State Oil Refining Corp., P. O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: Lois M. Stahl, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 129484 (Sub-5TA), filed November 30, 1978. Applicant: MELVIN WANG, dba MELVIN WANG TRUCKING, Fertile, MN 56540. Representative: Gene P. Johnson, P. O. Box 2471, Fargo, ND 58108. Authority sought operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from Port Neal Industrial Complex near Sioux City, IA, to points in ND and those in MN on and west of U.S. Hwy 59 and north of MN Hwy 55, under a continuing contract or contracts with Fert-L-Flow, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Fert-L-Flow, Inc., 1226 South Main, Crookston, MN 56716. SEND PROTESTS TO: Ronald R. Mau, ICC, Room 268 Federal Building and U. S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 136123 (Sub-3TA), filed December 27, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th Street, Palmetto, FL 33561. Representative: Robert D. Gunderman, 710 Statler Building, Buffalo, NY 14202. *Floor tile and related flooring accessories*, from Houston, TX to Rutherford, NJ, restricted to the transportation of traffic originating at and destined to the facilities of Uvalde Rock Asphalt Co. at or near the above named origin and destination, for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): Uvalde Rock Asphalt Company, P.O. Box 531, San Antonio, TX 78292. Send protests to: Donna M. Jones, ICC, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 141914 (Sub-49TA), filed December 20, 1978. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as above). *Molded paper and expanded plastic products*, (1) from the facilities of Keyes Fibre Company at or near Wa-

terville, ME to points in MI, IN, IL, WI, MO, KY and CA, (2) from the facilities of Keyes Fibre Company at or near Hammond and Gary, IN to points in VT, CT, RI, NJ, DE, MD, VA, NC, SC and FL, and (3) from the facilities of Keyes Fibre Company at or near Albertsville, AL to points in AR, CA, CO, CT, DE, ID, ME, MD, MA, MI, MT, NE, NV, NH, NJ, NM, NY, OR, PA, RI, SD, UT, VT, WA, WV, WI and WY, for 180 days. Supporting shipper(s): Keyes Fibre Company, Watterville, ME 04901. Send protests to: Connie Stanley, ICC, Room 240 Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 143318 (Sub-1TA), filed December 20, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 246, Motley, MN 56466. Representative: Finley & Hoekstra, P.A., 301 Midwest Federal Building, St. Paul, MN 55101. *Sugar beet pulp pellets*, from Moorhead, Crookston, East Grand Forks, MN and Hillsboro and Drayton, ND to all points in ND, SD, NE, MN, IA, MO, WI and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westway Trading Corporation, 6600 France Avenue South, Minneapolis, MN 55435. Send protests to: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144470 (Sub-2TA), filed December 21, 1978. Applicant: COBB TRUCKING SERVICE, Route 3, Box 177, Bryan, TX 77801. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, Dallas, TX 75245. (1) *Plastic pipe, water pipe, industrial pipe and plastic fittings* (except in bulk, in tank vehicles); and (2) *equipment, materials and supplies* utilized in the installation of plastic pipe and plastic fittings when moving in mixed loads with the commodities in (1) above from (1) Corsicana and Dallas, TX to points in the United States (except AK and HI); and (2) from Frisco, TX to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nipak, Inc., 1810 Commerce Street, Suite 601, Dallas, TX 75221. Send protests to: John F. Mensing, ICC, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 145013TA, filed December 27, 1978. Applicant: D.O.T. TRUCKING, INC., 104 W. Marlin, Suite 320, McPherson, KS 67469. Representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Oil field drilling mud and chemicals, in bags*, from Sidney, MT; to Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roo-

sevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Casper, WY; to Sidney, MT; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Fort Smith, AR; to Sidney, MT; Casper, WY; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Fort Smith, AR; to Sidney, MT; Casper, WY; Fort Smith, AR; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Roosevelt, UT; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Woodward, OK; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Liberal, KS; Medicine Lodge, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Medicine Lodge, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Great Bend, KS; Hays, KS; and McCook, NE. From Great Bend, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Medicine Lodge, KS; Hays, KS; and McCook, NE. From Hays, KS; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Great Bend, KS; Hays, KS; and McCook, NE. From McCook, NE; to Sidney, MT; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OK; Liberal, KS; Hays, KS; Medicine Lodge, KS; Great Bend, KS; and McCook, NE; and *Walnut hulls*, from Osceola and Helena, AR; to Sidney, MT; Casper, WY; Fort Smith, AR; Oklahoma City, OK; Roosevelt, UT; Woodward, OH; Liberal, KS; Hays, KS; Medicine Lodge, KS; Great Bend, KS; and McCook, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Davis Mud & Chemical, Inc., Box 108, Great Bend, KS 67530. Send protests to: M. E. Taylor, ICC, 101 Lutwin Building, Wichita, KS 67202.

MC 145620 (Sub-1TA), filed December 27, 1978. Applicant: INDUSTRIAL HEAVY TRANSPORT, 12151 West 44th Avenue, Wheatridge, CO 80033. Representative: William W. Selman, 18500 John F. Kennedy Boulevard, Houston, TX 77205. *Lumber mill and wood products*, from in and near the vicinity of Conroe, TX commercial zone and within 20 miles of that area to all points in the states of AL, AK, CO, CT, FL, GA, IL, KS, LA, MA, MD, MI, MN, NJ, NY, NC, SC, OH, OK, PA, TN, TX, MO, NH, NV, CA, AZ, IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens Handle Co., Inc., 4200 N. Frazier, Conroe, TX 77301. Send protests to: Roger L. Buchanan, ICC, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 145900 (Sub-1TA), filed December 26, 1978. Applicant: THREE RIVERS TRUCKING, INC., Legionville Road, Ambridge, PA 15003. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Iron and steel articles* (except commodities in bulk), from the facilities of The Levison Steel Company at Pittsburgh and Ambridge, PA to points in WV on and north of U.S. Highway Route 50 and points in OH on and east of U.S. Highway Route 23 from the OH-KY state line to the intersection of U.S. Highway Route 23 and State Highway Route 4 and points on and east of State Highway Route 4 from said intersection to Sandusky, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Levison Steel Company, South 20th and Wharton Streets, Pittsburgh, PA 15203. Send protests to: John J. England, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 145921TA, filed December 26, 1978. Applicant: AIR COURIERS, INC., 9338 Woodson Terrace Industrial Court, Woodson Terrace, MO 63134. Representative: Clyde W. Jenkins (same as above). *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring special equipment, restricted to the transportation of traffic having a prior or subsequent movement by air, between Lambert Field, St. Louis, MO; O'Hare International Airport, Chicago, IL; and points in Adams, Brown, Schuyler, Pike, Cook, Scott, Morgan, Cass, Mason, Menard, Logan, DeWitt, Macon, Piatt, Champaign, Vermillion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay,

Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac Counties in IL, and Warren, St. Louis, St. Charles, Franklin, Jefferson, Ste. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunkin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Gasconade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, Platte, Clay, Lafayette, Clark Counties in MO, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 116 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Peter E. Binder, ICC, 210 N. 12th Street, Room 1465, St. Louis, MO 63101.

MC 145935 (Sub-1TA), filed January 2, 1979. Applicant: ALL STATES TRANSPORTATION, INC., Route 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. (1) *Extruded or injection molded rubber and plastic products*, and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of extruded or injection molded rubber and plastic products, (1) from the facilities of Entek Corporation of America at Irving, TX to all points in the U.S. (excluding AK and HI), and (2) from all points in the U.S. (excluding AK and HI) to Irving, TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Entek Corporation of America, 104 County Line Road, Irving, TX 75060. SEND PROTESTS TO: Martha A. Powell, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145941 (Sub-1TA), filed January 5, 1979. Applicant: FREDRICKS & REESE, INC., 71-36 Myrtle Avenue, Glendale, NY 11727. Representative: Michael R. Werner, 167 Fairfield Road, Fairfield, NJ 07006. *Stock market printed materials*, from New York, NY to Hartford, CT, Philadelphia, PA, Chicago, IL, Washington, DC, Baltimore, MD, and Boston, MA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximate-

ly nine (9) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Maria B. Kejss, ICC, 26 Federal Plaza, New York, NY 10007.

MC 145950 (Sub 1TA), filed December 29, 1978. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 8155, Waco, Texas 76710. Representative: E. Stephen Heisley, 805 McLocklen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. (1) *Rubber articles, plastic articles, and rubber and/or plastic products* (except commodities in bulk), from the facilities of ENTEK Corp. of America at or near Irving, Texas to points in the United States (except Alaska and Hawaii). (2) *Materials and equipment* used in the manufacturing and distribution of rubber and plastic articles (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the facilities of ENTEK Corp. of America at or near Irving, Texas for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): ENTEK Corporation, 104 County Line Road, P.O. Box 61048, Dallas, TX 75261. SEND PROTESTS TO: Martha A. Powell, ICC, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 145957TA, filed December 27, 1978. Applicant: THOMAS M. PETTIS, d.b.a. PETTIS TRUCKING COMPANY, Route 4, Box 249-B, Brewton, AL 36426. Representative: Thomas M. Pettis (same as above). *Road building materials, sand, gravel, pea gravel and clay*, from Wallace, AL, to Milton, FL, for 180 days. SUPPORTING SHIPPER(S): Santa Rosa Concrete Company Group, Inc., P.O. Box 461, Milton, FL 32570. SEND PROTESTS TO: Mabel E. Holston, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

MC 145958TA, filed December 27, 1978. Applicant: STELLA AND WRIGHT, INC., d.b.a. M & M WAREHOUSE, 1655 West 31st Place, Hialeah, FL 33010. Representative: Richard B. Austin, 5255 N.W. 87th Avenue, Miami, FL 33178. *New crated furniture and new crated household fixtures and new uncrated furniture and new uncrated fixtures* when moving in mixed shipments with new crated furniture and fixtures between the warehousing facilities of M & M Warehouse located at or near Miami, FL, and points and places in Dade, Broward and Palm Beach Counties, FL, for 180 days. There is no environmental impact involved in this application. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are

NOTICES

approximately five (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Donna M. Jones, ICC, Monterey Building, Room 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 145964TA, filed December 22, 1978. Applicant: MELBA S. POWELL, d.b.a., C.B.M. TRANSPORT, 922 South 2300 East, Salt Lake City, UT 84108. Representative: Harry D. Pugsley—Watkiss & Campbell, 310 South Main Street, Suite 1200, Salt Lake City, UT 84101. *Soda ash* (bagged and bulk), from facilities of F.M.C. near Green River, WY, to points in CA; and *water heaters*, from Los Angeles County, CA, to points in UT, CO, ID, OR, WA, and MT, for 180 days. SUPPORTING SHIPPER(S): Western Chemical & Mfg., Co., 3270 E. Washington Boulevard, Los Angeles, CA 90023. American Appl. Corp., 2625 Michigan Avenue, Santa Monica, CA. SEND PROTESTS TO: L. D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 14596TA, filed December 21, 1978. Applicant: TOMORROW TRANSPORTS, INC., 1257 Central Avenue, Hamilton, OH 45011. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 W. Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper boxes*, other than corrugated, knocked down flat or folded flat; (2) *cans, fiberboard, paper or paperboard*, straight sided,

set up not exceeding 15 united inches; and (3) *boxes, fiberboard, paper or pulp board, NOI*, without wooden frames, from Buffalo, NY, to Santa Cruz, CA, under a continuing contract or contracts with F. N. Burt Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): F. N. Burt Company, Inc., P.O. Box 1089, Buffalo, NY 14240. SEND PROTESTS TO: Paul J. Lowry, ICC, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

PASSENGER CARRIER

MC 145961TA, filed December 21, 1978. Applicant: BAYARD LIMOUSINE SERVICE, INC., 22B Bowery, New York, NY 10013. Representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. *Passengers* in special operations, in vehicles having a seating capacity for no more than sixteen passengers, beginning and ending in the Borough of Manhattan, south of Houston Street, New York, NY, and extending to the Meadowlands Sporting Complex, East Rutherford, NJ, for 180 days.

SUPPORTING SHIPPER(S): There twenty (20) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Maria B. Kejss, ICC, 26 Federal Plaza, New York, NY 10007.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 4638 Filed 2-9-79; 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)

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[6714-01-M]

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:55 p.m. on Wednesday, February 7, 1979, the Board of Directors of the Corporation met in open session, by telephone conference call, to elect Honorable Irvine H. Sprague, Chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

In calling the meeting, the Board determined, on motion of Acting Chairman John G. Heimann, seconded by Director William M. Isaac (Appointive), that Corporation business required its election of a permanent Chairman of the Board of Directors on less than seven days' notice to the public and that no earlier notice of the meeting was practicable.

Dated: February 7, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
HOYLE L. ROBINSON,
Assistant Executive Secretary.
[S-282-79 2-8-79; 1:44 pm]

[6740-02-M]

2

FEBRUARY 7, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 14, 1979, 10 a.m.

PLACE: 825 North Capitol Street NE., Washington, D.C., Room 9306.

STATUS: Open

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

POWER AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING (10 A.M.)

CAP-1. Docket No. ER78-67, Public Service Company of Oklahoma.

CAP-2. Docket No. ES79-22, Gulf States Utilities Company

CAP-3. Docket No. ER79-124, Appalachian Power Company

GAS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

CAG-1. Docket No. RP72-134, Eastern Shore Natural Gas Company.

CAG-2. Docket No. G-4310, et al., Cities Services Company (Successor to Cities Service Oil Company), et al.

CAG-3. Docket No. RI77-129, Coastal States Gas Producing Company.

CAG-4. Docket No. RI68-117, H. N. Burnett V. Panhandle Producing Company et al.

CAG-5. Docket No. CI65-974, et al., George Despot, Agent (Operator), et al.

CAG-6. Docket No. CI79-137, Aminoll, U.S.A. Docket No. CI79-171, Aminoll Development, Inc. Docket No. CI77-443 and CI79-10, General American Oil Company of Texas. Docket No. CI78-1240, Harper Oil Company. Docket No. CI78-1277, Caroline Hunt Trust Estate. Docket No. CI79-117, Kerr-McGee Corporation. Docket No. CI78-1046 and CI78-1262, Mesa Petroleum Company. Docket No. CI78-932 and CI79-160, Ocean Production Company. Docket No. CI77-360, Placid Oil Company. Docket No. CI79-11, Southland Royalty Company. Docket No. CI79-198 and CI78-892, Sun Oil Company. Docket No. CI77-481, Tenneco Oil Company. Docket No. CI78-928, Pioneer Production Company. Docket No. CI78-294, Atlantic Richfield Company. Docket No. CI78-1065, Gas Producing Enterprises, Inc. Docket No. CI78-1275, The Rosewood Corporation.

CAG-7. Docket No. CP79-37, Texas Gas Transmission Corporation.

CAG-8. Docket No. CP77-551, Cities Service Gas Co.

CAG-9. Docket No. CP79-48, Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation.

CAG-10. Docket No. CP79-126, Northern Natural Gas Company.

CAG-11. Docket No. CP79-81, Tennessee Gas Pipeline Company.

CAG-12. Docket No. CP79-94, Southern Natural Gas Company.

CAG-13. Docket No. CP77-363, Columbia Gas Transmission Corporation and National Fuel Gas Supply Corporation.

MISCELLANEOUS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

CAM-1. Valley Gas Transmission Company.

POWER AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

I. LICENSED PROJECT MATTERS

P-1. Project 1971, Idaho Power Company (Hells Canyon Project).

II. ELECTRIC RATE MATTERS

ER-1. Docket No. ER76-304, et al., New England Power Company.

GAS AGENDA—245TH MEETING, FEBRUARY 14, 1979, REGULAR MEETING

I. PIPELINE RATE MATTERS

RP-1. Docket No. RM78-23, State of Louisiana first use tax in pipeline rate cases.

II. PRODUCER MATTERS

CI-1. Docket No. CI75-45, et al., Tenneco Oil Company, et al.

CI-2. Docket No. CI78-892, Sun Oil Company.

CI-3. Docket No. CI78-1179, Dorchester Gas Producing Company.

III. PIPELINE CERTIFICATE MATTERS

CP-1. Docket Nos. CP71-68, et al., Columbia LNG Corporation, et al.

MISCELLANEOUS AGENDA—246TH MEETING, FEBRUARY 14, 1979, Regular Meeting

M-1. Docket No. RM77-2, Change in Public Availability of FPC Form 423 Data.

M-2. Staff Recommendations on the Revenue Act of 1978 which reduces the Statutory Corporate Federal Income Tax Rate from 48% to 46%.

M-3. Docket No. RM79-13, Interim Regulations for the Implementation of Section 401 of the Natural Gas Policy Act of 1978.

KENNETH F. PLUMB,
Secretary.

[S-281-79 Filed 2-8-79; 11:23am]

[6210-01-M]

3

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, February 16, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

SUNSHINE ACT MEETINGS

1. Request by the General Accounting Office for Board comment on a draft report entitled, "A Comparison of Selected Policies and Procedures of the Three Bank Regulatory Agencies."

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 8, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-283-79 Filed 2-8-79; 3:45 pm]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6262, January 31, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Wednesday, February 7, 1979, 9 a.m. [NM-79-4].

CHANGE IN MEETING: This meeting was cancelled and the item added to the agenda for meeting of February 8, 1979.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 6584, February 1, 1979.

CHANGE IN MEETING: The business

of the Board requires revising the agenda of this meeting and no earlier announcement was possible. The agenda as now revised is set forth below.

TIME AND DATE: 9 a.m., Thursday, February 8, 1979.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the sixth item will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Louisville and Nashville Railroad Company freight train derailment and rupture of the LPG tank car at Waverly, Tenn., February 24, 1978.

2. *Aircraft Accident Report*—Allegheny Airlines, Inc., BAC-1-11, N1550, Rochester, N.Y., July 9, 1978.

3. *Letter to Mr. Allan Light* re reconsideration of probable cause, Aero Commander 112A, Georgia, Vt., December 20, 1975.

4. *Briefing* by NTSB Staff on Federal Aviation Administration proposed "Controlled Visual Flight" Rules.

5. *Discussion* of the responsibilities of the Chairman under the Independent Safety Board Act with respect to personnel, administrative, and resource matters.

6. *Opinion and Order*—Petition of Bomkamp, Dkt. SE-2107; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-280-79 Filed 2-8-79; 10:38 am]