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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

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

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

- Agricultural Marketing Service—
Milk in the St. Louis-Ozarks marketing area; comments by 1-30-79 58193; 12-13-78
- Federal Crop Insurance Corporation—
Peach crop insurance; comments by 1-30-79 56205; 12-1-78
- Food Safety and Quality Service—
Frozen green beans and frozen wax beans; comment period extended to 2-1-79 56244; 12-1-78
[Originally published at 43 FR 47755, 10-17-78]
- Rural Electrification Administration—
Rural telephone program; comments by 1-30-79 56244; 12-1-78
- Science and Education Administration—
National poultry improvement plan and auxiliary provisions; comments by 2-2-79 3719; 1-18-79

COMMERCE DEPARTMENT

- National Oceanic and Atmospheric Administration—
Coastal zone management program approval regulations; comments by 1-29-79 60949; 12-29-78
- Leatherback sea turtle, proposed determination of critical habitat; comments by 1-29-79 55806; 11-29-78

ENERGY DEPARTMENT

- Grant programs for schols and hospitals and buildings owned by units of local government and public care institutions; comments by 2-3-79 1580; 1-5-79
- Implementation of residential Energy Conservation Program; comments by 2-2-79. 2158; 1-9-79
- Economic Regulatory Administration—
Entitlements program regarding residual fuel oil; comments by 2-1-79 49682; 10-24-78
- Production incentives for marginal properties; additional comments requested by 1-29-79 892; 1-3-79
[First published at 43 FR 52186, 11-8-78]

- Federal Energy Regulatory Commission—
Natural Gas Policy Act of 1978, interim implementing regulations; comments by 1-31-79 56448; 12-1-78
- Outer continental shelf gas; interim regulation prescribing 15-year minimum duration for new contracts for certain sales; comments by 1-31-79 57597; 12-8-78

ENVIRONMENTAL PROTECTION AGENCY

- Approval of an administrative order issued by the Connecticut Department of Environmental Protection to the Levery & Hurley Co.; comments by 1-29-79 60624; 12-28-78
- Ocean dumping, designation of sites; comments by 1-29-79 56061; 11-30-78
- Pesticide chemical metolachlor, tolerances; comments by 1-29-79 60624; 12-28-78, 1764; 1-8-79

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- Designation of "706" agencies; comments by 2-1-79 3513; 1-17-79

EQUAL COMMUNICATIONS COMMISSION

- Fee refunds and future FCC fees; comments by 2-1-79 3299; 1-16-79
[Originally published at 43 FR 46658; 10-10-78]
- FM broadcast stations; table of assignments: Clinton, La.; comments by 1-29-79. 54110; 11-20-78
- Dubach, La.; reply comments by 1-29-79 54109; 11-20-78
- Romalos Saenz, Tex.; reply comments by 1-29-79 54111; 11-20-78
- Stamps, Ark.; comments by 1-29-79. 58099; 12-12-78
- Inquiry initiated, television receiver equipment grading; comments by 2-1-78. 49550; 10-24-78
- Radio astronomy operations; procedures to minimize potential interference; comments by 2-1-79 51048; 11-2-78
- Standard Television Signal; permission to transmit program related signals; comments by 1-29-79 49331; 10-23-78
- Television receiver equipment grading; correction; comments by 2-1-79 51652; 11-6-78
[Originally published at 43 FR 49550, 10-24-78].

FEDERAL HOME LOAN BANK BOARD

- Changes in price list for copies of public data; comments by 1-31-79 2178; 1-10-79

FEDERAL RESERVE SYSTEM

- Electronic fund transfers; comments by 1-29-79 60933; 12-29-78
- Provisions for loans to insiders of member banks; comments by 1-29-79 893; 1-3-79

FEDERAL TRADE COMMISSION

- Children's advertising restrictions; comments by 2-1-79 3495; 1-17-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

- Food and Drug Administration—
Skin bleaching drug products for over-the-counter human use; comments by 2-1-79 51546; 11-3-78
- Certain red and brown algae; affirmation of GRAS status as direct human food ingredients; comments by 1-31-79. 50700; 10-31-78
[Originally published at 43 FR 34500, 8-4-78]
- Health Care Financing Administration—
Medicare and medicaid programs, automatic extinguishment systems for long-term care facilities; comments by 1-30-79 57166; 12-6-78
- Office of Education—
Career Education Incentive Programs; comments by 2-1-79 58912; 12-18-78

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

- Community Planning Development—
Discretionary grants from Secretary's Fund in behalf of new community; comments by 1-29-79 60744; 12-28-78
- Government National Mortgage Association—
Graduated payment mortgages; new modified pass-through securities program; comments by 1-29-79 60957; 12-29-78
- Office of the Assistant Secretary for Housing—Federal Housing Commissioner—
Coinsurance for State housing finance agencies; eligibility requirements, contract rights and obligations; comments by 1-29-79 61222; 12-29-78
- Individual metering utilities, PHA-owned projects—Project Management utilities; comments by 1-29-79 60856; 12-28-78
- Low Rent Housing Homeownership Opportunities, Turnkey III Program, comments by 1-29-79 60830; 12-28-78
- OHA-owned projects—demolition of structures or disposition of real property; proposed policy, procedures, and guidance; comments by 1-28-79. 60301; 12-27-78
- PHA-owned projects, project management utilities; comments by 1-29-79 .. 60854; 12-28-78
- Section 8 housing assistance payments program, existing housing; comments by 1-29-79 60752; 12-28-78
- Section 312 rehabilitation housing, application of payments; comments by 1-28-79 60301; 12-27-78

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Community development block grants; use of debarred, suspended or ineligible contractors; comments by 1-29-79. 60769; 12-28-78

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Draft migratory bird disease contingency plan; comment period extended to 1-31-79..... 2203; 1-10-79

Geological Survey—
Operations in the outer continental shelf; comments by 1-31-79 60612; 12-28-78

Land Management Bureau—
Procedures for conveyance of unsurveyed islands and lands to states and local government; comments by 1-31-79. 51043; 11-2-78

National Park Service—
Proposed U.S. nominations for 1979 to the World Heritage list; comments by 1-31-79 60672; 12-28-78

JUSTICE DEPARTMENT

Immigration and Naturalization Service—
Adjustment of status for certain aliens paroled into the United States as refugees prior to September 30, 1980; comments by 1-30-79 56050; 11-30-78

Parole Commission—
Youth Corrections Act; expansion of coverage of decisionmaking guidelines applicable to prisoners sentenced; comments by 2-1-79..... 56681; 12-4-78

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Copyright Office—
Compulsory license for making and distributing phonorecords; comments by 1-31-79 57252; 12-7-78
[Originally published at 43 FR 44511, 9-28-78]

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State and local grantee procurement standard; comments by 1-30-79 57201; 12-6-78

NATIONAL CREDIT UNION ADMINISTRATION

Federal Credit Unions; purchase, sale, and pledge of eligible obligations; comments by 1-31-79 60; 1-2-79

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Exemption of certain financial interests; comments by 2-1-79 55802; 11-29-78

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Standards for protection against radiation; burial of small radionuclides; comments by 2-2-79 56677; 12-4-78

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Internal Revenue Service—
Income and excise taxes, black lung trusts; comments by 1-29-79 55798; 11-29-78

Income tax, exemption from taxation of certain cemetery companies and crematoria; comments by 1-29-79 55797; 11-29-78

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Carriage of candidates in Federal elections; comments by 2-1-79 44480; 9-28-78

National Highway Traffic Safety Administration—
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Food and Nutrition Service—
National School Lunch Program; regulation of competitive foods, Nashville, Tenn. (open), 1-30-79 58780; 12-15-78

ARTS AND HUMANITIES, NATIONAL FOUNDATION

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Federal Graphics Evaluation Advisory Panel, Washington, D.C. (open), 2-2-79 ... 3338; 1-16-79

Theatre Advisory Panel, Washington, D.C. (partially closed), 2-3 and 2-4-79. 3103; 1-15-79

CIVIL RIGHTS COMMISSION

California Advisory Committee, Los Angeles, Calif. (open), 1-27-79 2662; 1-12-79

Massachusetts Advisory Committee, Boston, Mass. (open), 1-31-79 . 58605; 12-15-78

Michigan Advisory Committee, Detroit, Mich. (open), 2-2-79 2187; 1-10-79

COMMERCE DEPARTMENT

Industry and Trade Administration—
Exporters' Textile Advisory Committee, Washington, D.C. (open), 1-31-79 60327; 12-27-78

National Oceanic and Atmospheric Administration—

Gulf of Mexico Fishery Management Council, Scientific and Statistical Committee, Metairie, La. (open), 2-2-79 3547; 1-17-79

New England Fishery Management Council's Scientific and Statistical Committee, Peabody, Mass. 1-30-79 2670; 1-12-79

DEFENSE DEPARTMENT

Navy Department—
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Office of the Secretary—
Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 1-30 and 1-31-79 59420; 1-20-79

Defense Science Board Task Force on ECM Advisory Committee, Arlington, Va. (closed), 1-30 and 1-31-79 2673; 1-12-79

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Wage Committee, Washington, D.C. (closed), 1-30-78 54680; 11-22-78

ENERGY DEPARTMENT

Economic Regulatory Administration—
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Energy Conservation and Solar Applications Office—

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Education Office—

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National Advisory Environmental Health Sciences Council, Research Triangle Park, N.C. (open), 1-29-79 59438; 12-20-78

National Advisory General Medical Sciences Council, Bethesda, Md. (open), 2-2 and 2-3-79 59439; 12-20-78

National Arthritis, Metabolism, and Digestive Diseases Advisory Council, Bethesda, Md. (closed), 2-1 and 2-2-79..... 59439; 12-20-78

National Diabetes Advisory Board, Alexandria, Va. (open), 1-30 and 1-31-79 59438; 12-20-78

Research Resources National Advisory Council, Bethesda, Md. (partially open), 2-1 and 2-2-79..... 2024; 1-9-79

Office of the Secretary—
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Ethics Advisory Board, Washington, D.C. (open), 2-2 and 2-3-79 3574; 1-17-79

Secretary's Advisory Committee on the Rights and Responsibilities of Women, Health Task Force, Washington, D.C. 2-1 and 2-2-79 3098; 1-15-79

Social Security Administration—
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Land Management Bureau—
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Prineville District Grazing Advisory Board, Prineville, Oreg. (open), 1-30-79 58433; 12-14-78

Rock Springs District Grazing Advisory Board, Rock Springs, Wyo. (open), 2-1-79..... 61021; 12-29-78

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United States Circuit Judge Nominating Commission, First Circuit Panel, Boston, Mass. (closed), 2-3-79 3102; 1-15-79

United States Circuit Judge Nominating Commission; Northern Ninth Circuit Panel, Portland, Ore. (partially open), 1-30-79. 2207; 1-10-79

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List of Public Laws

This is the first of a continuing listing of public bills from the current session of Congress which have become Federal law. The text of laws is not published in the FEDERAL REGISTER but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 1 Pub. L. 96-1
To extend the time for filing the Economic Report; (Jan. 22, 1979; 93 Stat. 1). Price \$60.

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.

[3410-01-M]

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

(Milk Order No. 62; Docket No. AO-10-A53)

PART 1062—MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changing present order provisions is based on industry proposals considered at a public hearing held June 21-22, 1978. The amendments provide that a distributing plant which meets the pooling standards of the St. Louis-Ozarks milk order and one or more other Federal milk orders shall continue to be regulated under the St. Louis-Ozarks order until the third consecutive month in which it has more than 50 percent of its Class I sales in another Federal order marketing area. This change would apply only to plants that had been regulated under the St. Louis-Ozarks order for at least the previous 13 months. The current pooling standards would continue to apply for those plants regulated under the order less than that time. Another major change increases the funding rate for the Advertising and Promotion program and also tie such rate to the level of the blend price to producers. The amendments are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

EFFECTIVE DATE: The order provisions set forth herein shall become effective April 1, 1979, except that the provisions amending §§ 1062.7(d), 1062.13, 1062.85, and 1062.121 (e) and (f) shall become effective on February 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department

of Agriculture, Washington, D.C. 20250, 202-447-4824.

SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding: Notice of hearing: Issued May 31, 1978, published June 6, 1978 (43 FR 24540). Recommended decision: Issued November 17, 1978, published November 22, 1978 (43 FR 54642). Partial final decision: Issued January 3, 1979, published January 8, 1979 (44 FR 1741).

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 of the previously issued amendments 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.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis-Ozarks marketing area. The hearing was held 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 (7 CFR Part 900).

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

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

(2) The parity prices of milk, as determined pursuant to section 2, of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable

only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to milk specified in § 1062.85.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order partially effective not later than February 1, 1979. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued November 17, 1978, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 3, 1979. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order partially effective not later than February 1, 1979, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended;

(3) The issuance of the order amending the order, except for the advertising and promotion program is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(4) The issuance of the order amending the order relative to provisions of the advertising and promotion program is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the market area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective dates hereof, the handling of milk in the St. Louis-Ozarks marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1062.7, paragraph (d) is revised to read as follows:

§ 1062.7 Pool plant.

(d) The term "pool plant" shall not apply to:

(1) A producer-handler plant or governmental agency plant;

(2) A distributing plant that meets the requirements specified in paragraph (a) of this section and also meets the pooling requirements of another Federal order and has greater route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area unless one of the following conditions applies:

(i) If the plant was a pool plant under this order in each of the immediately preceding 13 months, it shall continue to be a pool plant under this order until the third consecutive month in which more than 50 percent of such route disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order; or

(ii) Except as provided in paragraph (d)(2)(i) of this section, if the plant was a pool plant under this order in the immediately preceding month, it shall continue to be a pool plant under this order until the third consecutive month in which a greater proportion of such route disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(3) A distributing plant which meets the pooling requirements of another Federal order and from which route

disposition, except filled milk, during the month in this marketing area is greater than in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(4) A supply plant meeting the requirements of paragraph (b) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of March through August if such plant retains automatic pooling status under this part.

2. Section 1062.13 is revised to read as follows:

§ 1062.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk of a producer which is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1062.9(c); or

(c) Diverted from a pool plant for the account of the handler operating such plant to another pool plant or diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in § 1062.9(b), subject to the following conditions:

(1) Milk from a dairy farmer shall not be eligible for diversion during any of the months of September through February unless at least one day's production is physically received during the month at a pool plant;

(2) The total quantity of milk diverted by a cooperative association to nonpool plants during each of the months of September through February may not exceed 50 percent of the quantity of producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The total quantity of milk diverted by the operator of a pool plant (other than a cooperative association) to nonpool plants during each of the months of September through February may not exceed 50 percent of the quantity of milk received at or diverted from such pool plant during the month that is not under the control of a cooperative association that diverts milk pursuant to paragraph (c)(2) of this section;

(4) Any milk diverted to nonpool plants in excess of the limits prescribed in paragraph (c) (2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted

milk will not be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk; and

(5) For pricing purposes, milk diverted from one pool plant to another pool plant or milk diverted to a nonpool plant that is located more than 120 miles from the nearer of the city halls in St. Louis and Springfield, Mo. (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be priced at the location of the plant to which diverted. Milk diverted to a nonpool plant located less than 120 miles from the city hall in St. Louis or Springfield shall be priced at the location of the plant from which diverted.

3. Section 1062.61 is revised to read as follows:

§ 1062.61 Computation of uniform price (including weighted average price).

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1062.60 for all handlers who filed the reports prescribed by § 1062.30 for the month and who made the payments pursuant to §§ 1062.71 and 1062.73 for the preceding month;

(b) Deduct the amount of the plus adjustments and add the amount of the minus adjustments which are applicable pursuant to § 1062.75;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1062.60 (f) and (g); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price".

(f) For the months of January, February, and August, subtract from the weighted average price computed in paragraph (e) of this section the withholding rate for the Advertising and Promotion program as computed in § 1062.121(e). The result shall be the uniform price for the applicable month.

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section an amount computed by multiplying the hundredweight of milk specified in

paragraph (d)(2) of this section by the weighted average price;

(h) From the remaining amount in paragraph (g) of this section subtract for each of the months of March and July an amount equal to 15 cents per hundredweight, and for each of the months of April, May, and June an amount equal to 25 cents per hundredweight, of the total amount of producer milk included in these computations for each respective month. This amount shall be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (i) of this section;

(i) To the remaining amount in paragraph (g) of this section add for each of the months of September and December an amount equal to 20 percent, and for each of the months of October and November an amount equal to 30 percent, of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations;

(k) Subtract the withholding rate for the Advertising and Promotion program as computed in § 1062.121(e); and

(l) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers for the applicable month.

§ 1062.71 [Amended]

4. In § 1062.71(a)(2)(ii), the words "plus 5 cents" are deleted.

§ 1062.75 [Amended]

5. In § 1062.75(b), the words "plus 5 cents" are deleted.

§ 1062.76 [Amended]

6. In § 1062.76(a)(4), the words "plus 5 cents" are deleted.

§ 1062.85 [Amended]

7. In the preamble of § 1062.85, the number "2.5" is changed to read "4".

8. In § 1062.120, paragraph (c) is revised to read as follows:

§ 1062.120 Procedure for requesting refunds.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assess-

ment is withheld during such calendar quarter pursuant to § 1062.121(b).

9. In § 1062.120(d), the reference "§ 1062.61(d)" is changed to read "§ 1062.121(b)."

10. In § 1062.121, the introductory text of paragraph (b) and paragraph (b) (2) and (3) are revised and new paragraphs (e) and (f) are added, to read as follows:

§ 1062.121 Duties of the market administrator.

(b) Each month set aside into an advertising and promotion fund, separately accounted for, an amount equal to the withholding rate for the month as set forth in paragraph (e) of this section times the amount of producer milk included in the uniform price computation for such month. The amount set aside shall be disbursed as follows:

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed the rate per hundredweight determined pursuant to paragraph (e) of this section on the volume of milk pooled by any such producer for which deductions were made pursuant to this paragraph.

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1062.120. Such refund shall be computed by multiplying the rate specified in paragraph (e) of this section by the hundredweight of such producer's milk pooled for which deductions were made pursuant to this paragraph for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

(e) As soon as possible after the beginning of each year, compute the rate of withholding by multiplying the simple average of the monthly "weighted average prices" for the last quarter of the preceding year by 0.75 percent and rounding to the nearest whole cent. This rate shall apply during the 12-month period beginning with April of the current year.

(f) As soon as possible after the rate of withholding is computed, notify in writing each producer currently on the market and any new producer that subsequently enters the market of the

withholding rate. This notification shall be repeated annually thereafter only if there is any change in the rate from the previous period.

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

Effective date. The order provisions set forth herein shall become effective April 1, 1979, except that the provisions amending §§ 1062.7(d), 1062.13, 1062.85, and 1062.121 (e) and (f) shall become effective on February 1, 1979.

Signed at Washington, D.C., on January 18, 1979.

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

[FR Doc. 79-2543 Filed 1-23-79; 8:45 am]

[4410-10-M]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Addition to Preinspection Ports and Transportation Lines to Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This document amends the regulations of the Immigration and Naturalization Service to add Calgary, Alberta, Canada and Freeport, Bahamas to the list of locations outside the United States at which passengers bound for the United States may avail themselves of immigration preinspection. It also adds several airlines to the listing which have entered into preinspection agreements, as provided by regulation, at those locations. The amendments are necessary because the preinspection ports and signatory transportation lines are published in the Service's regulations. The amendments are intended for the information of the affected and interested public.

EFFECTIVE DATE: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: Recently, the United States entered into agreements with the Government of the Bahamas and the Government of Canada to provide for the Immigra-

RULES AND REGULATIONS

[6720-01-M]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN
BANK BOARD

SUBCHAPTER D—INSURANCE OF ACCOUNTS

PART 563—OPERATIONS

PART 571—STATEMENTS OF POLICY

Fidelity Bond Requirements for
Insured Institutions

JANUARY 18, 1979.

AGENCY: Federal Home Loan Bank Board ("Bank Board").

ACTION: Final rule.

SUMMARY: These amendments change the maximum deductible amounts permitted for fidelity bonds of FSLIC-insured institutions and codify the Bank Board's policy regarding acceptable surety companies. The deductible amounts being demanded by surety companies today often exceed the maximum amounts permitted by the former regulation. Also, in some areas, there are few, if any, surety companies which are acceptable under the Bank Board's regulations and offer this coverage to FSLIC-insured institutions. The Bank Board believes that all FSLIC-insured institutions will be able to obtain bonds with deductible amounts within the limits permitted by this amendment and that additional acceptable surety companies will increase competition in writing the bonds, resulting in better rates and services to such institutions.

EFFECTIVE DATE: February 26, 1979.

FOR FURTHER INFORMATION
CONTACT:

Harry W. Quillian, Associate General counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Telephone number: (202) 377-6440.

SUPPLEMENTARY INFORMATION: The Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), proposed by Resolution No. 78-453, dated August 9, 1978, to amend the Rules and Regulations for Insurance of Accounts by (1) revising § 563.19(b) (12 CFR 563.19(b)) regarding the maximum deductible amounts permitted in the fidelity bonds of FSLIC-insured institutions and (2) adding § 571.14 (12 CFR 571.14) stating the Bank Board's policy regarding acceptable surety companies. Notice of that proposal

was published in the FEDERAL REGISTER on August 15, 1978 (43 FR 36107-36108), with an invitation to interested persons to submit written comments by September 30, 1978. Twenty-seven public comments were received: 14 approved, as proposed; 9 approved and suggested changes; 3 opposed; and 1 respondent stated that it is making a study of this matter and will comment at a later time. On the basis of those comments and all other relevant information available to it, the Bank Board deems it advisable to adopt the amendments as proposed.

EXPLANATION OF AMENDMENTS

A. Deductible Amounts. The revision of § 563.19(b) is designed primarily to provide room for negotiation between an insured institution and a surety company within regulatory limitations sufficiently restrictive to prevent unsafe and unsound practices by the institution. The general premise underlying the schedule is that a deductible should not exceed approximately two percent of an insured institution's net worth. The deductible is not tied directly to net worth since (a) that figure may fluctuate considerably over time and (b) it is desirable to retain the regulatory insurance "base" (insured institution's assets plus the unpaid balance of loans serviced for others). It is therefore assumed that "net worth" would be considered to be five percent of the base amount and the schedule is designed to set the maximum deductible at no more than two percent of such figure (i.e., 1/10 of 1% of the base). An exception is made for very small institutions because the Bank Board believes that a deductible up to \$1000 may be acceptable even when strict application of the percentage schedule would dictate a lesser amount. Also, because the dollar amount represented by 1/10 of 1% of the base eventually becomes unacceptably large as the base increases, a sliding scale is imposed. For example, a three billion dollar base institution is subject to a maximum deductible of \$412,500 or only 0.275 of 1% of the 5%-of-base-net-worth figure. The Bank Board believes that such an amount is large enough to allow a negotiated deductible without endangering the solvency of the institution. Of course, the negotiated deductible may be, and often should be, less than the maximum deductible.

B. Acceptable Surety Companies. The Bank Board has been unique among the Federal financial regulatory agencies in that it has attempted not only to prescribe the type and amount of bond coverage FSLIC-insured institutions must carry, but also to determine which insurance companies may write that bond coverage. This latter effort was never expressed

tion preinspection of passengers and crews departing Freeport, Bahamas and Calgary, Alberta, Canada, respectively.

Also, Bahamas Air Holdings Ltd., Delta Air Lines Inc., and Eastern Air Lines Inc., entered into agreements with the Commissioner of Immigration and Naturalization on Form I-425 for immigration inspection of their passengers and crews at Freeport, Bahamas. In addition, Air Canada, Hughes Air West and Western Airlines Inc., entered similar agreements for the immigration preinspection of their passengers and crews at Calgary, Alberta, Canada.

Accordingly, the Service regulations at 8 CFR 238.4 will be amended to add Calgary and Freeport and the signatory transportation lines to the listing.

In the light of the foregoing, Chapter I of Title 8 of the Code of Federal Regulations is hereby amended as follows:

§ 238.4 [Amended]

In § 238.4, *Preinspection outside the United States*, the listing of places and signatory lines is amended by inserting the following two listings immediately following the listing for "At Bermuda", and immediately preceding the listing for "At Montreal":

• • •
AT CALGARY

Air Canada
Hughes Air West
Western Airlines Inc.

• • •
AT FREEPORT

Bahamas Air Holdings Ltd.
Delta Air Lines Inc.
Eastern Air Lines Inc.

(Sec. 103 and 238(b); (8 U.S.C. 1103 and 1228(b)))

These amendments are published pursuant to 5 U.S.C. 552 as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments add preinspection ports and transportation lines to the listing, and are editorial in nature.

Effective date. The amendments contained in this order become effective on January 24, 1979.

Dated: January 19, 1979.

LEONEL J. CASTILLO,
Commissioner of

Immigration and Naturalization.

[FR Doc. 79-2544 Filed 1-23-79; 8:45 am]

in the FSLIC regulations, but nevertheless has survived as a formal policy of the agency since its earliest days. At least as early as 1937, the FSLIC adopted the United States Treasury Department's list of casualty and surety companies approved by that department for writing bonds running to the Federal government as the authoritative index of insurers approved to write savings and loan blanket bonds. The Treasury Department's criteria are quite stringent, and as the number of insurers on the Treasury list still offering bonds to financial institutions has dwindled to only a few over the years, the desirability of retaining that list as the only index has become questionable. Lack of competition in the financial institution bond market, especially with respect to savings and loans, may be the prime cause of high premium rates and lack of interest in providing coverage to associations with an adverse loss history. Removing, or at least reducing, the criteria for approval of a surety encourages competition from insurance companies which currently do not qualify by Treasury standards to offer bonds on Federal projects, including certain domestic and foreign surplus lines insurers.

DISCUSSION OF MAJOR COMMENTS

One respondent suggested making no change in the schedule of permissible deductible amounts but permitting variances from that schedule when approved by the FSLIC. This suggestion is not adopted because the additional paper work which it would involve appears unjustified.

One respondent suggested retaining the former provision permitting an increase in the deductible amounts up to three times the scheduled amounts in those cases where high loss ratios have been experienced. This suggestion is not adopted because the new larger deductible limits provide adequate flexibility. The Bank Board expects that insured institutions will be able under the new regulation to obtain proper coverage at reasonable rates even where high loss ratios have been experienced, particularly since the new policy statement enlarges the number of acceptable surety companies.

One respondent suggested that the revised regulation call attention to the fact that there may be particular situations which would dictate bond coverage in excess of \$3,000,000. Also, this respondent requested that the Bank Board point out that the deductible amounts specified are maximums, and that each institution is expected to obtain a deductible appropriate to its particular situation. The Bank Board believes the regulation is sufficiently

clear on both points without further specificity or explanation.

Some respondents expressed apprehension that the new schedule will result in forcing insured institutions to accept much higher deductibles with only minimum relief in premium expense. One respondent recommended moving toward higher deductible amounts on a gradual basis over a period of time. One respondent noted that surety companies have recently excluded various types of losses without reducing premiums. The new policy statement, increasing the number of acceptable surety companies, is intended to increase competition which should mitigate these problems. The Bank Board's staff will monitor this situation.

Two respondents suggested that the deductible amounts for larger institutions appear excessive. One of these respondents suggested a maximum deductible amount of \$100,000 and the other suggested further research before adopting a new schedule of deductible amounts. In finalizing the proposed schedule, the Bank Board points out that the regulation prescribes maximum deductible amounts, leaving the actual amounts to negotiation between an insured institution and its surety company.

Two respondents suggested that the acceptability of surety companies should be based on more than the fact that the companies are licensed in the various states, i.e. require a certain "rating" or specify some ratio of the policy limit to the surety company's surplus. The Bank Board has not adopted this suggestion because the administrative burden of monitoring such criteria would be substantial and does not appear justified. However, sound business judgment would dictate that an insured institution consider the financial soundness of its surety company prior to taking a bond written by that company.

Accordingly, 12 CFR Parts 563 and 571 of the Rules and Regulations for Insurance of Accounts are hereby amended by revising § 563.19(b) and adding § 571.14 to read as set forth below, effective February 26, 1979.

§ 563.19 Bonds for directors, officers, employees, and agents; form of and amounts of bonds.

(b) No insured institution shall be required to maintain such bond coverage in an amount greater than \$3,000,000. Such bond coverage may provide for a deductible amount from any loss which otherwise would be recoverable from the bonding company. A deductible amount may be applied separately to one or more insuring agreements. The bond shall not pro-

vide for more than one deductible amount from all losses caused by the same person or caused by the same persons acting in collusion or combination in cases in which such losses result from dishonesty of employees (as defined in the bond). A deductible shall not exceed an amount determined according to the following schedule:

Base	Permissible deductible
\$25,000,000 and under.....	.001 of base or \$1,000, whichever is greater.
\$25,000,001 to \$250,000,000.....	\$25,000 plus .0005 of base over \$25 million.
Over \$250,000,000.....	\$137,500 plus .0001 of base over \$250 million.

§ 571.14 Fidelity bonds; acceptable surety companies.

Section 563.19 of this subchapter in part requires each insured institution to maintain bond coverage with a bonding company acceptable to the Corporation. Any surety or insurer meeting one or more of the following criteria is acceptable:

- (a) Underwriters holding certificates of authority as acceptable sureties on Federal bonds, as listed in the most recent issue of the United States Treasury Department Circular No. 570, to the limits established by such circular;
- (b) Underwriters currently licensed to issue surety bonds by the State in which the home office of the insured institution is located, subject to all restrictions and requirements imposed by the licensing State; or
- (c) Underwriters approved to do business as surplus lines insurers under the laws of the State in which the home office of the insured institution is located, subject to all restrictions and requirements imposed by the surplus lines laws of such State.

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

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 79-2447 Filed 1-23-79; 8:45 am]

[7535-01-M]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Treasury Tax and Loan Accounts

AGENCY: National Credit Union Administration.Q04

ACTION: Final Rule.Q04

SUMMARY: This rule authorizes Federal Credit Unions to participate as depositaries for funds representing payments for certain United States obligations and payments of Federal taxes as authorized by Pub. L. 95-147 of October 28, 1977. This action is required to accommodate amendments to Treasury regulations which require the payment of interest on Treasury Tax and Loan Accounts and immediate availability of such funds upon demand.

EFFECTIVE DATE: January 22, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

Mike Fischer, Special Assistant for Examination and Insurance at the above address. Telephone: (202) 254-8760.

SUPPLEMENTARY INFORMATION: Federal credit unions have long been authorized to act as fiscal agents of the United States under Section 121 of the Federal Credit Union Act. The enactment of Pub. L. 95-147 and the issuance of appropriate Treasury Regulations make it possible for FCUs to exercise that power by acting as depositaries for Treasury Tax and Loan Accounts. The regulatory changes to enable Federal credit unions to participate in the Treasury program include the establishment of two new types of share accounts which are not subject to the notice requirements of Article III, Section 5 of the FCU Bylaws.

Department of Treasury regulations provide that a Treasury Tax and Loan Depository may elect to participate either under the "remittance option" or the "note option." Under the "remittance option" funds credited by the depository to its Treasury Tax and Loan (TT&L) Account will be withdrawn by the Federal Reserve Bank immediately upon receipt of advices of credit supporting such deposits. Under the "note option" such funds will be held in an account (subject to call) which represents an investment in the depository by Treasury, and will be

evidenced by an open-ended interest-bearing note maintained at the Federal Reserve Bank of the district in which the depository is located.

This rule provides that funds held under either the "remittance option" or the "note option" shall be considered public unit funds for share insurance purposes and as such are insured up to \$100,000 in the aggregate by the National Credit Union Share Insurance Fund and are subject to share insurance premium charges.

Funds held under the "note option" are not considered borrowed funds for purposes of the limitation on borrowing in Section 107(9) of the FCU Act. The Administration believes that Congress, in passing Pub. L. 95-147, did not intend that an FCU's ability to borrow to meet the needs of its members be in any way inhibited by the FCU's participation in Treasury's program. Accordingly, the amendments approved today will promote Congress' purpose in enacting this legislation to provide Treasury with a direct means of obtaining interest on its cash balances while not impacting on an FCU's borrowing authority.

FCUs are cautioned that funds in TT&L accounts are highly volatile and should not be placed in long term investments. Treasury will call for the funds held in "note option" TT&L accounts as required to meet its cash needs. The frequency of the calls depends upon the depository's class which is based upon the depository's annual volume of activity in TT&L accounts. The frequency of Treasury calls will range from daily to 3 or 4 times a month. Newly designated depositaries will initially be placed in the low volume class (Class "A"—annual TT&L deposits of \$7.5 million or less). The Treasury calls on Class "A" depositaries will generally be by mail and may take the form of requiring remittance of all deposits in TT&L accounts as of the call date within 5 days of the call date. In addition to their volatility, the requirement to pay the stipulated return to Treasury on note option TT&L accounts should cause FCUs to give serious consideration to the overall impact on operations that will result from such accounts before offering this service.

This rule also provides that FCUs may pledge specifically identified assets of the FCU as collateral for TT&L accounts and to enter into such custodial arrangements as may be necessary to meet Department of Treasury requirements for TT&L accounts.

Department of Treasury regulations set forth the requirements and conditions for TT&L depositaries. Interested parties are referred to 31 CFR Parts 203 and 214 and to the Treasury publication entitled "Procedural Instructions for Treasury Tax and

Loan Depositaries." The latter publication is available from Federal Reserve Banks.

This rule aids in implementing new legislation and augments regulations of the Treasury which became effective November 2, 1978. The Administration believes that significant public benefit will result from its immediate adoption. The immediate adoption of the final rules will remove uncertainty concerning the nature of and insured status of TT&L accounts for FCUs. This will permit FCUs to prepare immediately for participation in the Treasury program. Consequently, the Administration has determined that the procedures for notice, public participation, and deferred effective date as provided in the Administrative Procedure Act (5 U.S.C. Section 553) are unnecessary and would not serve the public interest.

Accordingly, 12 CFR Part 701 is amended by adding a new section 701.37 as set forth below.

LAWRENCE CONNELL,
Administrator.

JANUARY 18, 1979.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1104 (12 U.S.C. 1798); sec. 107(15), 82 Stat. 284 (12 U.S.C. 1757(15)); sec. 121, 73 Stat. 637 (12 U.S.C. 1767); sec. 207(c)(2), 88 Stat. 1501 (12 U.S.C. 1787(c)(2)); and sec. 210, 91 Stat. 1277 (12 U.S.C. 1789).)

§ 701.37 Treasury tax and loan accounts.

(a) 31 CFR Part 203, Department of Treasury Regulations states that every credit union insured by the Administrator of the National Credit Union Administration is eligible to be designated as a Treasury tax and loan (TT&L) depository. The application procedures and requirements for designation as a TT&L depository are as set forth in the Department of the Treasury Regulations.

(b) Definitions of terms as used in this part:

(1) TT&L Remittance Account—means an account, the balance of which is subject to the right of immediate withdrawal, established for receipt of payments of Federal taxes and certain United States obligations.

(2) TT&L Note Account—means an account subject to the right of immediate call, evidencing funds held by depositaries electing the note option under applicable U.S. Treasury Department regulations.

(c) Upon designation as a Treasury tax and loan depository, a Federal credit union may establish a TT&L Remittance Account for the receipt of payments of Federal taxes and certain U.S. obligations. Funds in the TT&L Remittance Account are not eligible to receive dividends and are not subject to the 60 day notice requirement of

Article III, Section 5 of Federal Credit Union Bylaws.

(d) Credit unions selecting the Note Option under 31 CFR Part 203.9 may hold funds in a TT&L Note Account in accordance with Department of Treasury Regulations. Funds held in the credit union's TT&L Note Account shall bear interest at the rate specified in the Department of Treasury regulations. Funds held in TT&L Note accounts are not considered borrowings for purposes of Section 107(9) of the FCU Act and are not subject to the 60 day notice requirement of Article III, Section 5 of Federal Credit Union Bylaws.

(e) The sum of the amounts held in the TT&L Remittance Account and the TT&L Note Account shall not exceed 10 per centum of the total assets of the credit union.

(f) For share insurance purposes, funds in the TT&L Remittance Account and the TT&L Note Account shall be considered public unit funds and as such are insured up to a maximum of \$100,000 in the aggregate. The share insurance premium paid shall include a premium equal to one-twelfth of 1 per centum of the total amount of funds in the TT&L Remittance Account and the TT&L Note Account at the close of the preceding insurance year.

(g) A Federal credit union may pledge specifically identified assets as collateral for TT&L Remittance and Note Accounts and may enter into such custodial arrangements as may be necessary to meet Department of Treasury requirements for collateral on TT&L accounts.

[FR Doc. 79-2539 Filed 1-23-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Docket C-2942. Lockheed Corporation

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 Burbank, Calif. aircraft manufacturer and its subsidiaries to cease offering or making payments to influential foreign entities for the purpose of preventing competition in the sale of their aircraft abroad; and to keep

adequate documentation for all payments, brokerage fees, commissions, or political campaign contributions paid to any one foreign party which total annually in excess of \$100,000. The firms would additionally be required to report to the Commission, within ten days, any corporate policy change which relates to foreign sales activities.

DATES: Complaint and order issued Dec. 21, 1978.¹

FOR FURTHER INFORMATION CONTACT:

FTC/C, Jaime Taronji, Jr., Washington, D.C. 20580. (202) 376-2894.

SUPPLEMENTARY INFORMATION: On Monday, August 21, 1978, there was published in the FEDERAL REGISTER, 43 FR 36973, a proposed consent agreement with analysis in the Matter of Lockheed 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.

No comments having been received, 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 13, are as follows: Subpart-Combining or Conspiring: § 13.410 To eliminate competition in conspirators' goods; § 13.470 To restrain or monopolize trade. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart-Discriminating In Price Under Section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage, or Other Compensation Under 2(c): § 13.810 Buyers' corporate or other agent.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1528; 15 U.S.C. 45, 13.)

CAROL M. THOMAS, Secretary.

[FR Doc. 79-2441 Filed 1-23-79; 8:45 am]

[6750-01-M]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Docket C-2943. The Boeing Company

AGENCY: Federal Trade Commission.

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

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 Seattle, Wash. aircraft manufacturer and its subsidiaries to cease offering or making payments to influential foreign entities for the purpose of preventing competition in the sale of their aircraft abroad; and to keep adequate documentation for all payments, brokerage fees, commissions, or political campaign contributions paid to any one foreign party which total annually in excess of \$100,000. The firms would additionally be required to report to the Commission, within ten days, any corporate policy change which relates to foreign sales activities.

DATES: Complaint and order issued Dec. 21, 1978.¹

FOR FURTHER INFORMATION CONTACT:

FTC/C, Jaime Taronji, Jr., Washington, D.C. 20580. (202) 376-2894.

SUPPLEMENTARY INFORMATION: On Monday, August 21, 1978, there was published in the FEDERAL REGISTER, 43 FR 36973, a proposed consent agreement with analysis in the Matter of The Boeing Company, 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.

No comments having been received, 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 13, are as follows: Subpart-Combining or Conspiring: § 13.410 To eliminate competition in conspirators' goods; § 13.470 To restrain or monopolize trade. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart-Discriminating In Price Under Section 2, Clayton Act—Payment Or Acceptance Of Commission, Brokerage Or Other Compensation Under 2(c): § 13.810 Buyers' corporate or other agent.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1528; 15 U.S.C. 45, 13.)

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-2440 Filed 1-23-79; 8:45 am]

[6740-02-M]

**Title 18—Conservation of Power and
Water Resources**

**CHAPTER I—FEDERAL ENERGY
REGULATORY COMMISSION**

[Docket No. RM79-31]

**SUBCHAPTER I—OTHER REGULATIONS UNDER
THE NATURAL GAS POLICY ACT OF 1978**

**PART 284—CERTAIN SALES AND
TRANSPORTATION OF NATURAL
GAS**

**Interim Regulations Implementing the
Natural Gas Policy Act of 1978**

Correction

In FR Doc. 78-35477, appearing at page 59481 in the issue for Thursday, December 21, 1978, on page 59482, the last two items on the page, labeled "Page 362 . . ." and "Page 364 . . ." should be corrected as follows:

1. The first of these items should read "Page 363: Delete the entire page."
2. The second item should be deleted.

[4810-25-M]

**Title 31—Money and Finance:
Treasury**

**SUBTITLE A—OFFICE OF THE SECRETARY,
DEPARTMENT OF THE
TREASURY**

**PART 10—PRACTICE BEFORE THE
INTERNAL REVENUE SERVICE**

**Amendment of the Regulations Govern-
ing Solicitation by Practitioners
Before the Internal Revenue Service**

AGENCY: Department of the Treasury.

ACTION: Final Rule.

SUMMARY: The rule amends the advertising and solicitation provisions of the regulations governing practice by attorneys, certified public accountants, enrolled agents and others who represent clients before the Internal Revenue Service. The purpose of this amendment is to permit the expansion

of advertising and solicitation by Internal Revenue Service practitioners. This change is based upon recent judicial determinations on the subject of advertising and solicitation by the professions. Consistent with this change, provisions relating to solicitation, formerly in §10.24 of the regulations, have been incorporated in the provisions of Section 10.30.

EFFECTIVE DATE: This revision of Part 10 becomes effective on January 24, 1979.

**FOR FURTHER INFORMATION,
CONTACT:**

Mr. Leslie S. Shapiro, Director of Practice, 202-376-0767.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 14, 1978, the Department of the Treasury (hereinafter referred to as the Department) published proposed amendments to the regulations governing practice before the Internal Revenue Service (31 CFR Part 10) in the FEDERAL REGISTER (43 FR 25695). The regulations in 31 CFR Part 10 (reprinted as Treasury Department Circular No. 230) govern the conduct of attorneys, certified public accountants, enrolled agents and others in their practice before the Internal Revenue Service. Section 10.30 of the current regulations prohibits advertising and solicitation of employment in matters related to the Internal Revenue Service. The proposed amendment expanded advertising and solicitation by those practitioners.

Amendment to the regulations allowing increased solicitation and advertising was deemed warranted because of the United States Supreme Court decision in *Bates v. State Bar of Arizona*, 433 U.S. 350, 97 S.Ct. 2691, 53 L.Ed. 2d 810 (1977). In *Bates*, the Court held that an absolute ban on lawyer advertising violated the freedom of speech clause of the First Amendment to the Constitution and that some forms of lawyer advertising are permissible.

Written comments on the proposal were invited and a public hearing was held on September 26, 1978. After consideration of all comments received, the proposal is adopted as revised by this document.

DISCUSSION OF MAJOR COMMENTS

GENERAL COMMENTS

1. Scope of Regulations

Some comments asserted that those practicing before the Internal Revenue Service should have greater freedom to advertise than the proposal provided. In doing so, the commenters believed that such a restriction would result in minimal regulation. Those as-

serting this position interpreted the *Bates* decision as standing for the proposition that all commercial information should be freely disseminated unless it is false or misleading.

The Department is of the view that this interpretation of *Bates* is not consistent with the Court's decision. The issue in *Bates* was limited to whether attorneys may advertise fees for routine legal services. The Court held that such fee advertising came within First Amendment protection, noting that the advertising allowed serves individual and societal interests in assuring informed and reliable decisionmaking. However, the Supreme Court did not hold that there may be no regulation of other aspects of solicitation, indicating some of them could be restricted as appropriate.

One of the issues the *Bates* opinion reserved was addressed in two subsequent Supreme Court decisions. In *Ohralik v. Ohio State Bar Association*, 46 USLW 4511 (May 30, 1978), the need to protect the consumer from the potential harms of solicitation was demonstrated by the Court. The Court upheld a prohibition on in-person solicitation by attorneys, stating "the aim and effect of in-person solicitation may be to provide a one-sided presentation and to encourage speedy and perhaps uninformed decision-making." The *Ohralik* decision therefore permits a prohibition on truthful in-person solicitation of employment for pecuniary gain under circumstances likely to pose dangers to the consumer. The Supreme Court, in *in Re Primus*, 46 USLW 4519 (May 30, 1978), also dealt with in-person solicitation by an attorney in behalf of a non-profit organization. It found that the First Amendment right of association afforded non-profit organizations the right to engage in such solicitation as a means of political expression and because of the unlikelihood of pecuniary gain. Although *Primus* permits non-profit organizations to engage in in-person solicitation, the Court noted there could be carefully tailored regulations governing such activity.

The Department believes the Supreme Court, in sanctioning certain advertising by professionals, was principally concerned with providing the public the opportunity to make informed decisions in selecting an attorney. The *Bates* decision recognizes that advertising can be a valuable tool for consumer education. However, the *Ohralik* and *Primus* decisions demonstrate that, on balance, not all forms of solicitation are desirable, and recognize the propriety of prohibitions on forms of solicitation which could be detrimental to the consumer, such as in-person solicitation.

2. Application of Regulations

The advertising and solicitation rules in the proposed regulations would expressly apply to all individuals eligible to practice before the Internal Revenue Service in any matter related to the Internal Revenue Service. Some commenters suggested that the advertising and solicitation provisions should apply only to practice before the Internal Revenue Service as defined by § 10.2(a) of the regulations. Section 10.2(a) defines "practice" as "all matters connected with presentation to the Internal Revenue Service or any of its officers or employees relating to a client's rights, privileges, or liabilities under the laws or regulations administered by the Internal Revenue Service." The preparation of tax returns is expressly excluded. If the advertising and solicitation provisions were limited only to practice before the Internal Revenue Service, practitioners could advertise tax return preparation services without coming under the regulations' restrictions. In evaluating these comments, the Department found that such a limitation would be inconsistent with the purpose of its regulations. Such regulations govern all aspects of professional services offered, including the preparation of Federal tax returns. Consequently, there is no basis for limiting the application of the regulations.

3. Relationship With Other Regulations

Two comments received addressed that portion of the preamble to the proposed rule which stated that "the proposed advertising and solicitation rules set forth will not supersede or preempt any advertising and solicitation rules applied to practitioners before the Internal Revenue Service by any national, state, or local organizations controlling the professional conduct of Internal Revenue Service practitioners." It was suggested that this language either be clarified or eliminated. The statement in the preamble reflected the Department's recognition that the professional conduct of many practitioners before the Internal Revenue Service is also circumscribed by rules adopted by national, state or local organizations. Its purpose was to place such practitioners on notice of the requirement to follow those rules where appropriate. Accordingly, it is not believed the language need be deleted or clarified.

SPECIFIC COMMENTS AND CHANGES

10.24—Assistance From Disbarred or Suspended Persons and Former Internal Revenue Service Employees

One commenter called our attention to the fact that proposed § 10.24(c)

was inconsistent with the provision contained in § 10.26 of the regulations. Both prohibit a practitioner from accepting assistance from any former Government employee in any matter in which the former employee had "official responsibility" while with the Government. However, the prohibition in proposed § 10.24(c) would have been a lifetime bar while the prohibition in § 10.26 is for one year. This was not the intent of the proposal and the final regulation has been clarified in accordance with the comment.

10.30(a)—Advertising and Solicitation Restrictions

Two comments stated that the term "Solicitation Restrictions" as used in the heading was vague and misleading as to the scope of the provision's application. In order to clarify this, § 10.30(a) has been retitled "Advertising and Solicitation Restrictions."

10.30(a)(1)—General Restrictions

One comment suggested that the prohibition on advertising the "quality of services rendered" would prohibit the dissemination of useful information subject to factual verification and therefore should be deleted. The Department concurs that such information may assist taxpayers and believes that only the advertising of quality of services not subject to factual verification should be prohibited. Accordingly, the final rule has been revised to more clearly reflect this belief.

Several comments suggested that the prohibition of self-laudatory statements be eliminated because it is vague and ambiguous. The Department agrees and this prohibition has been deleted.

Consistent with the Supreme Court decisions in *Ohralik* and *Primus*, and to further reflect the Department's intent, the words "coercive" and "unduly influencing" have been added to the prohibition in § 10.30(a)(1).

10.30(a)(2)—Prohibition on Advertising Former Internal Revenue Service Employment

Comments suggested that the prohibition on making any written or oral statement referring to a past or present connection with, or relationship to, the Internal Revenue Service be deleted. The comments stressed that the prohibition would prevent taxpayers from receiving valuable information helpful in the selection of a tax practitioner. Further, the comments suggested that any abuses resulting from the deletion of this provision are addressed in other provisions of the regulations. The Department concurs, and the prohibition has been deleted from the final rule.

10.30(a)(3)—In-Person Solicitation

1. General

Some comments recommended the proposal's prohibition on in-person solicitation be deleted. The commenters believed that in-person solicitation is valuable to the public and would present no situations which could lead to overreaching and other "vexatious conduct" by practitioners.

As previously discussed, the Supreme Court addressed the issue of in-person solicitation by attorneys in the *Ohralik* case. The Court stated that in-person solicitation does not give the recipient opportunity to reflect or compare other information and could demand an immediate response, thereby exerting pressure on the potential client. The Department believes that the complexity of our tax laws and the anxiety which many taxpayers feel when confronted with matters such as examination of tax returns, imposition of tax liens and estate tax issues for bereaved family members of decedents, indicate that, at this stage of our experience, limitations be placed on in-person solicitation. Hence, to avoid the opportunity for overreaching, the invasion of a taxpayer's privacy and situations where the judgment of the practitioner on behalf of the client may be clouded by his own pecuniary self-interest, the prohibition on in-person solicitation is continued in the final regulations.

Two comments requested that the Department clarify the phrase "without the intervention of print or electronic media." This proposed phrase was intended to delineate various types of in-person solicitation from other types of solicitation. To eliminate any ambiguity, the phrase has been replaced and examples of activity which are deemed to constitute forms of in-person solicitation are given.

One comment suggested that the term "solicitation" be replaced with the phrase "uninvited solicitation" to make clear that an exchange of information which could be characterized as invited in-person solicitation would be proper. The Department is of the view that invited solicitation by its nature ordinarily would be outside the application of the restriction. However, to clarify any possible ambiguity, the word "uninvited" was added to the final regulation.

2. Mailings

Several comments requested clarification of in-person solicitation mailings which would be permitted by the regulations. One comment recommended it be deleted. The Department feels that general mailings will assist taxpayers and would be consistent with permitted advertising. The intent of the proposed regulations was to

sanction such general mailings and to prohibit mail designed for a specific potential client which addresses specific circumstances unique to that individual. It is believed that specific mailings may present potentials for harm similar to those of oral in-person solicitation. To alleviate any misunderstanding, the final regulation has been reworded to permit mailings when the contents are designed for the general public.

One comment requested clarification of the meaning of the term "potential client", questioning the scope of possible communication with a current or former client. The regulations were not intended to prohibit a practitioner from any communication with existing or former clients in related matters and the final rule has been clarified accordingly. Thus, it would be permissible for a practitioner who had prepared a client's 1977 tax return to inquire about preparing his 1978 return. It should be noted, however, that when a practitioner attempts to expand the business relationship to an unrelated matter, the existing or former client is viewed as a new client. An example of such expansion would be an attorney who represented an individual in a negligence action arising from an automobile accident and then sought to prepare the individual's tax returns.

3. Tax Exempt Organizations

Although no comments were received in regard to in-person solicitation by tax exempt organizations, the Department believes it is necessary to clarify this provision in the final rule. The final rule therefore provides that in-person solicitation by a party in behalf of the specified tax exempt organizations is permissible if it is not coercive. This addition is consistent with the previously discussed Supreme Court opinions. Further, the tax exempt organizations referred to in the regulations have been modified to include only those non-profit groups which pursue litigation as a vehicle for advancing effective political expression and association in furtherance of a tax exempt purpose. This is deemed appropriate under the *Primus* case and reflects clarity and consistency on the subject.

10.30(b)—Permissible Advertising

The title of the paragraph in the final rule is revised to read "Permissible Advertising." This change reflects the parallelism of the regulation by having § 10.30(a) entitled "Advertising and Solicitation Restrictions" and by having § 10.30(b) entitled "Permissible Advertising."

10.30(b)(1) Contents of Advertisements

Section 10.30(b)(1) now refers to § 10.30(d) in order to clarify the modes of communication practitioners may utilize in permissible advertising.

A number of comments were received suggesting that the phrase "enrolled to practice before the Internal Revenue Service" in § 10.30 of the former regulations be retained. The proposed regulations, in § 10.30(b)(1)(ix), sanction the use of a new enrollment legend "enrolled to represent taxpayers before the Internal Revenue Service." Since reference to one's enrollment to practice before the Internal Revenue Service is a relevant statement of fact, there was no intent to eliminate the previously allowed enrollment legend. Rather, the proposed regulation was designed to give the enrolled agent an alternate choice. To clarify this matter, § 10.30(b)(1)(ix) of the final regulations has been modified to include reference to both legends.

One comment expressed concern with the proposal which would permit statements limiting an individual's or a firm's practice to certain areas by stating that practitioners should only be able to advertise a limited practice if the national or local bodies exercising authority over the practitioners recognized the speciality. The Department believes, however, that information informing the consumer of the limited areas of practice in which an individual engages is factual in nature and relevant to informed decision making by a taxpayer.

Two comments were received regarding proposed § 10.30(b)(1)(x), which provides flexibility in an advertisement by permitting one to use facts which would be relevant in selecting a practitioner before the Internal Revenue Service. One comment suggested that if the regulations were to be truly flexible, the list of nine items which precede subparagraph "x" should be eliminated. Another comment stated that § 10.30(b)(1)(x) should be deleted because it is too broad, and suggested additional items be added to the listing preceding it. It is believed that proposed § 10.30(b)(1)(i) through (ix) furnishes the practitioner guidance as to the type of facts relevant to the selection of a practitioner. Section 10.30(b)(1)(x) provides needed flexibility in addition to the guidance of the subparagraphs preceding it. The Department remains of the view that the regulation gives the practitioner necessary guidance without restriction to a finite list of items. Accordingly, proposed § 10.30(b)(1)(x) has been retained in the final regulations.

10.30(b)(2)—Provision Relating to Biographical Insertions, Professional Cards, Letterheads and Announcements

Section 10.30(b)(2) of the proposed regulations makes reference to certain provisions in the rules of professional conduct of the American Bar Association, the American Institute of Certified Public Accountants, the National Society of Public Accountants, and the National Association of Enrolled Agents. These provisions apply to the use of biographical insertions, professional cards, letterheads and announcements. Three comments indicated it was improper for the regulations to refer to any organization's advertising and solicitation provisions. The Department believes the references to these organizations' standards, to the extent they are consistent with the Department's regulations, are essential in order to avoid the presentation of minutia in the regulations for this limited area, standards which may be considered in the periphery of solicitation. In addition, this approach to regulating these matters is identical to that currently employed in the Department's regulations and reflects a recommendation of the Chief Counsel's (Internal Revenue Service) Advisory Committee on Rules of Professional Conduct in the Committee's September 2, 1976 report.

Some comments suggested the rules of the National Association of Enrolled Federal Tax Accountants be included in § 10.30(b)(2). The Department believes reference to the National Association of Enrolled Federal Tax Accountants' rules would not provide additional guidance to enrolled agents and has not included such reference in the section.

One comment indicated that § 10.30(b)(2)(iii) was inconsistent with the references in § 10.30(b)(2)(i) and (ii). The commenter questioned the propriety of addressing membership by enrolled agents in the National Society of Public Accountants or the National Association of Enrolled Agents when the proposal does not address membership by attorneys or by certified public accountants in their respective organizations. The intent of § 10.30(b)(2)(iii) is to require enrolled agents, in these limited areas, to adhere to the relevant rules of one of the two named organizations. To clarify the provision, the inconsistent language has been omitted from the regulations.

10.30(c)—Fee Information

Two comments were concerned with the provision that clients were entitled, without charge, to a written estimate of the fees likely to be charged if the practitioner advertised fee infor-

mation. One comment stated it was not always feasible to give such a written estimate of fees likely to be charged; the other comment believed the requirement was of little value to the consumer but could pose serious hardships on a practitioner's ability to advertise fee information. The Department concurs in these comments and has deleted the requirement for free written estimates.

The proposed regulation requires that any advertisement or other communication of fixed fees for specific routine services be accompanied by a statement clearly indicating that the quoted fees are for services in matters of average complexity and that the actual fees for such services will depend upon the actual complexity of the client's particular matter. Two comments suggested that the statement be eliminated because it served no useful purpose and would result in an unneeded expense for the practitioner when advertising such fee information. The Department agrees, and the requirement has been deleted in the final rule.

10.30(d)—Communications

Some comments received questioned the necessity for the delineation of permissible forms of communications set forth in §10.30(d). The Department believes the regulation is necessary to provide the practitioner with guidance as to the forms of communication allowable, and has retained it in the final rule.

Two comments objected to the failure of this provision to include mailings as a public communication, believing mailings would be beneficial to the consumer and essential for the practitioner. The Department recognizes the need for clarification and the need to be consistent with permissible mailings addressed in §10.30(a)(2) of the final rule. The term "permissible mailings" therefore was added to this section.

One comment stated the term "print media" was ambiguous, and inquired as to whether mailings would be included as "print media." The term is used in this provision in the general sense of communication through means of the printed word. Inasmuch as the subject of permissible mailings is separately addressed in this section, the Department believes that the expressed ambiguity has been eliminated.

Two comments addressed the requirement in the proposed regulations that practitioners pre-record radio and television advertisements and retain the recordings. One suggested that retention of the written transcript was sufficient to assure that practitioners did not engage in false or misleading broadcasts. The other suggested that

retention of the audio portion of the broadcast was sufficient. Both stated the proposed regulations would pose an unnecessary financial burden on the practitioner and could restrict the use of electronic media advertising if required to retain the video portion of a television transmission. The Department reviewed the submitted financial evidence which indicated that the retention of the video portion of a pre-recorded television broadcast would be burdensome. Accordingly, the final regulation requires only the retention of a pre-recording of the audio portion of a broadcast.

10.30(e)—Improper Associations

Although there were no direct comments on this provision, several comments indirectly indicated their belief that the prohibition on enrolled agents from accepting employment from or affiliating with certain entities was too harsh. For example, commercial tax return preparation entities indicated their desire to employ enrolled agents. These entities stated that by their employment of enrolled agents, the expertise of their service would be enhanced, thereby benefiting the public. The Department believes these comments have merit. The prohibition which would have been imposed by proposed §10.30(e) has been modified to allow individuals authorized to practice before the Internal Revenue Service to be employed by those who advertise and solicit business contrary to the provisions in §10.30, as long as those practitioners neither practice before the Internal Revenue Service nor are represented (held out) as being eligible to practice before the Internal Revenue Service. The regulations would permit those individuals to hold themselves out and/or practice before the Internal Revenue Service in a capacity other than that of such an employee or affiliate.

COMMENTS BEYOND SCOPE

A number of comments were received which went beyond the scope of the notice of proposed rulemaking. Accordingly, such comments were not incorporated into the final regulation. These comments included recommendations:

1. That Circular 230 be revised to have a continuing education program for practitioners;
2. That Circular 230 be revised to have jurisdiction over individuals practicing as unenrolled return preparers under Revenue Procedure 68-20; and
3. That Circular 230 be revised to contain instructions for the general public in reporting violations of §10.30.

DRAFTING INFORMATION

The principal author of this amendment is Mr. Leslie S. Shapiro, Director of Practice, Office of the General Counsel, Department of the Treasury, and members of his staff. Personnel from other offices of the General Counsel, Department of the Treasury, and from the Internal Revenue Service also participated in developing this amendment.

AUTHORITY

This amendment is adopted under the authority of: Sec. 3, 23 Stat. 258, secs. 2-12, 60 Stat. 237 et seq.; 5 U.S.C. 301, 500, 551-559, 31 U.S.C. 1026, Reorg. Plan No. 26 of 1950, 15 F.R. 4935, 64 Stat. 1280, 3 CFR, 1949-1953 Comp., except as otherwise noted.

Accordingly, 31 CFR Part 10 is amended to read as follows:

Paragraph 1. §10.24, is revised to read as set forth below:

§ 10.24 Assistance from disbarred or suspended persons and former Internal Revenue Service employees.

No attorney, certified public accountant or enrolled agent shall, in practice before the Internal Revenue Service, knowingly and directly or indirectly:

- (a) Employ or accept assistance from any person who is under disbarment or suspension from practice before the Internal Revenue Service.
- (b) Accept employment as associate, correspondent, or subagent from, or share fees with, any such person.
- (c) Accept assistance from any former government employee where the provisions of §10.26 of these regulations or any Federal law would be violated.

PARAGRAPH 2. Section 10.30, is revised to read as set forth below:

§ 10.30 Solicitation.

(a) *Advertising and Solicitation restrictions.* (1) No attorney, certified public accountant, enrolled agent, or other individual eligible to practice before the Internal Revenue Service shall, with respect to any Internal Revenue Service matter, in any way use or participate in the use of any form of public communication containing a false, fraudulent, misleading, deceptive, unduly influencing, coercive or unfair statement or claim. For the purposes of this subsection, the prohibition includes, but is not limited to, statements pertaining to the quality of services rendered unless subject to factual verification, claims of specialized expertise not authorized by State or Federal agencies having jurisdiction over the practitioner, and statements or suggestions that the ingenuity and/or prior record of a representative rather than the merit of the matter are prin-

cial factors likely to determine the result of the matter.

(2) No attorney, certified public accountant, enrolled agent or other individual eligible to practice before the Internal Revenue Service shall make, directly or indirectly, an uninvited solicitation of employment, in matters related to the Internal Revenue Service. Solicitation includes, but is not limited to, in-person contacts, telephone communications, and personal mailings directed to the specific circumstances unique to the recipient. This restriction does not apply to: (i) Seeking new business from an existing or former client in a related matter; (ii) solicitation by mailings, the contents of which are designed for the general public; or (iii) non-coercive in-person solicitation by those eligible to practice before the Internal Revenue Service while acting as an employee, member, or officer of an exempt organization listed in sections 501(c) (3) or (4) of the Internal Revenue Code of 1954 (26 U.S.C.).

(b) *Permissible Advertising.* (1) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service, may publish, broadcast, or use in a dignified manner through any means of communication set forth in paragraph (d) of this section:

(i) The name, address, telephone number, and office hours of the practitioner or firm.

(ii) The names of individuals associated with the firm.

(iii) A factual description of the services offered.

(iv) Acceptable credit cards and other credit arrangements.

(v) Foreign language ability.

(vi) Membership in pertinent, professional organizations.

(vii) Pertinent professional licenses.

(viii) A statement that an individual's or firm's practice is limited to certain areas.

(ix) In the case of an enrolled agent, the phrase "enrolled to represent taxpayers before the Internal Revenue Service" or "enrolled to practice before the Internal Revenue Service."

(x) Other facts relevant to the selection of a practitioner in matters related to the Internal Revenue Service which are not prohibited by these regulations.

(2) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service may use, to the extent they are consistent with the regulations in this section, customary biographical insertions in approved law lists and reputable professional journals and directories, as well as professional cards, letterheads and announcements: *Provided*, That: (i) at-

torneys do not violate applicable standards of ethical conduct adopted by the American Bar Association, (ii) certified public accountants do not violate applicable standards of ethical conduct adopted by the American Institute of Certified Public Accountants, and (iii) enrolled agents do not violate applicable standards of ethical conduct adopted by either the National Society of Public Accountants or the National Association of Enrolled Agents.

(c) *Fee Information.* (1) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service may disseminate the following fee information:

(i) Fixed fees for specific routine services.

(ii) Hourly rates.

(iii) Range of fees for particular services.

(iv) Fee charged for an initial consultation.

(2) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service may also publish the availability of a written schedule of fees.

(3) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service shall be bound to charge the hourly rate, the fixed fee for specific routine services, the range of fees for particular services, or the fee for an initial consultation published for a reasonable period of time, but no less than thirty days from the last publication of such hourly rate or fees.

(d) *Communications.* Communications, including fee information, shall be limited to professional lists, telephone directories, print media, permissible mailings as provided in these regulations, radio and television. In the case of radio and television broadcasting, the broadcast shall be pre-recorded and the practitioner shall retain a recording of the actual audio transmission.

(e) *Improper Associations.* An attorney, certified public accountant or enrolled agent may, in matters related to the Internal Revenue Service, employ or accept employment or assistance as an associate, correspondent, or sub-agent from, or share fees with, any person or entity who, to the knowledge of the practitioner, obtains clients or otherwise practices in a manner forbidden under this section: *Provided*, That a practitioner does not, directly or indirectly, act or hold himself out as an Internal Revenue Service practitioner in connection with that relationship. Nothing herein shall prohibit an attorney, certified public accountant, or enrolled agent from

practice before the Internal Revenue Service in a capacity other than that described above.

NOTE.—The Department of the Treasury has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 17, 1979.

ROBERT H. MUNDHEIM,
General Counsel,
U.S. Department of the Treasury.
[FR. Doc. 79-2484 Filed 1-19-79; 3:59 pm]

[4810-25-M]

PART 10—PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Revision of the Provisions Governing Those Individuals Eligible To Practice Before the Internal Revenue Service

AGENCY: Department of the Treasury.

ACTION: Final Rule.

SUMMARY: The rule amends and revises the provision of 31 CFR Part 10, reprinted as Treasury Department Circular No. 230, which defines those individuals who are eligible to practice before the Internal Revenue Service. Currently, the regulations permit attorneys, certified public accountants and enrolled agents to practice before the Internal Revenue Service. The purpose of this rule is to permit enrolled actuaries to engage in practice before the Internal Revenue Service in connection with the provisions of the Internal Revenue Code involving pension plans under the Employee Retirement Income Security Act of 1974 (ERISA).

EFFECTIVE DATE: This revision of Part 10 becomes effective February 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie S. Shapiro, Director of Practice, 202-376-0767.

SUPPLEMENTARY INFORMATION: On August 3, 1978, the Department of the Treasury (Department) published a proposed rule (43 FR 34161) to amend the regulations governing practice before the Internal Revenue Service (31 CFR Part 10). A number of written comments were received regarding the proposed rule. Almost all parties submitting comments commended the regulations as proposed. One comment opposed the proposal, and several recommended technical amendments to the proposed regulation.

DISCUSSION OF MAJOR COMMENTS

GENERAL COMMENTS

The majority of comments strongly supported the proposed regulations as being a necessary element of the full service enrolled actuaries are qualified to provide. It was felt this would benefit their clients, the Internal Revenue Service, and pension plan participants.

COMMENT OPPOSING THE PROPOSAL

The comment opposing the proposed regulations stated that actuaries have no special qualifications to argue (before the Internal Revenue Service) questions of plan qualification, discrimination, and similar legal issues not related to funding. The implication of the comment appears to be that Internal Revenue Service appearances are adversary proceedings and that the questions addressed in the proposal are areas only attorneys should handle. Further, the comment disagreed with the premise that one can limit practice before the Internal Revenue Service to enumerated sections of the Internal Revenue Code because of those provisions' interrelationship with other Code sections.

The Department does not view Internal Revenue Service proceedings to be adversary in nature. Rather, it is the duty of the Internal Revenue Service to administer the Internal Revenue Code by correctly applying the laws enacted by Congress; to determine the reasonable meaning of various Code provisions in light of the Congressional purpose in enacting them; and to perform this work in a fair and impartial manner, with neither a government nor a taxpayer point of view. Under 31 CFR Part 10, attorneys, certified public accountants and enrolled agents are authorized to represent taxpayers before all administrative levels of the Internal Revenue Service. The fact that certified public accountants and enrolled agents are so authorized demonstrates that practice before the Internal Revenue Service does not involve a proceeding which necessarily requires the services of an attorney. The overwhelming consideration in proposing that enrolled actuaries practice in a limited area is that they possess an expertise in certain matters concerning pension plans that may be in issue in Internal Revenue Service proceedings. Consequently, there are significant benefits to the public and the Internal Revenue Service by permitting direct communication between enrolled actuaries and representatives of the Internal Revenue Service. The Department therefore has determined that enrolled actuaries are an appropriate class to engage in practice before the Internal Revenue Service within the ambit of their expertise.

The matter of how best to address practice by enrolled actuaries was carefully considered in drafting the proposed regulations. Such consideration included administrative issues and meaningful guidelines for enrolled actuaries. It was determined that limiting practice to specific statutory provisions was preferable to a more general authorization. It is believed that the interrelationship between those provisions under which enrolled actuaries would practice and other provisions of the Internal Revenue Code would not work a hardship on the sound administration of the revenue laws, and that the proposed regulations in this area should not be altered.

The comment further stated that under proposed § 10.51(g) of the regulations, enrolled actuaries could not be disbarred or suspended because they are not licensed by States. In addition, the absence of the term "enrolled" from the proposed amendment would not provide the Department authority to suspend or disbar an enrolled actuary who has his or her status as such suspended or terminated by the Joint Board for the Enrollment of Actuaries.

The Department does not concur in this interpretation. Under § 10.51 of Treasury Department Circular No. 230, one who practices before the Internal Revenue Service may be suspended or disbarred from such practice for an act of disreputable conduct. Proposed § 10.51(g) would include as disreputable conduct, suspension or disbarment as an actuary by any duly constituted authority of any State or Federal agency, body or board. The Department has found that certain States regulate the qualifications of actuaries who perform services under State laws and understands that the trends indicate growing regulation in this area. The proposal therefore should be considered prospective in nature to apply to any actuary who may be subject to State licensing. In addition, the Department is of the view that the absence of the word "enrolled" does not negate the Department's authority to disbar or suspend an enrolled actuary whose eligibility to perform actuarial services has been suspended or terminated by the Joint Board for the Enrollment of Actuaries. Such suspension or termination would preclude the individual from performing as an actuary those services his or her enrollment status authorizes. Accordingly, it is not believed any clarification is required.

PROPOSED AMENDMENTS

Several comments favored the proposed regulations, but recommended that practice by enrolled actuaries be expanded to include Internal Revenue

Code provisions not delineated in the proposed rule.

(1) Two commenters recommended that the proposed regulation be expanded to permit practice before the Internal Revenue Service in matters involving Section 403(b) of the Internal Revenue Code (taxability of beneficiary under annuity purchased by a Section 501(c)(3) organization or public school). One of the comments pointed out that Section 403(b)(2)(A)(ii) may involve, in the case of unallocated contributions to a defined benefit plan, calculations that are distinctly actuarial in nature.

The Department did not adopt this recommendation. Section 403(b) concerns non-actuarial conditions for tax-sheltered annuity treatment. It was determined these conditions would not be within the ambit of actuarial services, regardless of certain actuarial aspects of the annuities. The calculation of an excludable amount under Section 403(b)(2)(A) was a part of the Internal Revenue Code before ERISA and has been treated as a matter that does not necessarily require an enrolled actuary's expertise. Hence, there is insufficient justification to bring all provisions of Section 403(b) within limited practice rules.

(2) Several comments recommended that the regulations include Section 410 (minimum participation standards), Section 411 (minimum vesting standards), and Section 415 (limitations on benefits and contributions under qualified plans) of the Internal Revenue Code.

These recommendations were not adopted because these Sections are already incorporated by reference in Section 401(a), a Section under which the proposed regulations would permit enrolled actuaries to practice. Since issues arising under Sections 410, 411, and 415 come under Section 401(a), the Department does not believe any amendment is required.

(3) Two comments recommended that the regulations include Section 501 of the Internal Revenue Code (exemption from tax on corporations, certain trusts, etc.). In addition, one comment recommended inclusion of Section 503 (denial of tax exemption for certain tax-exempt entities including qualified employee benefit plans which engage in prohibited transactions), and one comment recommended inclusion of Section 4972 (taxes on excess contributions for self-employed individuals) to the extent it deals with excess contributions under defined benefit plans. Section 501(a), in part, provides for tax-exempt status for plans qualified under Section 401(g); thus, this provision of Section 501 is already included in the enrolled actuaries' proposed limited practice area. Other provisions of Section 501 are

concerned with the tax-exempt status of non-profit organizations and non-retirement employee benefit trusts, and are not particularly within an enrolled actuary's expertise. Similarly, Sections 503 and 4972 involve substantive areas that are not within the ambit of an enrolled actuary's expertise. The recommendations therefore were not adopted.

(4) Several comments recommended inclusion of Sections 6057, 6058, 6059, and 6692 of the Internal Revenue Code. These provisions concern reporting requirements and related penalties generally applicable to plan administrators. The Department agrees that these reporting requirements may involve actuarial computations. It is appropriate, therefore, that an enrolled actuary's practice include matters concerning the assessment of penalties against a plan administrator for failure to file accurate information. Accordingly, these provisions have been included in the final rule. In addition, Sections 6652 (e) and (f), which provide penalties for failure to comply with Sections 6057 and 6058, have been added to the regulations.

DRAFTING INFORMATION

The principal author of this amendment is Mr. Leslie S. Shapiro, Director of Practice, Office of the General Counsel, Department of the Treasury and members of his staff. Personnel from other offices of the General Counsel and from the Internal Revenue Service also participated in developing this amendment.

AUTHORITY

This amendment is adopted under the authority of: Sec. 3, 23 Stat. 258, secs. 2-12, 60 Stat. 237 et seq.; 5 U.S.C. 301, 500, 551-559, 31 U.S.C. 1026, Reorg. Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, 3 CFR, 1949-1953 Comp., except as otherwise noted.

Accordingly, 31 CFR Part 10 is amended to read as follows:

§ 10.3 [Amended]

1. Section 10.3 is amended as follows:

(a) By redesignating present paragraphs (d), (e) and (f) as paragraphs (e), (f) and (g) respectively;

(b) By adding a new paragraph (d), as follows:

(d) *Enrolled Actuaries.* (1) Any individual who is enrolled as an actuary by the Joint Board for the Enrollment of Actuaries pursuant to 29 U.S.C. 1242 may practice before the Internal Revenue Service upon filing with the Service a written declaration that he/she is currently qualified as an enrolled actuary and is authorized to represent the particular party on whose behalf he/she acts. Practice as an enrolled ac-

tuary is limited to representation with respect to issues involving the following statutory provisions.

Internal Revenue Code (Title 26 U.S.C.) sections: 401 (qualification of employee plans), 403(a) (relating to whether an annuity plan meets the requirements of section 404(a)(2)), 404 (deductibility of employer contributions), 405 (qualification of bond purchase plans), 412 (funding requirements for certain employee plans), 413 (application of qualification requirements to collectively bargained plans and to plans maintained by more than one employer), 414 (containing definitions and special rules relating to the employee plan area), 4971 (relating to excise taxes payable as a result of an accumulated funding deficiency under section 412), 6057 (annual registration of plans), 6058 (information required in connection with certain plans of deferred compensation), 6059 (periodic report of actuary), 6652(e) (failure to file annual registration and other notifications by pension plan), 6652(f) (failure to file information required in connection with certain plans of deferred compensation), 6692 (failure to file actuarial report), 7805(b) (relating to the extent, if any, to which an Internal Revenue Service ruling or determination letter coming under the herein listed statutory provisions shall be applied without retroactive effect); and 29 U.S.C. 1083 (relating to waiver of funding for nonqualified plans).

(2) An individual who practices before the Internal Revenue Service pursuant to this subsection shall be subject to the provisions of this part in the same manner as attorneys, certified public accountants and enrolled agents.

2. Section 10.51(g) is amended to include an actuary within the ambit of those covered, as follows:

§ 10.51 Disreputable conduct

(g) Disbarment or suspension from practice as an attorney, certified public accountant, public accountant, or actuary by any duly constituted authority of any State, possession, territory, Commonwealth, the District of Columbia, any Federal court of record, or any Federal agency, body or board.

NOTE.—The Department of the Treasury has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 17, 1979.

ROBERT H. MUNDHEIM,
General Counsel,

U.S. Department of the Treasury.
[FR Doc. 79-2485 Filed 1-19-79; 3:59 pm]

[3810-70-M]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER R—CHARTERS

[DoD Directive 5129.1]

PART 351—UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING

AGENCY: Office of the Secretary of Defense.

ACTION: Final Rule—Revision of DoD Charter Directive 5129.1.¹

SUMMARY: The Secretary of Defense has changed the title of the Director for Research and Engineering to the Under Secretary of Defense for Research and Engineering and has revised the charter, adding responsibilities and realigning relationships and authorities with other OSD and Defense components. This will effect a more efficient OSD command structure in that it reduces the Secretary's span of control.

EFFECTIVE DATE: November 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur H. Ehlers, Director for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), Washington, D.C. 20301, Telephone 202-695-4278.

SUPPLEMENTARY INFORMATION: This information is submitted in compliance with the requirements of section 552(a)(1) of Title 5, United States Code, and Recommendation 76-2 of the Administrative Conference of the United States.

Accordingly, Part 351 of Chapter I, 32 CFR is revised to read as follows:

Sec.

- 351.1 Purpose.
- 351.2 Responsibilities.
- 351.3 Functions.
- 351.4 Relationships.
- 351.5 Authorities.

AUTHORITY: 10 U.S.C. Chapter 4.

§ 351.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, United States

¹Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

Code, the Under Secretary of Defense for Research and Engineering (hereafter "the USDRE") is hereby assigned responsibilities, functions, and authorities as prescribed herein.

§ 351.2 Responsibilities.

The USDRE is the principal adviser and assistant to the Secretary of Defense for Department of Defense scientific and technical matters; basic and applied research; environmental services; and the development and acquisition of weapon systems. The USDRE is also the Defense Acquisition Executive with responsibilities prescribed in DoD Directive 5000.30, "Defense Acquisition Executive," August 20, 1976. For each assigned area the USDRE shall:

(a) Conduct analyses, develop policies, provide advice, make recommendations, and issue guidance on Defense plans and programs.

(b) Develop systems and standards for the administration and management of approved plans and programs.

(c) Initiate programs, actions, and taskings to ensure adherence to DoD policies and national security objectives; and to ensure that programs are designed to accommodate operational requirements.

(d) Review and evaluate programs for carrying out approved policies and standards.

(e) Inform appropriate organizations and personnel of new and significant scientific trends or initiatives.

(f) In conjunction with the Assistant Secretary of Defense (Comptroller), review proposed resource programs, formulate budget estimates, recommend resource allocations, and monitor the implementation of approved programs.

(g) Participate in those planning, programming, and budgeting activities which relate to USDRE responsibilities.

(h) Review and evaluate recommendations on requirements and priorities.

(i) Promote coordination, cooperation, and mutual understanding within the Department of Defense and between the DoD and other Federal agencies and the civilian community.

(j) Serve on boards, committees, and other groups pertaining to the USDRE's functional areas, and represent the Secretary of Defense on USDRE matters outside the Department of Defense.

(k) Perform such other duties as the Secretary of Defense may from time to time prescribe.

§ 351.3 Functions.

The USDRE shall carry out the responsibilities described in § 351.2 for the following functional areas:

(a) Scientific and technical information.

(b) Basic and applied research.

(c) Design and engineering, including life-cycle considerations.

(d) Development and acquisition of weapon systems, including procurement policy and production planning.

(e) Test and evaluation in accordance with DoD Directive 5000.3, "Test and Evaluation," April 11, 1978, to include review and approval of the T&E Master Plan (TEMP).

(f) Environmental services.

(g) Assignment and reassignment of research and engineering and acquisition responsibility for systems, activities, and programs.

(h) Coproduction and research interchange with friendly and allied nations, in conjunction with the Under Secretary of Defense for Policy.

(i) Contract placement and administration for research, development and weapon systems acquisition programs.

(j) Such other areas as the Secretary of Defense may from time to time prescribe.

§ 351.4 Relationships.

(a) In the performance of the duties, the USDRE shall:

(1) Exercise direction, control and authority over:

(i) The Assistant Secretary of Defense (Communications, Command, Control, and Intelligence), who shall also serve as the Principal Deputy Under Secretary of Defense for Research and Engineering;

(ii) The Assistant to the Secretary of Defense (Atomic Energy);

(iii) The Defense Advanced Research Projects Agency, the Defense Mapping Agency, the Defense Nuclear Agency, and, through the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence), the Defense Communications Agency.

(2) Exercise, through the Assistant Secretary of Defense (Communications, Command, Control, and Intelligence), staff supervision on resource management matters over:

(i) The Defense Communications Agency, Defense Intelligence Agency, and National Security Agency;

(ii) Air Force and Navy special intelligence programs;

(iii) Defense communications and intelligence functions retained by the Military Departments.

(3) Coordinate and exchange information with other DoD organizations having collateral or related functions.

(4) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(b) All DoD organizations shall coordinate all matters concerning the functions cited in § 351.3 with the USDRE.

§ 351.5 Authorities.

The USDRE is hereby delegated authority to:

(a) Issue DoD Instructions and one-time directive-type memoranda which carry out policies approved by the Secretary of Defense, in assigned fields of responsibility as prescribed in DoD Directive 5025.1, "Department of Defense Directives System," November 18, 1977. Instructions to the Military Departments will be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands will be issued through the Joint Chiefs of Staff.

(b) Obtain such reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 5000.19, "Policies for the Management and Control of Information Requirements," March 12, 1976 as the USDRE deems necessary.

(c) Communicate directly with heads of DoD organizations, including the Secretaries of the Military Departments, the Joint Chiefs of Staff, the Directors of Defense Agencies, and, through the Joint Chiefs of Staff, the Commanders of Unified and Specified Commands.

(d) Establish arrangements for DoD participation in those nondefense governmental programs for which the USDRE has been assigned primary cognizance.

(e) Approve, modify or disapprove research and development, environmental services and acquisition programs and projects of the Military Departments and other Department of Defense agencies in assigned fields.

(f) Communicate with other Government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

JANUARY 19, 1979

[FR Doc. 79-2545 Filed 1-23-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

[FRL 1043-1]

PART 52—APPROVAL AND PROMULGATION
OF IMPLEMENTATION
PLANSComprehensive Document
Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of State Implementation Plan Documents.

SUMMARY: In compliance with Section 110(h) of the Clean Air Act, this action announces the availability of the comprehensive documents setting forth all requirements of each State's applicable implementation plan. Anyone wishing to submit comments regarding these documents or requiring more detailed information on any of the regulations contained therein should direct them to the appropriate Environmental Protection Agency (EPA) Regional Office. The address and area of responsibility for each Regional Office are presented elsewhere in this notice.

EFFECTIVE DATE: January 24, 1979.

ADDRESS: The comprehensive State Implementation Plan (SIP) documents are available for a nominal fee from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. All requests should refer to the comprehensive document by the EPA document numbers listed below.

State	EPA Document No.
Alabama	EPA-450/3-78-050
Alaska	EPA-450/3-78-051
Arizona	EPA-450/3-78-052
Arkansas	EPA-450/3-78-053
California	EPA-450/3-78-054
Colorado	EPA-450/3-78-055
Connecticut	EPA-450/3-78-056
Delaware	EPA-450/3-78-057
District of Columbia	EPA-450/3-78-058
Florida	EPA-450/3-78-059
Georgia	EPA-450/3-78-060
Hawaii	EPA-450/3-78-061
Idaho	EPA-450/3-78-062
Illinois	EPA-450/3-78-063
Indiana	EPA-450/3-78-064
Iowa	EPA-450/3-78-065
Kansas	EPA-450/3-78-066
Kentucky	EPA-450/3-78-067
Louisiana	EPA-450/3-78-068
Maine	EPA-450/3-78-069
Maryland	EPA-450/3-78-070
Massachusetts	EPA-450/3-78-071
Michigan	EPA-450/3-78-072
Minnesota	EPA-450/3-78-073
Mississippi	EPA-450/3-78-074
Missouri	EPA-450/3-78-075
Montana	EPA-450/3-78-076
Nebraska	EPA-450/3-78-077
Nevada	EPA-450/3-78-078

State	EPA Document No.
New Hampshire	EPA-450/3-78-079
New Jersey	EPA-450/3-78-080
New Mexico	EPA-450/3-78-081
New York	EPA-450/3-78-082
North Carolina	EPA-450/3-78-083
North Dakota	EPA-450/3-78-084
Ohio	EPA-450/3-78-085
Oklahoma	EPA-450/3-78-086
Oregon	EPA-450/3-78-087
Pennsylvania	EPA-450/3-78-088
Rhode Island	EPA-450/3-78-089
South Carolina	EPA-450/3-78-090
South Dakota	EPA-450/3-78-091
Tennessee	EPA-450/3-78-092
Texas	EPA-450/3-78-093
Utah	EPA-450/3-78-094
Vermont	EPA-450/3-78-095
Virginia	EPA-450/3-78-096
Washington	EPA-450/3-78-097
West Virginia	EPA-450/3-78-098
Wisconsin	EPA-450/3-78-099
Wyoming	EPA-450/3-78-100
American Samoa	EPA-450/3-78-101
Guam	EPA-450/3-78-102
Puerto Rico	EPA-450/3-78-103
U.S. Virgin Islands	EPA-450/3-78-104

Furthermore, the comprehensive SIP documents will be available for public inspection during normal business hours at the EPA Regional Offices, but for only those States or territories for which that office has jurisdiction. The address and area of responsibility for each Regional Office are as follows:

REGION I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), John F. Kennedy Federal Building, Room 2303, Boston, Massachusetts 02203.

REGION II (New Jersey, New York, Puerto Rico, Virgin Islands), Federal Office Building, 28 Federal Plaza, New York, New York 10007.

REGION III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

REGION IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, and Tennessee), 345 Courtland, N.E., Atlanta, Georgia 30308.

REGION V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), 230 South Dearborn, Chicago, Illinois 60604.

REGION VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), First International Building, 1201 Elm Street, Dallas, Texas 75270.

REGION VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Avenue, Kansas City, Missouri 64108.

REGION VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 1860 Lincoln Street, Denver, Colorado 80295.

REGION IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa, Northern Mariana Islands), 215 Fremont Street, San Francisco, California 94105.

REGION X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION
CONTACT:

Robert M. Schell, EPA, Chief Plans Analysis Section (MD-15), Research Triangle Park, NC 27711, phone 919-541-5365 (FTS: 629-5365).

SUPPLEMENTARY INFORMATION: Section 110 of the Clean Air Act requires each State to adopt and to submit to the Administrator a plan which provides for the implementation, maintenance, and enforcement of the national ambient air quality standards (NAAQS) promulgated under Section 109 for any air pollutant. These plans are called State Implementation Plans (SIPs).

SIPs are dynamic in nature and are continuously being revised due to modifications and additions to State and local air pollution control programs. Furthermore, amendments to the Clean Air Act and revisions of the NAAQS, also necessitate revisions to the SIPs. The States are required to submit such SIP revisions to the Administrator for approval. After submittal to the Administrator, the SIP revisions are approved or disapproved in the FEDERAL REGISTER and codified under Part 52 of Title 40 of the Code of Federal Regulations (40 CFR Part 52).

In 40 CFR Part 52, a subpart has been designated for each State. All regulations promulgated by EPA under Section 110(c) of the Clean Air Act are printed in their entirety in Part 52. However, the State's own regulation submittals which EPA approves (or disapproves) under Section 110(a) do not appear in Part 52 because of the voluminous nature of the SIPs and the revisions thereto; these regulations are incorporated by reference into Part 52, however. State submitted regulations are briefly described in Part 52 under the "Identification of Plan" section for each State subpart and are generally referenced by the date of submittal to EPA. The complete texts of the State submissions listed in each "Identification of Plan" Section are available to the public at EPA headquarters in Washington, D.C., the appropriate Regional Office, and the appropriate State air pollution control agency.

The texts available at the above three locations consist of every submission listed in the "Identification of Plan" Section and do not distinguish whether the revision was disapproved or approved by EPA. It is necessary to go to each State's subpart under Part 52 to determine whether a regulation was approved or disapproved. Also, these State submissions vary widely in their organization, content, and language and are not available in a standard format, nor is it clear in many cases what portion of the SIP the revisions affect. This makes it difficult for routine usage and for interstate and intrastate comparison of SIP regulations.

Section 110(h) of the Clean Air Act requires that the Administrator assemble and publish a comprehensive document for each State setting forth the regulatory portions of each imple-

mentation plan. The purpose of this notice is to announce the availability of these documents. The Federally enforceable regulations have been compiled for 55 States and territories. The compilation for the Northern Mariana Islands which was recently included under the purview of the Clean Air Act will be prepared at a future date. The documents consist of the following, both as of January 1, 1978: (1) The Federally approved State and/or local air quality regulations; and (2) the Federally promulgated regulations for the State. As mandated by Congress, this document will be updated annually at a minimum, and will reflect any changes in the status of the SIP since January 1, 1978. Some of the documents updated since the date of this publication are expected to be available in the very near future.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds, particulate matter process weight, or copper smelters. Federal regulations pertaining to a given State immediately follow the approved State and local regulations. The standard subject index will facilitate interstate and intrastate comparisons of the regulations and routine usage of the SIPs. Only the Federally promulgated and Federally approved State submitted regulations are documented. This negates the need to check Part 52 for the approval/disapproval status of a State submitted revision.

The standardized documentation of the regulatory portions of the SIPs provides EPA with a more efficient system for tracking SIP provisions. In addition, it provides the public with an up-to-date, organized compilation of Federally approved State air pollution regulations.

Dated: January 9, 1979.

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

[FR Doc. 79-2328 Filed 1-23-79; 8:45 am]

[6560-01-M]

[FRL 1034-1]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for Chrysler Casting Corp., Fostoria Foundry Division, Fostoria, Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Chrysler Casting Corporation, Fostoria Foundry Division. The Order requires the Company to bring air emissions from its three gray iron pouring lines at Fostoria, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Chrysler Casting Corporation, Fostoria Foundry Division's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (the Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

Arthur E. Smith, Jr., Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone: (312) 353-2082.

SUPPLEMENTARY INFORMATION: On September 25, 1975, the Acting Regional Administrator of U.S. EPA's Region V Office, published in the FEDERAL REGISTER (43 FR 43334), a notice setting out the provisions of a proposed State Delayed Compliance Order for Chrysler Casting Corporation, Fostoria Foundry Division. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the proposed notice.

Therefore, a Delayed Compliance Order effective this date is approved to Chrysler Casting Corporation, Fostoria Foundry Division, by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places the Company on a schedule to bring its three gray iron pouring lines at Fostoria, Ohio, into compliance as expeditiously as practicable with Regulation OAC 3745-17-11(B)(5), a part of the federally approved Ohio State Implementation Plan. Chrysler Casting Corporation, Fostoria Foundry Division, is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections

113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit the Company to delay compliance with the SIP regulations covered by the order until June 30, 1979.

Compliance with the Order by Chrysler Casting Corporation, Fostoria Foundry Division, will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that the Company is in violation of a requirement contained in the order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective January 24, 1979 because of the need to immediately place Chrysler Casting Corporation, Fostoria Foundry Division, on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: January 18, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table in § 65.401 to read as follows:
§ 65.401 U.S. EPA Approval of State Delayed Compliance Orders Issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Date of FR proposal	SIP regulation involved	Final compliance date
Chrysler Casting Corp., Fostoria Foundry Division.	Fostoria, Ohio	Sept. 25, 1978	OAC 3745-17-11(B)(5)	June 30, 1979

[FR Doc. 79-2560 Filed 1-23-79; 8:45 am]

[6820-26-M]

**Title 41—Public Contracts and
Property Management**

**CHAPTER 101—FEDERAL PROPERTY
MANAGEMENT REGULATIONS**

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Temporary Reg. B-2]

**APPENDIX—TEMPORARY
REGULATIONS**

**Applicability of the General Records
Schedules (GRS)**

AGENCY: National Archives and Records Service (NARS), General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation requires mandatory application of the General Records Schedules (GRS). The GRS prescribe retention periods for records common to several or all Federal agencies. The regulation directs agencies to notify NARS of any agency records disposition instructions which deviate from the GRS and to request authority to supersede the GRS if the records must be maintained for a longer period than provided in the GRS. The intent of this regulation is to ensure that agencies do not retain records unnecessarily.

DATES: Effective date: January 24, 1979. Expiration date: September 30, 1980.

ADDRESS: General Services Administration (NCD), Washington, DC 20408.

**FOR FURTHER INFORMATION
CONTACT:**

Thomas W. Wadlow, Records Disposition Division, (202-724-1625).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

(Sec. 205(e), 63 Stat. 390; (40 U.S.C. 485(e)))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter B to read as follows:

[Federal Property Management Reg.;
Temporary Reg. B-2]

**APPLICABILITY OF THE GENERAL RECORDS
SCHEDULES (GRS)**

1. *Purpose.* This regulation informs agencies that the General Records Schedules (GRS) are now mandatory.

2. *Effective date.* This regulation is effective January 19, 1979.

3. *Expiration date.* This regulation expires September 30, 1980, unless sooner revised or superseded.

4. *Background.* a. Federal law (44 U.S.C. 3303a(d)) authorizes the Administrator of General Services to issue General Records Schedules (GRS) to provide minimum records retention standards for records common to several or all Federal agencies. These schedules were permissive. Agencies which desired a shorter retention period for any of the records described in the GRS were required to submit a Standard Form (SF) 115, Request for Records Disposition Authority, following procedures prescribed by § 101-11.406, and to justify the shorter retention period.

b. On October 10, 1978, the President approved Pub. L. 95-440 that amended subsection 3303a(d) of title 44, United States Code, "... to require mandatory application of the General Records Schedules to all Federal agencies and to resolve conflicts between authorizations for disposal ..." Under this law, the GRS are now mandatory, but any shorter retention period which has been approved for agencies' records by the Archivist of the United States will override the GRS provision.

Effect on agency schedules. Any item on an agency records schedule approved by the National Archives and Records Service (NARS) before October 10, 1978, which authorizes a shorter retention period than that provided for in the GRS shall take precedence. However, the GRS retention standards must now be applied to all other Federal records described therein, even if the agency has scheduled some records for a longer period than that specified in the GRS. The new law cancels any schedule or other records disposition instruction, whether or not it was approved by NARS, authorizing the retention of Federal records for periods longer than those prescribed by the GRS.

6. *Agency action.* a. By January 1, 1980, agencies shall inform the Office of Federal Records Centers (mailing address: General Services Administration (NCD), Washington, D.C. 20408) of any disposition instructions they have promulgated which deviate from the GRS.

(1) Agencies which have received authority from NARS to apply shorter retention periods shall submit the following information: Records series description, approved disposition instruction, and the NARS job and item numbers and/or agency printed manual and item numbers.

(2) Since the GRS now supersedes any authority to retain the records scheduled therein for periods longer than those specified in the GRS, agencies which have scheduled records for periods longer than those provided in the GRS shall, if they wish to continue to maintain those records for the longer period, submit an SF 115 to request authority to supersede the GRS. Approval of such requests will be contingent on the

strength of the agency's justification for the deviation.

b. On a continuing basis, as a result of new GRS items or a reevaluation of agency needs, agencies wishing to deviate from the published GRS disposition standards for any series of records shall submit an SF 115. The SF 115 shall include the following information: GRS number and item number; agency schedule and item number, if any; and, if a shorter retention period is requested, a concurrence statement from any other Federal agency (such as the General Accounting Office or the Office of Personnel Management) which has an interest in the disposition of the records.

7. *NARS action.* In order to facilitate the application of the GRS to Federal records, the Records Disposition Division of the Office of Federal Records Centers is developing a training session which will be open to all Federal employees. Details on the presentation of these sessions will be announced in a GSA bulletin.

8. *Availability of the GRS.* The current and future editions of the GRS will be available from General Services Administration (NC), Washington, D.C. 20408, at no cost for a reasonable number of copies.

9. *Effect on other directives.* This regulation modifies the provisions of §§ 101-11.403-2(b) and 101-11.404-1(d).

Dated: January 11, 1979.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 79-2379 Filed 1-23-79; 8:45 am]

[1505-01-M]

Title 43—Public Lands: Interior

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

[Circular No. 2439]

**SUBCHAPTER B—LAND RESOURCES
MANAGEMENT**

[Group 2700—Disposition; Sales]

**PART 2720—CONVEYANCE OF FED-
ERALLY-OWNED MINERAL INTER-
ESTS**

Procedures

Correction

In FR Doc. 79-341 appearing at page 1340 as the Part IV of the issue of Thursday, January 4, 1979, in the first column of this page 1340, the effective date should read "February 5, 1979".

[4910-59-M]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-7; Notice 4]

PART 573—DEFECT AND NONCOMPLIANCE REPORTS

Equipment Manufacturers' Delay of Effective Date

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Delay of effective date.

SUMMARY: This notice amends the effective date for the implementation of amendments to Part 573, *Defect and Noncompliance Reports*, extending its application to equipment manufacturers. The final rule on the Part 573 amendment was published on December 26, 1978, (43 FR 60165) and established an effective date of January 25, 1979. This effective date has proven, however, insufficient to complete the process of interdepartmental review of the amendment. Further, some equipment manufacturers may wish to petition for reconsideration of the amendment. Since such petitions can be received up to 30 days after publication of the regulation in the FEDERAL REGISTER and since this regulation is scheduled to become effective 30 days after publication, there may be insufficient time before that date to consider fully petitions, if any are received. For these reasons, the NHTSA extends the effective date to March 1, 1979.

This amendment is being adopted without notice and public procedure because of the impending effective date of the Part 573 amendments. Since the amendment will otherwise become effective on January 25, the agency concludes that notice and public procedure are impracticable and not in the public interest.

EFFECTIVE DATE: This amendment is effective immediately changing the December 26, 1978, FEDERAL REGISTER notice to state that Part 573 is effective on March 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. James Murray, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2840).

(Secs. 108, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1397, 1401, 1407); secs. 102, 103, 104, Pub. L. 93-492, 88 Stat. 1470 (15

U.S.C. 1397, 1401, 1408, 1411-1420); delegation of authority at 49 CFR 1.50.)

Issued on January 18, 1979.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 79-2486 Filed 1-19-79; 4:05 pm]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Revised Service Order No. 1315]

PART 1033—CAR SERVICE

Decision on Demurrage and Free Time on Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Third Revised Service Order No. 1315.

SUMMARY: Third Revised Service Order No. 1315 establishes minimum periods for the detention of cars by shippers and receivers free of demurrage and increases demurrage charges for cars held beyond the free time. Class X—Boxcar type and Class H—Hopper Car type are removed from the order, and the expiration time is extended two months.

DATES: Effective 7:00 a.m., February 1, 1979. Expires 6:59 a.m., April 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone (202) 275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: Decided on January 18, 1979. The Order is printed in full below.

An acute shortage of certain types of freight cars exists throughout the country. Certain carriers are unable to furnish adequate supplies of such freight cars to shippers located on their lines. These shortages of freight cars are impeding the movement of many commodities. Many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions immobilizing large numbers of freight cars needed by shippers for the transportation of other freight. Existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is, therefore, the opinion of the Commission that an emergency exists requir-

ing immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, we find that notice and public procedure 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,

§ 1033.1315 Demurrage and free time on freight cars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Application:

(i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 409, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1260-1262 inclusive, under the following headings:

"Class 'L'-Special Car Type" mechanical designation 'LO', covered hopper, only.'

(iii) This order shall apply to all detention of freight cars subject to freight car demurrage or detention rules which occurs on or after the effective date of this order and which may have been shipped, placed or constructively placed prior to that date.

(iv) Exception:

This order shall not apply to cars while such cars are subject to Section 1900, Items 1900-1950, inclusive, or to Section 2000, Items 2000-2005, inclusive, of General Car Demurrage Tariff 4-K, I.C.C. H-74, issued by D. M. Rogers, supplements thereto or reissues thereof.

(v) Exception:

This order shall not apply to cars held at or outside of ocean, Great Lakes, or river ports, for loading or unloading with freight requiring transfer between rail and water carriers.

(vi) Exception:

This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Texas; Laredo, Texas; Eagle Pass, Texas; Presidio, Texas; El Paso, Texas; Douglas, Arizona; Nogales, Arizona; Calexico, California

(vii) Exception:

This order shall not apply to cars subject to items 710, 720, 725, 730, 740, 750, 755, 760, or 765 or General Car Demurrage Tariff 4-K, I.C.C. H-74, issued by D. M. Rogers, supplements thereto or reissue thereof.

'Class "X" boxcar type and Class "H" hopper car type eliminated.

(viii) *Exception:*

The provisions of Section 1400, Items 1400-1440, inclusive, of General Car Demurrage Tariff 4-K, I.C.C. H-74, issued by D. M. Rogers, supplements thereto or reissues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(ix) *Exception:*

Exceptions to this order may be authorized to carriers by the Railroad Service Board. Requests for exceptions must be submitted in writing to Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exception is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) The terms "loading," "unloading," "constructive placement," and "forwarding directions" as defined in General Car Demurrage Tariff 4-K, I.C.C. H-74, issued by D. M. Rogers, supplements thereto or reissues thereof, shall apply to cars subject to this order.

(xi) The term "holidays" means holidays as listed in Item 525 of General Car Demurrage Tariff 4-K, I.C.C. H-74, issued by D. M. Rogers, supplements thereto or reissues thereof.

(2) *Free Time:*

(i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for the complete unloading of each car.

(ii) Not more than a total of 24 hours' free time, computed in accordance with the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading or for any purpose other than complete unloading.

(iii) If the maximum free time authorized in applicable tariffs is less than the periods described in paragraphs (i) or (ii) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) *Demurrage, Detention, or Storage Charges—Cars Not Subject to Average Demurrage Basis:*

(i) After the expiration of the free-time period described in Part (2) of this Order, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

\$10.00 per car per day, or fraction of a day, for each of the first two days
\$20.00 per car per day, or fraction of a day, for each of the next two days.

\$30.00 per car per day, or fraction of a day, for each of the next two days
\$50.00 per car per day, or fraction of a day, for each subsequent day

(ii) Except as provided in Item 1225, General Car Demurrage Tariff 4-K, I.C.C. H-74, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7:00 a.m., or expires at or before 11:59 p.m., of the day immediately prior to the Saturday, Sunday, or holiday.

(iii) If the demurrage rates published in applicable tariffs is greater than the demurrage rates named in paragraph (i) of this section, the rates provided in such tariffs shall apply.

(4) *Cars Subject to Average Demurrage Basis:*

(i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of the free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of \$20.00 per car per day, or fraction of a day, will be made for each of the next two days; \$30.00 per car per day, will be made for each of the next two days; and \$50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

(iii) An average agreement may not include cars held for:

(a) Purposes other than loading and unloading

(b) Loading or unloading in intraplant switching service.

(iv) Credits cannot be earned by private cars subject to Section 700, Item 765, of General Car Demurrage Tariff 4-K, I.C.C. H-74, issued by D. M. Rogers, supplements thereto or reissues thereof, or subject to similar rules in other tariffs, but debits

charged such cars while under constructive placement may be offset by credits earned on other cars.

(v) At the end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and \$10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE.—For the purpose of applying Part (v) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(vi) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held in cars, in excess of the free-time periods provided in Paragraph (2) herein.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) *Notices of Arrival, Constructive Placement, etc:*

(i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival of constructive placement notice of freight destined for unloading or transshipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4-K, I.C.C. H-74, issued by D. M. Rogers, supplements thereto or reissues thereof, shall apply.

(b) *Rules and regulations suspended.*
The operation of all rules and regulations, including rates, rules and free-time periods granted by authority of Sections 10721, 10723 and 10724 of the Interstate Commerce Act, insofar as

they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.*

(1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(2) If a notice described in paragraph (1) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(3) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(4) Failure of a carrier to send and preserve copies of the notices required by paragraph (1) of this section shall not be deemed as nullifying the requirements of sections (a) and (b) of this order.

(d) *Effective date.* This order shall become effective at 7:00 a.m., February 1, 1979.

(e) *Expiration date.* This order shall expire at 6:59 a.m., April 1, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

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

This order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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, members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
Secretary.

(FR Doc. 79-2541 Filed 1-23-79; 8:45 am)

[7035-01-M]

[S.O. No. 1352; Amdt. 1]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Fond du Lac, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Amendment No. 1 to Service Order No. 1352.

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) serving Fond du Lac, Wisconsin, are inoperable because of heavy snow at this location, which is depriving industries located adjacent to the MILW tracks at this location of railroad service. Service Order No. 1352 authorized the Chicago and North Western Transportation Company to operate over tracks of the MILW in Fond du Lac in order to restore railroad service to these shippers. The order is printed in full in Volume 44 of the FEDERAL REGISTER at page 3715. Amendment No. 1 extends the order until January 31, 1979.

DATES: Effective 11:59 p.m., January 19, 1979. Expires 11:59 p.m., January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, telephone (202) 275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: Decided January 19, 1979.

Upon further consideration of Service Order No. 1352 (44 F.R. 3715), and good cause appearing therefor:

It is ordered, That § 1033.1352 Service Order No. 1352 Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Fond du Lac, Wisconsin is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 19, 1979.

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

This amendment 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 amendment 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, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Secretary.

(FR Doc. 79-2542 Filed 1-23-79; 8:45 am)

[4310-55-M]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

National Wildlife Refuges in Florida, Georgia, and South Carolina

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the condition under which sport fishing will be permitted on portions of certain National Wildlife Refuges in Florida, Georgia, and South Carolina.

DATES: Effective on date of publication for duration of calendar year 1979.

FOR FURTHER INFORMATION CONTACT:

The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Donald J. Hankla, Area Office Manager, U.S. Fish and Wildlife Service, 900 San Marco Boulevard, Jacksonville, Fla. 32207. Telephone: 904-791-2267.

John P. Davis, Refuge Manager, Savannah (and Blackbeard Island) National Wildlife Refuge, P.O. Box 8487, Savannah, Ga. 31402. Telephone: 912-232-4321, Ext. 415.

Bruce Blihovde, Refuge Manager, Lake Woodruff National Wildlife Refuge, P.O. Box 488, DeLeon Springs, Fla. 32028. Telephone: 904-

RULES AND REGULATIONS

985-4673.

Thomas W. Martin, Refuge Manager, Loxahatchee National Wildlife Refuge, Route 1, Box 278, Boynton Beach, Fla. 33437. Telephone: 305-732-3684.

Stephen Vehrs, Refuge Manager, Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Fla. 32780. Telephone: 305-867-4820.

John R. Eadie, Refuge Manager, Okfenokee National Wildlife Refuge, P.O. Box 117, Waycross, Ga. 31501. Telephone: 912-283-258.

Ronnie L. Shell, Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Ga. 31080. Telephone: 912-986-5441.

Joe D. White, Refuge Manager, St. Marks National Wildlife Refuge, Box 68, St. Marks, Fla. 32355. Telephone: 904-925-6280.

Martin Perry, Refuge Manager, St. Vincent National Wildlife Refuge, P.O. Box 447, Apalachicola, Fla. 32320. Telephone: 904-653-8808.

SUPPLEMENTARY INFORMATION:

GENERAL

Sport fishing on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to sport fishing are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires that before any area of the refuge system is used for forms of recreation not directly related to the primary purposes and functions of the area, the Secretary must find that: (1) Such recreational use will not interfere with the primary purposes for which the area was established; and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. Funds are available for the administration of the recreational activities permitted by these regulations.

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

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, DeLeon Springs, Fla. is permitted on approximately 650 acres. The sport fishing season is open year-round on delineated refuge waters west of Norris Dead River, Lake Woodruff, Spring Garden Creek, Highland Park Canal, and the Canal bordering the east side of Norris Dead River. Refuge waters east of Norris Dead River Canal, Lake Woodruff and Spring Garden Creek will be open to fishing and access March 15 to October 15, 1979. Fishing and access on refuge waters are permitted during daylight hours only. Air thrust boats are prohibited.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in all waters (61,352 acres) of the Loxahatchee National Wildlife Refuge, Delray Beach, Fla. except those marked by signs as being closed. All public entry onto the refuge for any purpose is limited to the following points: (a) S-5A (Twenty-Mile Bend) boat ramp; (b) headquarters area; (c) Loxahatchee Recreation Area. Sport fishing is permitted year-round. Fishing is restricted to 1½ hours before sunrise until 1 hour after sunset. Boats must enter or leave the refuge through the three public ramps: (a) S-5A (Twenty-Mile Bend) boat ramp; (b) Headquarters boat ramp; (c) S-39 (Loxahatchee Recreation Area) boat ramps. Method of fishing allowed is with attended rod and reel and/or pole and line. Air thrust boat use is authorized only by special permit issued by the refuge manager. Speed boats and racing craft are prohibited.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Fishing is permitted in the open waters of the Indian River, Banana River and Mosquito Lagoon except for the Kennedy Space Center security areas.

No more than 20 total fish daily may be taken from the K.A.R.S. marina in the Banana River or Eddy Creek "trout hole" in Mosquito Lagoon during the period November 15-March 31 annually, by any individual sport fishermen.

Sport fishing is permitted from boats at night by those persons possessing a refuge special use permit.

Boat launching on the refuge for sport fishing between sunset and sunrise is permitted only at Beacon 42 Fish Camp and Bairs Cove. Air thrust

boats are not allowed on refuge waters. Coast Guard approved life preservers shall be worn by persons in small craft less than 20 feet in length while these boats are in motion in the Indian River, Banana River, and Mosquito Lagoon within refuge boundaries.

The Refuge will be closed to fishing at certain unannounced times during Space Center operation. Local new sources will provide a security schedule for the Space Center.

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Fla., is permitted on approximately 50,000 acres. The sport fishing season on the refuge extends from March 15 through October 15, 1979 with the exception of Otter Lake which is open year-round. Fishing is permitted ½ hour before sunrise until ½ hour after sunset during open season. Boats with electric motors and gasoline engines up to and including 4 horsepower are permitted. Trotlines shall be taken up daily prior to closing hours of fishing.

The taking of salt water species in Apalachee Bay and tidal creeks is subject to state regulations. Year-round launching of salt-water fishing boats from the lighthouse launch ramp is regulated. The launching of commercial boats and sport net boats is prohibited.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Vincent National Wildlife Refuge, Franklin County, Apalachicola, Florida is permitted on 245 acres.

The sport fishing season extends from March 1 through October 30, 1979. Fishermen are permitted on the refuge from 1 hour before sunrise to 1 hour after sunset. Boats with electric motors permitted; all other motors prohibited. Private boats may not be left on the refuge overnight. Use of live minnows as bait is prohibited.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Fresh water sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Georgia, is permitted on only two areas totaling 350 acres. The sport fishing season extends from March 15 through October 25, 1979. No one will be allowed on the refuge before sunrise and all persons must be off the refuge no later than one-half hour after sunset. Boats with electric motors permitted. Gasoline powered motors prohibited. Use of live minnows as bait prohibited. Private boats may not be left on the refuge overnight.

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Wayeross, Ga. in the designated open water areas connected by established boat runs. Fishing permitted during posted hours only. Boats with motors not larger than 10 horsepower, canoes, and rowboats permitted. Use of live minnows as bait prohibited. Trotlines, limblines, nets and other set tackle prohibited. Persons entering refuge from main access points must register with the respective concessioner. Persons using the sill access ramp on the pocket and Kingfisher Landing access ramp are required to sign the respective registers when they enter the swamp and again when they leave.

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Georgia is permitted on approximately 81 acres, during daylight hours. Fishing is allowed on the following areas in accordance with all applicable State regulations subject to the following restrictions. Open season: Falling Creek Bridge and Little Falling Creek Bridge—open daily March 12 through September 9, 1979. Pond 2A open May 15 through September 15, 1979, on Tuesdays, Saturdays and National Holidays. Boats allowed, electric motors permitted, all other motors prohibited; Ponds 6A, 11A, and 11B—open May through September 15, 1979, on Tuesdays, Saturdays and National Holidays. No boats allowed; 5 Points Lake open May 15 through September 15, 1979, fishing is permitted daily, no boats allowed; Ponds 21A and 22A—open May 15 through September 15, 1979, on Tuesdays, Saturdays and National Holidays. No boats allowed. Fishing on these two areas is restricted to youths 12 years of age or younger. Boats may not be left on the refuge overnight. No minnows allowed for bait. Littering and alcoholic beverages are prohibited. Fishing shall be with rod and reel and/or pole and line only. Bank fishing permitted within posted areas only.

GEORGIA AND SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, portions of Jasper County, South Carolina, and Chatham and Effingham Counties, Georgia is permitted only on designated impounded waters, tidal creeks, ditches and canals in an area comprising 26,000 acres. The sport fishing season extends from March 15 through October 25, 1979, for all impounded waters. No one will be allowed on the refuge before sunrise and all persons must be off the refuge no later than one-half hour after sunset.

Only electric motors are permitted on impounded waters. Tidal creeks may be fished from boats only from February 1 through October 25. Rod and reel, pole and line, artificial and live baits are permitted. All areas posted with "closed area" signs are closed to all activities including fishing. Private boats may not be left on the refuge overnight.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb)

Dated: January 16, 1979.

DON PALMER,
Acting Area Manager.

[FR Doc. 79-2376 Filed 1-23-79; 8:45 am]

[4310-55-M]

PART 33—SPORT FISHING

Opening of Swan Lake National Wildlife Refuge, Mo., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Swan Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: March 1, 1979, through September 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Alfred O. Manke, P.O. Box 68, Sumner, Missouri 64681, Telephone—AC816/856-3323.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Swan Lake National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to fishing. These areas comprising 10,500 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. During daylight hours only.
2. Boats without motors may be used on Swan Lake, Silver Lake, and that

portion of South Lake immediately adjacent to No. 5 Levee.

3. Travel is permitted on all roads except those posted with "Road Closed" signs.

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

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

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb)

Dated: January 16, 1979.

ALFRED O. MANKE,
Refuge Manager.

[FR Doc. 79-2377 Filed 1-23-79; 8:45 am]

[8025-01-M]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 130—SMALL BUSINESS ENERGY LOANS

Authority and Statutory Provision, Correction

AGENCY: Small Business Administration.

ACTION: Correction to final rule.

SUMMARY: This corrects a final rule published in the FEDERAL REGISTER on January 5, 1979 (44 FR 1369).

DATES: Effective January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Evelyn Cherry, Chief Special Projects Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 (202) 653-6696.

In FR Doc. 79-558 appearing at page 1369 in the issue for Friday, January 5, 1979, the authority and statutory provisions for Part 130 should have read "15 U.S.C. 636" instead of "5 U.S.C. 636."

Dated: January 18, 1979.

OLETA F. WAUGH,
Federal Register
Liaison Officer.

[FR Doc. 79-2540 Filed 1-23-79; 8:45 am]

[8025-01-M]

Title 13—Business Credit and Assistance**CHAPTER 1—SMALL BUSINESS ADMINISTRATION**

[Amendment 7]

PART 124—PROCUREMENT AND TECHNICAL ASSISTANCE**The Section 8(a) Program; Completions and Terminations**

AGENCY: SMALL BUSINESS ADMINISTRATION.

ACTION: Final rule.

SUMMARY: As a result of the provisions of Pub. L. 95-507 which amend the Small Business Act, SBA is clarifying the procedures by which SBA will determine 1) that a small business concern participating in its section 8(a) program (procurement and technical assistance for socially and economically disadvantaged) has completed its participation in the program, or 2) that the participation of a small business concern participating in its section 8(a) program should be terminated.

EFFECTIVE DATE: January 24, 1979.
FOR FURTHER INFORMATION CONTACT:

Martin D. Teckler, Office of General Counsel, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 202-653-6797.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in section 8(a)(9) of the Small Business Act, 15 U.S.C. 637(a), as amended, notice is hereby given that SBA amends section 124.8-2(e) of Chapter 1 of Title 13 of the Code of Federal Regulations to read as indicated in the following rules.

Dated: January 22, 1979.

A. VERNON WEAVER,
Administrator.

§ 124.8-2 Procedures.

(e) **Program Completion.** (1) When a section 8(a) business concern has substantially achieved the objectives of the 8(a) program, including but not limited to, the achievement of the goals set forth in its business plan as approved and modified, and the attainment of demonstrated ability to compete in the market place without assistance from 8(a), its participation within the program shall be determined by SBA to be completed.

(2) In determining whether a concern has substantially achieved the

goals of its business plan or has attained the ability to compete in the market place without 8(a) assistance, the following factors, among others, shall be considered by SBA. The factors cited above shall be determined with regard to the remedial purposes of the statute.

(i) Positive overall financial trends, including but not limited to:

(A) Profitability

(B) Sales, including improved ratio of non-8(a) sales

(C) Net Worth, financial ratios, working capital, capitalization, access to credit and capital

(D) Ability to obtain bonding

(ii) A comparison of the 8(a) business concern's business and financial profile with profiles of non 8(a) small businesses in the same area or similar business category.

(iii) Management capacity

(3) Upon determination by the SBA that a section 8(a) business concern's participation within the program has been completed pursuant to paragraph 124.1-1(e)(1), above, the section 8(a) business concern shall be afforded an opportunity for a hearing on the record in accordance with chapter 5 of Title 5 of the United States Code, at which hearing it may contest such determination. Such a hearing will be held pursuant to the SBA's Rules of Practice for Adjudicative Proceedings set forth at Part 101.10 et. seq. of SBA rules and regulations.

(4) Subsequent to the completion of such hearing, based upon the record established therein, and after consideration of the recommended decision of the examiner who has conducted the hearing, the AA/MSB&COD shall render a final decision regarding the completion of the section 8(a) business concern's participation in the program. Prior to a final decision, the subject 8(a) business concern may have full rights of participation in the 8(a) program.

(f) **Program Termination.** (1) Participation of a section 8(a) business concern in the program may be terminated by the SBA prior to the completion of the concern's business plan for good cause. Examples of good cause include, but are not limited to, the following:

(i) Failure of the 8(a) business concern to continue to meet the standards of eligibility set forth in these regulations.

(ii) Failure of the 8(a) business concern to maintain its status as a small business concern within the applicable regulations.

(iii) The failure of the section 8(a) business concern to exert reasonable efforts to attain commercial business.

(iv) Failure to maintain ownership and control by the person(s) who has

been determined to be socially and economically disadvantaged.

(v) Inadequate management performance by the section 8(a) business concern.

(vi) Repeated inadequate performance of awarded section 8(a) procurement contracts by the section 8(a) business concern.

(vii) The concern has ceased its business operations. This constitutes automatic and immediate grounds for terminating a concern's participation in the program.

(viii) Failure to submit updated business plans within a reasonable time after its due date without approval by SBA.

(ix) Withholding notice from, or failure to provide notice to, SBA within 30 days of changes in ownership and management control.

(x) Noncompliance with substantial requirements of divestiture or management agreements as approved by the AA/MSB&COD.

(xi) Failure to comply with the reporting provisions required in management agreements. Compensating those providing management assistance in excess of that specified in the SBA approved management agreement. Having a management agreement either written or oral that has not been approved by the AA/MSB&COD. Willful violation of any of the requirements of the management agreement.

(xii) Failure or refusal to provide SBA with required quarterly and annual financial statements and reports within a reasonable time after the close of the quarter.

(xiii) Failure to achieve goals cited in the business plan, as modified, as a result of repeated refusal to accept or utilize SBA assistance.

(xiv) Failure to reasonably pursue commercial and competitive business in accordance with the business plan projection, or failure to otherwise make reasonable efforts to achieve competitive status.

(xv) Inability to make satisfactory progress, within a reasonable time, after receiving SBA's management and technical assistance, financial and technical assistance in achieving its business development objectives.

(xvi) Failure to request prior approval from SBA before subcontracting under an 8(a) contract.

(xvii) Failure to disclose to SPA the extent to which nondisadvantaged persons or firms will participate in the management of the 8(a) business concern.

(xviii) Failure to disclose to SBA fees paid or to be paid, costs incurred or committed to third parties, directly or indirectly, in the process of obtaining 8(a) contracts.

(xix) Willful failure to comply with applicable labor standards obligations.

(xx) Knowingly submitting false information to SBA.

(xxi) Whenever the concern is debarred by the Comptroller General, the Secretary of Labor or the Director of the Office of Federal Contract Compliance.

(xxii) Whenever the concern is debarred or suspended for cause by any contracting agency pursuant to FPR subpart 1-1.6 "Debarred Suspended and Ineligible Bidders" or DAR (ASPR) section I, Part 6, "Debarment, Ineligibility and Suspension".

(xxiii) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.

(xxiv) Conviction under the Organized Crime Control Act of 1970, or conviction of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a Government contractor.

(xxv) Conviction under the Federal Antitrust Statutes arising out of the submission of bids or proposals.

(xxvi) Violation of the subcontract provision against contingent fees and gratuities.

(2) Upon determination by the SBA that a section 8(a) business concern's participation in the program should be terminated for good cause, the section 8(a) business concern shall be afforded an opportunity for a hearing on the record in accordance with chapter 5 of Title 5 of the United States Code, at which hearing it may contest such determination. Such a hearing will be held pursuant to the SBA's Rules of Practice for Adjudicative Proceedings set forth at Part 101.10 et seq. of the SBA rules and regulations.

(3) Subsequent to the completion of such hearing, upon the record established therein, and after consideration of the recommended decision of the examiner who has conducted the hearing, the AA/MSB&COD shall render a final decision regarding the termination, for good cause, of the 8(a) business concern's participation in the program.

(4) After the effective date of a program termination as provided for herein, the 8(a) business concern is no longer eligible to receive 8(a) subcontracts and other 8(a) assistance. However, such concern is obligated to complete previously awarded 8(a) subcontracts.

[FR Doc. 79-2664 Filed 1-23-79; 8:45 am]

[8025-01-M]

[Revision 2, Amendment 3]

PART 101—ADMINISTRATION

Rules Of Practice For Adjudicative Proceedings To Be Used In Effecting The Completion Or Termination Of A Section 8(a) Business Concern From Participating In The Section 8(a) Program

AGENCY: Small Business Administration.

ACTION: Final Rule.

SUMMARY: As a result of the provisions of Pub. L. 95-507 which amend the Small Business Act, SBA is clarifying the procedures by which SBA will determine 1) that a small business concern participating in its section 8(a) program (procurement and technical assistance for socially and economically disadvantaged) has completed its participation in the program, or 2) that the participation of a small business concern participating in its section 8(a) program should be terminated. SBA is providing rules under which administrative proceedings necessary to effect these determinations will be held.

EFFECTIVE DATE: January 24, 1979.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in section 8(a)(9) of the Small Business Act, 15 U.S.C. 637(a), as amended, notice is hereby given that SBA amends section 101, Chapter I of Title 13 of the Code of Federal Regulations to include the following rules.

Dated: January 22, 1979.

A. VERNON WEAVER,
Administrator.

PART 101—ADMINISTRATION

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AUTHORITY: Sec. 8(a)(9), Small Business Act (15 U.S.C. 637(a)).

§ 101.10 Rules of Practice for Adjudicative Proceedings To Be Used In Effecting The Completion Or Termination Of A Section 8(a) Business Concern From Participating In The Section 8(a) Program.

§ 101.10-1 Scope of the Rules in this Part.

The rules in this part govern procedure to be utilized in adjudicative proceedings conducted pursuant to the provisions of section 8(a)(9) of the Small Business Act, as amended (15 U.S.C. 631 et seq.). They do not apply to adjudicative or rulemaking proceedings under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) nor do they apply to investigations conducted under the Small Business Act (15 U.S.C. 631 et seq.).

§ 101.10-2 Definitions.

Administration. "Administration" means Small Business Administration (SBA).

AAMSB-COD. "AAMSB-COD" means the Associate Administrator for Minority Small Business and Capital Ownership Development of the SBA.

Respondent. "Respondent" means (a) a section 8(a) business concern which may be a corporation or a director or officer thereof, (b) a partnership, or a partner thereof, (c) a trust, or a trustee thereof, (d) an association, or a director or officer thereof, or (e) any other person against whom such proceedings are instituted.

Party. "Party" refers to a Regional Director of SBA and each respondent.

Examiner. "Examiner" means the Administrative Law Judge (ALJ) who presides over the conduct of hearings held pursuant to the rules of practice in this part.

Order to show cause. "Order to show cause" means the formal statement and notice of hearing issued by a Re-

gional Director under § 101.10-5 for the purpose of initiating adjudicative proceedings under these rules.

Regional Director. "Regional Director" means the Regional Director of the Region which is the principal location of a respondent.

Act. "Act" means the Small Business Act, as amended.

§ 101.10-3 Appearances.

(a) *By non-lawyers.* An individual may appear in his own behalf or may represent a sole proprietorship; a member of a partnership may represent the partnership; a bona fide officer of a corporation, trust or association may represent the corporation, trust or association upon a showing of adequate authorization.

(b) *By lawyers.* An individual, partnership, corporation, trust or association may be represented by an attorney at law who is a member of a bar of any Federal court or of the highest court of any State or Territory of the United States, and who is not disbarred or suspended by any court or administrative agency.

(c) *Restrictions as to former employees.* The restrictions as set forth in § 105.401 through 405 of the SBA Rules and Regulations shall apply to former employees with respect to their appearances as attorney or agent for any other than the United States in any proceeding conducted under the rules of practice in this part.

(d) *Notice of appearance.* Any attorney desiring to appear before the AAMSB-COD, a Regional Director or an examiner, on behalf of a respondent, shall file with the AAMSB-COD a written notice of such appearance, which shall contain a statement of such attorney's eligibility as provided in this section. No other application shall be required for admission to practice, and no register of attorneys shall be maintained.

(e) *Standards of conduct.* All counsel practicing before the Administration shall conform to the standards of ethical conduct required of practitioners in the courts of the United States and by the bars of which they are members.

(f) *Suspension or disbarment of attorneys.* (1) The examiner shall have the authority, for good cause stated on the record, to bar from participation in a particular proceeding any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any attorney so barred shall have the right to appeal to the AAMSB-COD from such action of the examiner and take such action as he deems warranted by the circumstances.

(2) The Administrator of the SBA for good cause shown may, in accordance with the procedures set forth in Part 104 of this chapter, suspend or disbar any alleged offender from practice before the Administration.

§ 101.10-4 Consent order procedure.

(a) General policy; notice of proposed adjudicative proceedings. It is the policy of SBA to afford respondents and other persons an opportunity where it is proposed to terminate a section 8(a) business concern's participation in the 8(a) program to enter into voluntary settlement agreements pursuant to this section with regard to alleged violations, if it appears to a Regional Director that such procedure will satisfy the objective of the requirements allegedly violated and serve the purposes of the section 8(a) program. Accordingly, where time, the nature of the alleged violations, and other attendant circumstances indicate that it would be in the interest of the 8(a) program to do so, a Regional Director may notify a respondent and any other person concerned of SBA's intention to institute formal adjudicative proceedings. Such notice shall be served in the manner provided for in § 101.10-24, and shall be accompanied by a form of order to show cause which the Regional Director intends to issue, together with a proposed form of order.

(b) *Reply.* (1) Within 10 days after service of such notice, the party named therein may file with the Regional Director a reply stating whether or not such party is interested in having the proceeding disposed of by the entry of a consent order.

(2) If the reply is in the negative, or if no reply is filed within the time prescribed, the order to show cause will be issued and served forthwith.

(c) If the reply is in the affirmative, the party served will (as hereinafter set forth) be afforded an opportunity to execute an appropriate settlement agreement. The party may be represented by counsel who has entered an appearance in the manner set forth in § 101.10-3(d). The party will be afforded an opportunity to negotiate and submit, for the consideration and approval of counsel for the Regional Director, an executed agreement conforming to the requirements set forth in paragraph (d) of this section. Such agreement must be submitted within 30 days after the filing of the reply.

(d) *Agreements.* Every agreement shall (1) set forth the terms of an appropriate order to be entered by consent; (2) admit all jurisdictional facts; (3) expressly waive (i) further procedural steps, including any hearing, submission of proposed findings and conclusions, or an initial decision by a hearing examiner, (ii) the requirement

that the Administration's decision contain findings of fact and conclusions of law, and (iii) all rights to seek judicial review or otherwise to challenge the validity of the consent order; (4) provide that the order to show cause may be used in construing the terms of the consent order; and (5) stipulate that the consent order shall have the same force and effect and shall become final and may be altered, modified, or set aside in the same manner and within the same time as other orders in adjudicative proceedings. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any party that the Act or regulations pursuant thereto have been violated as alleged in the order to show cause. The agreement shall not become effective unless expressly approved by the Regional Director and made a part of the official record of the proceeding.

§ 101.10-5 Order to show cause and notice of hearing.

(a) *Commencement of proceeding.* Adjudicative proceedings are commenced by the issuance of an order to show cause in the case of proceedings against a respondent. A copy of the order to show cause will be served upon each respondent.

(b) *Form and notice of hearing.* The order to show cause shall be issued by the appropriate Regional Director and shall contain a statement of the matters of fact and law asserted by SBA and the legal authority and jurisdiction under which a hearing is to be held and shall inform the respondent of the time and place of hearing. The date of hearing shall not be earlier than 30 days after service on the respondent.

(c) *Revised hearing date.* The hearing shall be held on the date set forth in the order to show cause unless a different date is fixed by the Regional Director or the examiner at the request of any party and for good cause shown.

(d) *Motion for more definite statement.* If the statement in the order to show cause as to matters of fact and law, or legal authority and jurisdiction asserted by the Regional Director is so vague and ambiguous that a party cannot reasonably frame a responsive answer, the respondent may move for a more definite statement before filing an answer. Such motion shall be filed within 15 days after service of the order to show cause and shall point out the defects complained of and the details desired.

§ 101.10-6 Answer.

(a) *Time for filing.* A respondent shall have thirty days after service of the order to show cause within which

to file an answer thereto: Provided, however, that the filing of a motion for a more definite statement alters this period of time as follows, unless a different time is fixed by the examiner: (1) if the motion is denied, the answer shall be filed within ten days after notice of such action; (2) if the motion is granted, in whole or in part, the answer shall be filed within ten days after service of the more definite statement: Provided further, however, that in no event need of an answer be filed in less than thirty days after service of the order to show cause.

(b) *Content of answer.* An answer shall conform to the following:

(1) Contesting allegations of order to show cause. Such answer shall contain:

- (i) A concise statement of the facts constituting the ground(s) of defense;
- (ii) Specific admission, denial, or explanation of each fact alleged in the order to show cause, or if the respondent is without knowledge thereof, a statement to that effect.

(2) Admitting allegations of order to show cause. If the respondent elects not to contest the allegations of fact set forth in the order to show cause, the answer shall consist of a statement that respondent admits all material allegations to be true. Such an answer shall constitute a waiver of hearings as to facts so alleged, and an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the examiner. In such answer, the respondent may, however, reserve the right to submit proposed findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the examiner. In such answer, the respondent may, however, reserve the right to submit proposed findings and conclusions and the right to petition for review under § 101.10-19.

(c) *Default.* Failure of the respondent to file an answer within the time provided shall be deemed to constitute a waiver of its right to appear and to authorize the examiner, without further notice to respondent, to find the facts to be as alleged in the order to show cause and to enter an initial decision containing such findings, appropriate conclusions and order.

(d) *Signature on answer.* Every answer filed pursuant to this section shall be signed by (1) the individual named as respondent, (2) an officer of the corporate respondent, (3) a partner of the partnership, (4) a trustee of the trust, or (5) the attorney who represents the respondent.

(e) *Consent order procedure.* A respondent may, within the time allotted for the submission of its answer or amended answer prior to any hearing, file an executed settlement agreement

conforming to the requirements of § 101.10-4(c), which has been negotiated with and approved by the counsel for the Regional Director. In that event, the examiner shall, without delay or further action on his part, certify the proceedings to the AAMSB-COD for decision or other appropriate disposition.

§ 101.10-7 Motions.

(a) *Presentation and disposition.* During the time a proceeding is before an examiner, all motions, therein, except as provided in § 101.10-13(e), shall be addressed to and ruled upon by him, and if in writing, shall be filed with him. All motions addressed to the Regional Director shall be in writing and shall be filed with him.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Answers.* Within ten days after service of any written motion, or within such longer or shorter time as may be designated by the examiner or the Regional Director, the opposing party shall answer or be taken to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the examiner or the Regional Director.

(d) *Motions for extensions.* As a matter of discretion, the examiner or the Regional Director may waive the requirements of this section as to motions for extensions of time, and may rule such requests ex parte.

(e) *Rulings on motions for dismissal.* When a motion to dismiss an order to show cause or for other relief is granted with the result that the proceeding before the examiner is terminated, the examiner shall make and file an initial decision in accordance with the provisions of § 101.10-18. When a motion to dismiss is made at the close of the evidence offered in support of the order to show cause based upon the alleged failure to establish a prima facie case, the examiner may, if he so elects, defer ruling thereon until the close of the case in order to permit the reception of evidence.

§ 101.10-8 Amendments and supplemental pleadings.

(a) *Amendments—(1) By leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings: provided, however, that an application for amendment of an order to show cause may be allowed only if the amendment is reasonably within the

scope of the proceeding initiated by the original order to show cause.

(2) *Conformance to evidence.* When issues not raised by the pleadings, but reasonably within the scope of the proceeding initiated by the original order to show cause, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make then conform to the evidence and to raise such issues shall be allowed at any time.

(b) *Supplemental pleadings.* The examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 101.10-9 Prehearing conferences.

(a) The examiner upon motion of any party or upon his own motion may direct counsel for all parties to meet with him for a conference to consider:

- (1) Simplification and clarification of the issues;
- (2) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of § 101.10-8(a)(1);
- (3) Stipulations, admissions of fact and of the contents and authenticity of documents;
- (4) Expedition in the presentation of evidence, including, but not limited to, restriction of the number of expert, economic or technical witnesses; and

(5) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses or furnishing for inspection or copying of nonprivileged documents, papers, books or other physical exhibits, which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody, or control of any party to the proceeding.

(b) Prehearing conferences, in the discretion of the examiner, may be stenographically reported as provided in § 101.10-14(f), but shall not be public unless all parties so agree.

(c) The examiner shall enter in the record an order which recites the action taken, the amendments allowed and the agreements made at the conference; and such order shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice. If counsel for any party, after proper direction fails or refuses to disclose the names of witnesses or to make available for inspection or copying nonprivileged documents, papers, books or other physical exhibits, the examiner, in his

discretion, may also enter in the record an order providing, as appropriate:

(1) That the testimony of the witnesses whose names are not disclosed or the documents, papers, books or other physical exhibits which are not made available for inspection or copying in accordance with the direction shall not be introduced in evidence; or

(2) That counsel who fails or refuses to comply with the examiner's direction in respect to any of the foregoing shall be barred from participation in the proceeding in accordance with the provisions of § 101.10-3(f)(1).

§ 101.10-10 Voluntary intervention.

(a) Any individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make written application in the form of a motion setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party to the proceeding in accordance with the provisions of § 101.10-24(b). A similar certificate shall be attached to the answer filed by any party showing the service of such answer upon the applicant.

(b) The examiner or the Regional Director may be ordered to permit the intervention to such extent and upon such terms as are provided by law or as otherwise may be deemed proper. The examiner or the Regional Director shall consider, among other matters, whether the intervention will unduly delay or prejudice the adjudication of the rights of the parties.

§ 101.10-11 Admissions as to facts and documents.

(a) At any time after answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request, or the admission of the truth of any relevant matters of fact set forth in such documents. Copies of the documents shall be delivered with the request unless copies have already been furnished.

(b) Each requested admission shall be deemed made unless, within a period designated by the examiner, not less than ten days after service thereof, or within such further time as the examiner may allow, the party so served serves upon the party making the request either (1) a statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in

part, together with a copy of a request to the examiner for a hearing on the objections at the earliest practicable time. Answers on matters to which such objections are made may be deferred until the objections are determined, but if written objections are made to only part of a request, the remainder of the request shall be answered within the period designated.

(c) Admissions obtained pursuant to this procedure may be used in evidence to the same extent and subject to the same objections as other admissions.

§ 101.10-12 Evidence.

(a) *Burden of proof.* Counsel supporting the order to show cause shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence, shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official notice of facts.* When any decision of an examiner or of the AAMSB-COD rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections to evidence shall timely and briefly state the grounds relied upon and the transcript shall include argument or debate thereon except as ordered by the examiner. Rulings on all objections shall appear in the record.

(e) *Exceptions.* Formal exceptions to an adverse ruling by the examiner are not required.

(f) *Record of excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to provide by the answer of the witness, or the examiner upon request shall receive and report the evidence in full, unless it clearly appears that the evidence is not admissible on any ground or that the witness is privileged. Similarly, rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

§ 101.10-13 Presiding official.

(a) *Who presides.* All hearings in adjudicative proceedings shall be presided over by an examiner.

(b) *Powers and duties.* Examiners shall have the duty to conduct fair

and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To rule upon offers of proof and receive evidence;

(3) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(4) To hold conferences for simplification of the issues or any other proper purpose;

(5) To consider and rule upon all procedural and other motions appropriate in an adversary proceeding;

(6) To make and file initial decisions; and

(7) To take action authorized by the rules in this part or in conformance with the provisions of Chapter 5, Administrative Procedure of title 5 of the United States Code (5 U.S.C. 551-559).

(c) *Substitution of examiner.* In the event of substitution of a new examiner for the one originally designated, any motion predicated upon such substitution shall be made within five days thereafter.

(d) *Interference.* In the performance of their adjudicative functions, examiners shall not be responsible to, nor subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the administration, and all directions by the AAMSB-COD to examiners concerning any adjudicative proceeding shall appear in and be made a part of the record.

(e) *Disqualification of examiners.* When an examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify AAMSB-COD of such withdrawal.

(2) Whenever any party shall deem the examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the AAMSB-COD a motion to disqualify and remove such examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. A copy of such motion shall be served by the AAMSB-COD on the examiner whose removal is therein sought, who shall ten days from such service within which to reply thereto. If the examiner does not disqualify himself within ten days, then the AAMSB-COD shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

§ 101.10-14 Hearings; transcripts.

(a) *Public hearings.* All hearings in adjudicative proceedings shall be public unless otherwise specified in the order to show cause or ordered by the examiner for good cause shown.

(b) *Rights of parties.* Every party shall have the right to due notice, cross-examination, presentation of evidence, objection, motion, argument and all other rights essential to a fair hearing.

(c) *Adverse witnesses.* An adverse party, or an officer, agent, or employee thereof, and any witness who appears to be hostile, unwilling, or evasive, may be interrogated by leading questions and may also be contradicted and impeached by the party calling him.

(d) *Expedition.* Hearings shall proceed with all reasonable expedition. Unless the AAMSB-COD otherwise orders upon a certificate of necessity therefor by the examiner, all hearings will be held at one place and will continue without suspension until concluded. (This shall not bar overnight, weekend, or holiday recesses, or other brief intervals of the sort normally involved in judicial proceedings.)

(e) *Notice.* Not less than ten days notice of the time and place of any hearing shall be given, and in setting such hearings due regard shall be had for the public interest and the convenience and necessity of all parties, witnesses, and counsel.

(f) *Transcripts.* Hearings shall be stenographically reported and transcribed by the official reporter of the Administration under the supervision of the examiner, and the original transcript shall be part of the record and the sole official transcript. Copies of transcripts are available to respondents and to the public from the reporter at rates not to exceed the maximum rates fixed by contract between the Administration and the reporter.

(g) *Corrections of the transcript.* Corrections of the official transcript may be made only when they involve errors relating substance and then only in the manner herein provided: Corrections ordered by the examiner or agreed to in a written stipulation signed by all counsel and approved by the examiner shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the examiner. Corrections shall not be ordered by the examiner except upon notice and opportunity for the hearing of objections. Corrections so ordered or approved shall be incorporated in the record as an appendix and when so incorporated the examiner shall make or cause to be made the necessary physical corrections in the official transcript so that it will incorporate the changes agreed upon or or-

dered. In making such physical corrections, there shall be no substitution of pages, but, to the extent practicable, such corrections shall be made by running a line through the matter to be changed, but without obliteration, and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added, by rider or interlineation, as near as may be to the text which is intended to precede and follow it.

§ 101.10-15 Witnesses and fees.

(a) Witnesses at hearings shall be examined orally. Witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witness fees and mileage shall be paid by the party at whose instance witnesses appear.

§ 101.10-16 Proposed findings, conclusions, and order.

At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the examiner any party may file with the examiner for his consideration proposed findings of fact, conclusions of law, and order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the examiner's ruling on each proposed finding and conclusion except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

§ 101.10-17 Interlocutory appeals.

(a) Except as provided in § 101.10-3(f), interlocutory appeals from rulings of an examiner may be filed only after permission is first obtained from the Regional Director. Any request for such permission shall be in writing, not to exceed ten pages in length, and shall be filed within five days after notice of the ruling complained of. No such permission shall be granted by the Regional Director unless he finds that such ruling involves substantial rights and will materially affect a final decision and that determination of its correctness before the conclusion of the proceeding would better serve the interest of justice.

(b) Interlocutory appeals shall be in the form of a brief, not to exceed thirty pages in length, and shall be filed within five days after notice of the ruling complained of, in the case of appeals under § 101.10-3(f), or within five days after notice of permission to file, in the case of appeals under this section. Answer thereto may be filed within five days after service of the appeal brief. The appeal

shall not operate to suspend the hearing unless otherwise ordered by the examiner or the Regional Director.

§ 101.10-18 Initial decision.

(a) When filed and when effective as agency decision. Within sixty days after completion of the reception of evidence in any proceeding, or within such further time as the Regional Director may allow on the examiner's written request, the examiner shall file an initial decision which shall become the decision of the Administration (i.e., the findings of fact, conclusions of law, and order contained in such initial decision shall become the final agency decision) thirty (30) days after service thereof upon each of the parties (except in the case of an order issued by consent, which shall become effective at the time specified therein), unless (1) within fifteen (15) days after service of the initial decision a petition for review thereof shall be filed pursuant to § 101.10-19, or (2) within such thirty day period the AAMSB-COD issues an order directing the case to be placed on his docket for review. In that event, a copy of such order in addition to a copy of the initial decision shall be served on each party and each counsel or other representative which has appeared in the proceeding pursuant to § 101.10-3.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) an appropriate order specifying the effective date thereof. Initial decisions shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

(c) *By whom made.* The initial decision in an adjudicative proceeding shall be made and filed by the examiner who presided therein, except when he shall have become unavailable to the Administration, in which event a substitute examiner shall be designated.

(d) *Reopening:* termination of examiner's jurisdiction. (1) At any time prior to the filing of his initial decision, an examiner may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the AAMSB-COD.

§ 101.10-19 Petition for review.

(a) *Who may file.* Any party to a proceeding may file a petition for review within the time prescribed by § 101.10-18.

(b) *Content.* The petition for review shall concisely and plainly state (1) the questions presented for review, (2) the facts in abbreviated form, and (3) the reasons why review by the AAMSB-COD is deemed to be in the public interest. Such petition shall not exceed ten pages in length.

(c) *Answer.* Within ten days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer not exceeding ten pages.

(d) *Disposition.* A petition for review will be granted where, on examination of the record, the petition for review, and the answer, the AAMSB-COD finds that the questions presented are substantial and that determination thereof by the AAMSB-COD is necessary or appropriate under the law to insure a just and proper disposition of the proceeding and to protect the rights of all parties. If the petition for review is denied, the initial decision of the examiner shall thereupon become the decision of the AAMSB-COD.

§ 101.10-20 AAMSB-COD review.

(a) Within thirty days after service of the AAMSB-COD's order granting the petition for review, the petitioner may file exceptions to the initial decision and a brief in support thereof.

(b) *Exceptions.* Each exception (1) shall relate only to substantive or procedural matters presented on the record, limited to the questions stated in the petition for review; (2) shall identify the part of the initial decision to which objection is made; (3) shall specify the portions of the record relied upon; and (4) shall state the grounds for the exception, including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions shall be deemed to have been waived. Any exception which fails to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration may be disregarded.

(c) *Brief.* The brief in support of the exceptions shall contain, in the order indicated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of cases, textbooks, statutes, and other material cited, with page references thereto;

(2) A concise statement of the case containing all that is material to the consideration of the questions presented;

(3) A specification of the assigned errors; and

(4) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page refer-

ences to the transcript and the legal or other material relied upon.

Material not included in the exceptions or brief may not be presented to the AAMSB-COD in oral argument or otherwise.

(d) *Answering brief.* Within thirty days after service of the brief upon the opposing party, such party may file an answering brief which shall also contain a subject index, with page references, and a table of cases, textbooks, statutes, and other material cited, with page references thereto. It shall be limited to the questions raised in the brief in support of the exceptions and shall present clearly the points of fact and law relied upon in support of the position taken on each question with specific page references to the transcript and legal or other material relied upon.

(e) *Reply brief.* Reply briefs, not in excess of ten pages and limited to rebuttal of matter in an answering brief, will be received if filed and served within seven days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

(f) *Length of briefs.* No brief in excess of sixty pages, including any appendices, shall be filed without leave of the AAMSB-COD.

(g) *Oral argument.* The AAMSB-COD may permit oral argument in connection with agency review of any initial decision (1) upon request made by any party at the time of filing its brief and for good cause shown, or (2) on the AAMSB-COD's own motion. Oral argument before the AAMSB-COD shall be reported stenographically unless otherwise ordered by it.

§ 101.10-21 Decision on review.

(a) Upon review of an initial decision, the AAMSB-COD will consider such parts of the record as are cited or as may be necessary to resolve the issues presented; and in addition will, to the extent necessary or desirable, exercise all the powers which he could have exercised if he had made the initial decision.

(b) In rendering his decision, the AAMSB-COD will adopt, modify, or set aside the findings, conclusions and order contained in the initial decision, and will include in the decision a statement of the reasons or basis for his action.

(c) The final decision issued by the AAMSB-COD on review of the initial decision shall be served upon each party and each counsel or other representative who has appeared in the proceeding pursuant to § 101.10-3.

§ 101.10-22 Requirements as to form and filing of documents other than correspondence.

(a) *Filing.* All documents in proceedings hereunder before the AAMSB-COD shall be addressed to and filed with the Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, Washington, D.C. 20416. All documents before a Regional Director in procedures hereunder shall be addressed and filed with that Regional Director.

(b) *Title.* All documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Ten copies shall be filed of a petition for review and of all briefs; five copies of all other documents shall be filed with the exception of reports of compliance under § 101.10-26, in which case only two copies need be filed, and notices of appearances under § 101.10-3, in which case only one copy need be filed.

(d) *Form.* (1) Documents, other than briefs filed with the AAMSB-COD on petitions for review, shall be printed, typewritten or otherwise processed in permanent form and on good unglazed paper. The paper must not be less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten and one-half (10½) inches nor more than eleven (11) inches. The left margin must be one and one-half (1½) inches and the right margin one (1) inch. Documents must be bound on the left side. If printed, the type shall be not less than ten (10) point adequately leaded.

(2) Briefs before the AAMSB-COD on review shall be printed on good unglazed paper seven (7) inches by ten (10) inches. The type shall not be less than ten (10) point adequately leaded. Citations and quotations shall not be less than ten (10) point single leaded and footnotes shall not be less than eight (8) point single leaded. The printed line shall not exceed four and three-quarter (4¾) inches in length.

(c) *Signature.* (1) One copy of each document shall be signed by an attorney of record for the party or, in the case of respondents not represented by counsel, by an officer of respondent.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief, the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

§ 101.10-23 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by these rules, by order of the AAMSB-COD, or an examiner, or by any applicable statute, shall begin with the first business day following that on which the act, event or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the office of SBA is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, is less than seven days, each of the Saturdays, Sundays, and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, exceeds seven days, each of the Saturdays, Sundays and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the examiner may, in any proceeding before him, extend any time limit prescribed or allowed by these rules or by order to the AAMSB-COD or the examiner, except those governing interlocutory appeals and initial decisions and those expressly requiring AAMSB-COD action. Except as otherwise provided by law, the AAMSB-COD, for good cause shown, may extend any time limit prescribed by these rules or by order of the AAMSB-COD or the examiner. *Provided, however,* That in a proceeding pending before an examiner, the application shall first be made to him. Applications for extensions of time shall be made by motion.

§ 101.10-24 Service.

(a) *By SBA.* (1) Service of orders to show cause, orders and other processes of SBA may be effected as follows:

(i) *By registered mail.* A copy of the documents shall be addressed to the person, partnership, corporation or unincorporated association to be served at his or its residence or principal office or place of business, registered, and mailed; or

(ii) *By delivery to any individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association, or it may be left at the residence of the person or of a member of the partnership or

of an officer or director of the corporation or unincorporated association to be served.

(2) Documents other than orders to show cause, orders and other processes of SBA, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of SBA or an examiner for the performance of some act or the occurrence of some event or development, shall be served in the same manner as orders to show cause, orders and other processes of SBA, or by certified mail

(3) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than SBA shall be by delivering copies thereof as follows: Upon SBA by personal delivery or delivery by first-class mail to the office of the AAMSB-COD; upon any other party, by delivery to the party. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefor. Delivery to a party other than SBA means handing to the individual, partner, officer, or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by mail.

(c) *Proof of service.* (1) When service is by mail, registered or ordinary first-class, it is complete upon delivery of the document by the post office.

(2) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document other than an order to show cause, order or other process of SBA shall be deemed service upon the party.

(3) The return post office receipt for a document registered and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth the manner of said service, shall be proof of the service of the document.

§ 101.10-25 Ex parte communication.

(a) In an adjudicative proceeding, no employee or agent of SBA who performs any investigative or prosecuting function in connection with the proceeding and no respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a respondent, shall communicate ex parte, directly or indirectly, with the AAMSB-COD, or the examiner, or any employ-

ee involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In an adjudicative proceeding, the AAMSB-COD, examiner or employee involved in the decisional process of such proceeding, shall not communicate ex parte, directly or indirectly, with any employee or agent of SBA who performs any investigative or prosecuting function in connection with the proceeding, or with any party respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a party respondent, with respect to the merits of that or a factually related proceeding.

(c) In an adjudicative proceeding, if any oral or written ex parte communication is made to or by the examiner, or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such examiner or employee as the case may be, shall promptly deliver to the AAMSB-COD any such written communication or, in the case of an oral communication, a report giving the substance thereof in writing, together with a written statement of the circumstances under which it was made. If the AAMSB-COD determines that any such communication should, in fairness, be brought to the attention of all parties to the proceeding, the relevant written material pertaining thereto shall be made a part of the record of the proceeding to which it applies and the AAMSB-COD shall send copies thereof to all parties respondent.

(d) In any case where the AAMSB-COD determines that the dictates of fairness so require, any party requesting an opportunity to do so may rebut, on the record, any facts or contentions contained in any such ex parte communication.

(e) The AAMSB-COD may censure or may, in accordance with the procedures contained in Part 104 of this chapter, suspend or revoke the privilege of any person who makes or solicits the making of an unauthorized ex parte communication, to practice or appear before SBA.

§ 101.10-26 Reports of compliance.

Unless otherwise specifically provided in an order, in every proceeding in which SBA has issued an order, the respondent named in such order shall file with SBA within twenty days after service thereof, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with SBA such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where court review of an order of SBA is pending, respondent

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shall file only such reports of compliance as the court may require. Thereafter, the time for filing a report of compliance shall begin to run de novo from the final judicial determination.

§ 101.10-27 Reopening of proceedings.

(a) In any case where an order has been issued by SBA it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review.

(b) In any case where an order issued by SBA has become final, SBA may at any time after reasonable notice and opportunity for hearing as to whether changed conditions of fact or of law or the public interest so require, reopen and alter, modify or set aside, in whole or in part, its report of findings as to the facts or order there-in whenever in the opinion of the AAMSB-COD such action is required by said changed conditions or by the public interest.

(c) After an order dismissing an order to show cause has been issued, SBA may, upon reasonable notice to the parties and opportunity for a hearing as to whether said proceeding should be reopened, issue an order reopening such proceeding whenever, in the opinion of the AAMSB-COD, changed conditions of fact or of law or the public interest so require.

[FR Doc. 79-2669 Filed 1-23-79; 8:45 am]

proposed rules

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

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4957]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for
the City of Clearwater, Wright County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Clearwater, Wright County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Clearwater, Minnesota. Send comments to: The Honorable Curtis Heaton, Mayor City of Clearwater, Clearwater City Hall, Clearwater, Minnesota 55320.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Clearwater, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub.

L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River ...	Downstream corporate limits.	947
	Upstream corporate limits.	948
Clearwater River...	Just upstream of Burlington Northern Railroad.	948
	Just upstream of County Highway 75 dam.	957
	Upstream corporate limits.	959

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1970 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4954]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for
the City of Monticello, Wright County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Monticello, Wright County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Monticello, Minnesota. Send comments to: The Honorable Conrad O. Johnson, Mayor, City of Monticello, City Hall, 250 East Broadway, P.O. Box 777, Monticello, Minnesota 55362; Attention: Mr. Gary Wieber.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Monticello, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

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of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River...	Downstream corporate limits.	897
	Just downstream of Pine Street bridge.	907
	At confluence with Otter Creek.	910
Otter Creek.....	Upstream corporate limits.	918
	Just downstream of West River Street bridge.	912
	Just upstream of West River Street bridge.	913
	1,200 feet upstream of West River Street bridge.	914
	Just downstream of Broadway Street bridge.	919
	400 feet upstream of Burlington Northern railroad bridge.	921
	Upstream corporate limits.	923

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1967 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4958]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of St. Michael, Wright County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of St. Michael, Wright County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, St. Michael, Minnesota. Send comments to: The Honorable Joseph Dehmer, Mayor, City of St. Michael, City Hall, St. Michael, Minnesota 55376.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of St. Michael, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
School Lake Creek	Eastern corporate limits	883
	550 feet upstream of eastern corporate limits.	883
	2,600 feet upstream of eastern corporate limits.	898
	70 feet downstream of Main Street.	918
	Just upstream of Main Street.	926
	3,500 feet upstream of Main Street.	927

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1971 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4955]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Sartell, Stearns County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Sartell, Stearns County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures

that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Sartell City Hall, 2nd Street South, Sartell, Minnesota. Send comments to: The Honorable Anthony Zakrjshk Mayor, City of Sartell, Sartell City Hall, 2nd Street South, Sartell, Minnesota 56377.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Sartell, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, - national geodetic vertical datum
Mississippi River...	Downstream corporate limits.	1000
	Just downstream of St. Regis Dam.	1004
	Just upstream of St. Regis Dam.	1019
	Upstream corporate limits.	1020
Watab River.....	200 feet upstream Riverside Avenue.	1004
	900 feet upstream of Riverside Avenue.	1010
	2300 feet upstream of Riverside Avenue.	1018
	Upstream corporate limits.	1022

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administration.
[FR Doc. 79-1968 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4956]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Waltham, Mower County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Waltham, Mower County, Minnesota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Waltham, Minnesota. Send comments to: The Honorable Clifton McCamy Mayor, City of Waltham, City Hall, Box 97, Waltham, Minnesota 55982.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Waltham, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, - national geodetic vertical datum
Waltham Creek.....	At West Corporate Limits.	1311
	Just downstream of Atlantic Street.	1316
	Just downstream of First Street.	1319
	Just upstream of First Street.	1323
	Eastern Corporate Limits.	1326

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: January 5, 1979.

GLORIA JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1969 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4959]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Harrisonville, Cass County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Harrisonville, Cass County, Missouri. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Harrisonville, Missouri. Send comments to: The Honorable Robert Johnson, Mayor, City of Harrisonville, City Hall, Harrisonville, Missouri 64701.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Harrisonville, in accordance with section 110 of the

Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Muddy Creek	Downstream corporate limits.	853
	At confluence of Town Creek.	860
	Just upstream of Missouri Pacific Railroad.	867
	Just upstream of northbound U.S. 71.	874
	Just upstream of Commercial Street.	877
Town Creek	Upstream corporate limits.	890
	Mouth at Muddy Creek..	860
	Just upstream of northbound U.S. 71.	865
	Just upstream of Missouri Pacific Railroad.	873
	Just downstream of Commercial Street.	880
Tributary No. 1	Just upstream of Oakland Street.	885
	Just upstream of St. Louis & San Francisco Railroad.	893
	Just downstream of Ash Street.	897
	Downstream corporate limits.	869
	Just upstream of northbound U.S. 71.	880
Tributary No. 2	Approximately 2,200 feet upstream of northbound U.S. 71.	888
	Mouth at Muddy Creek..	874
	Just upstream of Orchard Road.	883
	Just upstream of East South Street.	894
	Approximately 3,000 feet upstream of East South Street.	903
Tributary No. 2	Just upstream of Bird Avenue.	921

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1973 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4531]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Unincorporated Areas of Warren County, Miss.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 43323 of the FEDERAL REGISTER of September 25, 1978.

EFFECTIVE DATE: September 25, 1978.

FOR FURTHER INFORMATION CONTACT:

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

The following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yazoo River	1 mile upstream of Kings Ferry.	104
Yazoo River	At Kings Ferry.....	104

Should be corrected to read:

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

egation of authority to Federal Insurance Administrator 43 FR 7719).

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1972 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4960]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Peerless Park, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Peerless Park, St. Louis County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Peerless Park, Missouri. Send comments to: The Honorable Tom Ward, Mayor, Village of Peerless Park, Village Hall, Peerless Park, Missouri.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Peerless Park,

in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Meramec River.....	Downstream corporate limit 530 feet downstream of St. Louis-San Francisco Railroad.	432
	50 feet upstream of St. Louis-San Francisco Railroad.	433
	Just upstream of Missouri Highway 141.	433
	Upstream corporate limit 3,150 feet above Missouri Highway 141.	434

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1974 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4961]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Fair Haven, Monmouth County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Fair Haven, Monmouth County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Fair Haven, Municipal Building, Fair Haven, New Jersey. Send comments to: Honorable William C. Rue, Mayor of Fair Haven, Fair Haven Municipal Building, Fair Haven, New Jersey 07701.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Fair Haven, Monmouth County, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Navesink River.....	Downstream Corporate Limits.	9
	Fair Haven Road.....	9
	4th Creek at River Road	9
	Battin Road.....	9
	Grange Avenue.....	9
	Swenkers Pond Brook at River Road.	9
	Upstream Corporate Limits.	9

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1975 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4962]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Bedford, Westchester County, NY.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Bedford, Westchester County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures

that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Clerk, Townhouse, 321 Bedford Road, Bedford Hills, New York. Send comments to: Mr. Albert V. Marchigiani, Supervisor of the Town of Bedford, Townhouse, 321 Bedford Road, Bedford Hills, New York 10507.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Bedford, Westchester County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stone Hill River	Matthews Mill Road.....	315
	Cantitoe Street.....	318
	The Hook Road.....	383
	The Old Post Road.....	400
Mianus River.....	Downstream Corporate Limits.	333
	Millers Mill Road.....	350
	Patent Road.....	353
	Greenwich Road.....	354
	Mill Brook Road (Extended).	360
David's Brook.....	The Old Post Road.....	364
	Harris Road.....	335
	300' downstream of Guard Hill Road.	338

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1976 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4963]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Penfield, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Penfield, Monroe County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Supervisor's Office, Penfield, New York. Send comments to: Ms. Irene Gossin, Town Supervisor of Penfield, Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Penfield, Monroe County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Irondequoit Creek	Confluence with Irondequoit Bay.	249
	Browncroft Boulevard....	258
	Blossom Road	282
	State Route 441	275
	Washington Street.....	319
	Upstream Corporate Limits.	349
Commission Ditch	State Route 441	486
	Harris Road	489
	Sweets Corners Road.....	501
	State Route 286	501
Fourmile Creek	Penfield Center Road.....	502
	Downstream Corporate Limits.	469

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Allen Creek	Marchner Road.....	474
	State Route 250	475
	Plank Road.....	477
	Confluence with Irondequoit.	274
	Upstream Corporate Limits.	324

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1977 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4921]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for The City of Mount Holly, Gaston County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in City of Mount Holly, Gaston County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Mount Holly City Hall, 1033 South Main Street, Municipal Building, Mount

Holly, North Carolina. Send comments to: Honorable T. A. Belk, Jr., Mayor of the City of Mount Holly or Mr. Wilson Coleman, City Manager, Municipal Building, 1033 South Main Street, Mount Holly, North Carolina.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Mount Holly, Gaston County, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dutchmans Creek.	Approximately 1700 feet upstream of Seaboard Coastline Railroad.	578
	Approximately 200 feet downstream of Main Street.	585

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat.

PROPOSED RULES

2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1978 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4922]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Boone, Watauga County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Boone, Watauga County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Boone City Hall, Drawer 192, Boone, North Carolina 28607. Send comments to: Honorable Wade Wilmuth, Mayor of the Town of Boone or Randall Marshall, Town Clerk, City Hall, P.O. Box 192, Boone, North Carolina 28607.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Boone, Watauga County, North Carolina in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance

Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Boone Creek	Just downstream of Meadow View Drive.	3,120
	Just downstream of Deck Hill Road.	3,127
	Just upstream of Clement Street.	3,157
Hodges Creek	Just upstream of Deck Hill Road.	3,128
Middle Fork	At Deerfield Road	3,104
	Southern Corporate Limits.	3,122
Rocky Knob	Just downstream of Daniel Boone Drive.	3,126
	Just downstream of King Street (U.S. 221 & 421).	3,135
	Just upstream of Jefferson Road (N.C. 194).	3,142
Winkler Creek	Just downstream of Blowing Rock Road.	3,111
	Just downstream of Meadow View Drive.	3,119
	Just downstream of Deck Hill Road.	3,131

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1979 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4923]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Tahlequah, Cherokee County, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Tahlequah, Cherokee County, Okla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Tahlequah, Oklahoma. Send comments to: Mayor Tony Stockton, City Hall, Tahlequah, Oklahoma 74464.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Tahlequah, Cherokee County, Oklahoma, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community

may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Branch.....	Approximately 120 feet upstream of southern corporate limits.	721
	Just upstream of First Street.	745
	Just downstream of Downing Street.	782
	Just upstream of York Street.	822
	Approximately 80 feet downstream of Allen Road.	855
East Branch.....	Approximately 250 feet upstream of South Street.	765
	Just upstream of Maple Street.	777
	Approximately 400 feet upstream of Downing Street (Route 10, 62, 51).	836

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

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1980 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4924]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Yukon, Canadian County, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in

the City of Yukon, Canadian County, Oklahoma. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Russell, Gravin & Douglas, City Engineers, Attention: Mr. Don Douglas, P.O. Box 1906D, Yukon, Oklahoma. Send comments to: Honorable Harold Dunham, Mayor of the City of Yukon or Mr. James Branum, City Manager, City Hall, P.O. Box A, Yukon, Oklahoma.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Yukon, Canadian County, Oklahoma, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Canadian River.	Just downstream of Czech Hall Road.	1,267
	Just upstream of Cameron Road.	1,280
North Canadian River Tributary A.	At Eastern corporate limits.	1,272
	Just downstream of U.S. Highway 66 (Main Street).	1,286
Main Stem of Turtle Creek.	Just upstream of Czech Hall Road.	1,286
	At Oak Avenue.....	1,290
	Just upstream of Third Street.	1,293
Middle Branch of Turtle Creek.	Just upstream of Bass Avenue.	1,301
	Just downstream of Vandament Avenue.	1,310
East Branch Turtle Creek.	Just downstream of U.S. Highway 66 (Main Street).	1,285
	Sky View Lane	1,291
	Extended.	1,291
West Branch of Turtle Creek.	Just downstream of Holly Avenue.	1,300
	Just downstream of Yukon Avenue.	1,310

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1981 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4925]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Aldan, Delaware County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Aldan, Delaware County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall, 6 East Providence Road, Aldan, Pennsylvania 19018. Send comments to: Mr. Kenneth L. Wilson, President of the Council of Aldan, 6 East Providence Road, Aldan, Pennsylvania 19018.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Aldan, Delaware County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Darby Creek	Upstream Corporate Limits (Conrail).	57
	Downstream Corporate Limits.	55
Lobbs Run.....	Upstream Maryland Avenue.	83
	Downstream Maryland Avenue.	74
	Downstream Corporate Limits.	55

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 79-1982 Filed 1-23-79; 8:45 am)

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4926]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Clairton, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Clairton, Allegheny County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the pro-

posed base (100-year) flood elevations are available for review at the City Hall, 551 Ravensburg Boulevard, Clairton, Pennsylvania. Send comments to: Honorable Rose Bush, Mayor of Clairton, c/o Mr. George Margetto, 551 Ravensburg Boulevard, Clairton, Pennsylvania 15025.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Clairton, Allegheny County, Pennsylvania. In accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Downstream Corporate Limits.	746
	Glassport Highway Bridge.	747
	Conrail Bridge.....	748
	Upstream Corporate Limits.	748
Peters Creek	Ravensburg Boulevard Bridge.	751
	Upstream Corporate Limits.	752

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's dele-

gation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1983 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4927]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Liberty, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Liberty, Allegheny County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall, Liberty, Pennsylvania. Send comments to: Honorable Gerald J. Fayshak, Mayor of Liberty, 3412 Orchard Drive, McKesport, Pennsylvania 15133.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Liberty, Allegheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

gheny County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Youghiogheny River.	At downstream corporate limit and confluence of Unnamed Tributary.	745
	At River Mile No. 2 post	746
	At Chessie System Bridge.	747
	At upstream corporate limits.	747

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1984 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4928]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Monroe, Cumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Monroe, Cumberland County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Mechanicsburg, Pennsylvania. Send comments to: Mr. Walter E. Rimmer, Chairman of the Board of Supervisors of Monroe, R. D. 2, Route 174, Box 187, Mechanicsburg, Pennsylvania 17055.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Monroe, Cumberland County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are re-

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quired. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yellow Breeches Creek.	U. S. Route 15 Bridge	421
	Old U. S. Route 15 Bridge.....	421
	Dam 600 feet upstream.....	421
	From Old U. S. Route 15 Bridge Confluence of Dogwood Run.....	425
	Legislative Route 66026 Bridge.....	425
	Conrail Bridge.....	427
	Dam 320 feet upstream from Conrail Bridge.....	427
	Private Road 1,060 feet upstream from Conrail Bridge.....	428
	Confluence of Hertzlers Run.....	432
	Legislative Route 21012 Pennsylvania Route 74 Bridge.....	434
	Dam 900 feet upstream from Pennsylvania Route 74 Bridge.....	442
	Conrail Bridge.....	457
	Confluence of Indian Peg Run.....	457
	Leidgh Drive.....	458
	Conrail Bridge.....	460
	Dam 830 feet downstream from confluence of Stought Run.....	462
	Confluence of Stought Run.....	462
Confluence of Reading Banks.....	465	
Dam 3,520 feet upstream from confluence of Reading Banks.....	469	
Trindle Spring Run.	Conrail Bridge.....	424
	Sinclair Road Bridge	426
	Conrail Bridge.....	428
	Dirt Lane 600 feet upstream from Conrail Bridge.....	428
	Conrail Bridge.....	430

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted

waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1985 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4929]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Old Forge, Lackawanna County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Old Forge, Lackawanna County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Circuit Writer, Town Hall, Old Forge, Pennsylvania. Send comments to: Honorable Anthony G. Christiano, Mayor of Old Forge, 210 Race Street, Old Forge, Pennsylvania 18518.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Old Forge, Lackawanna County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National

Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lackawanna River	Union Street Bridge.....	592
	South Main Street Bridge.....	611
	Third Street Bridge	636
	Upstream Corporate Limits.....	645
St. Johns Creek	Confluence with Lackawanna River.....	587
	Connell Street Bridge.....	606
	Mine Road Bridge	639
	Abandoned Railroad Bridge.....	661
Mill Creek	Milwaukee Street	675
	Oak Street	710
	Sibley Avenue	727
	Confluence with Lackawanna River.....	618
	Dick Street	622
Upstream County Boundary.	Abandoned Railroad Bridge.....	628
	Upstream County Boundary.....	636

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1952 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-49301]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Wayne, Clinton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Wayne, Clinton County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Lockhaven, Pennsylvania. Send comments to: Mr. Herbert Spong Chairman of the Board of Supervisors of Wayne R. D. 1 Lockhaven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Wayne, Clinton County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Downstream Corporate Limits.	554
	Conrail.....	558
	Appalachian Thruway....	559
	Legislative Route 18033.	561
	Upstream Corporate Limits.	563

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-1953 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-49311]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of West Pottsgrove, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of West Pottsgrove, Montgomery County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, 101 Lemon Street, Stowe, Pennsylvania. Send comments to: Mr. Ralph F. Murgia President of the Commission of West Pottsgrove 101 Lemon Street Stowe, Pennsylvania 19444

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of West Pottsgrove, Montgomery County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Schuylkill River	Upstream County Boundary.	151
	Downstream Corporate Limit.	148
Manatawny Creek.	Upstream County Boundary.	161
	Grosstown Road	161
	Confluence of Tributary No. 1 to Manatawny Creek.	157
	Downstream Corporate Limit.	152

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administration,
[FR Doc. 79-1954 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4932]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Unincorporated Areas of Aiken County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Unincorporated Areas of Aiken County, South Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of the Council Clerk, P.O. Box 2040, Aiken County, South Carolina. Send comments to: Mr. Carrol Warner, Chairman of the Aiken County Council, P.O. Box 2040 or Mr. Erick Thompson, Director of the Planning Commission, P.O. Box 2227, Aiken County, South Carolina.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Unincorporated Areas of Aiken County, South Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bridge Creek	Just downstream of confluence with Bridge Creek Tributary 1.	260
	Just upstream of Vancluse to Aiken Highway.	277
Bridge Creek Tributary 1.	Just downstream of Asphalt Road.	309
Bridge Creek Tributary 2.	Just downstream of Aiken Road.	313

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bridge Creek Tributary 3.	Just upstream of Mayfield Road.	363
Fox Creek	Approximately 5,000 feet upstream of confluence with Savannah River.	163
Pole Branch	Just upstream of Willowick Drive.	189
	Just upstream of I-20	230
	Just upstream of Wellington Street.	251
Pole Branch Tributary 1.	Approximately 900 feet upstream of confluence with Pole Branch.	220
Pole Branch Tributary 2.	Approximately 400 feet upstream of confluence with Pole Branch.	250
	Just downstream of Knobcone Avenue.	283
Pole Branch Tributary 3.	Just upstream of I-20 westbound.	277
Pole Branch Tributary 4.	Approximately 400 feet upstream of confluence with Pole Branch.	269
Hollow Creek	Just upstream of Silver Bluff Road.	123
	Just upstream of SC Highway 125.	151
	Just upstream of Old U.S. Highway 278.	187
Horse Creek	Just upstream of Highway 67.	152
	Just upstream of Marshall Street.	202
	Just upstream of SC 33 ..	207
Little Horse Creek	Just upstream of U.S. 1 and 78.	153
	Just upstream of SC 254	197
	Just upstream of SC 779	268
	Just upstream of I-20	290
Long Branch	Just upstream of Silver Bluff Road.	214
	Just upstream of Pine Log Road.	267
No Name Creek to Dead River.	Just upstream of Seaboard Coast Line Railroad Spur.	149
	Just downstream of SC Highway 5.	193
No Name Creek to Dead River Tributary 1.	Just upstream of Old Langley Road.	179
	Just upstream of SC Highway 28.	189
No Name Creek to Savannah River.	Just upstream of Hazelgrove Baptist Church Road (Highway 278).	194
	Just upstream of confluence of No Name Creek to Savannah River Tributary 1.	246
No Name Creek to Savannah Tributary 1.	Approximately 600 feet upstream of confluence with No Name Creek to Savannah River.	265
Sage Mill Branch ..	Approximately 900 feet upstream of confluence with Horse Creek.	245
Sand River	Just upstream of U.S. 191.	193
	Just upstream of Highway 421.	230
	Just upstream of Dibble Road.	251
Sand River Tributary 1.	Approximately 150 feet downstream of dirt trail.	295
Sand River Tributary 2.	Just upstream of Hitchcock Parkway.	365

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand River Tributary 3.	Approximately 1,100 feet upstream of confluence with Sand River Tributary 2.	305
Savannah River.....	Just upstream of 13th Street Bridge..	147
	Just upstream of I-20	160
Town Creek.....	Just upstream of Silver Bluff Road.	172
	Just upstream of U.S. Highway 278.	199
	Just downstream of SC Highway 145.	227
	Just upstream of Herndon Pond Dam.	281
Town Creek Tributary 1.	Approximately 1,200 feet upstream of confluence with Town Creek.	211
Town Creek Tributary 2.	Approximately 1,500 feet upstream of confluence with Town Creek.	220
Town Creek Tributary 3.	Just downstream of SC 145.	231
	Just upstream of SC 145	237
Town Creek Tributary 4.	Just downstream of dirt road.	287
Town Creek Tributary 5.	Approximately 650 feet upstream of confluence with Town Creek.	300
Town Creek Tributary 6.	Approximately 1,000 feet upstream of confluence with Town Creek.	321
Town Creek Tributary 7.	Approximately 775 feet upstream of confluence with Town Creek.	314
Town Creek Tributary 8.	Just downstream of Richardson Lake Road.	330
	Just downstream of confluence of Town Creek Tributary 9.	360
Town Creek Tributary 9.	Approximately 1,400 feet upstream of confluence with Town Creek Tributary 8.	385

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

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

Issued: January 5, 1979

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1955 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4933]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Celina, Collin County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Celina, Collin County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Celina, Texas. Send comments to: Mayor Glenn Phillip, or Ms. Linda Grumble, City Secretary, P.O. Box 75, Celina, Texas 75009.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Celina, Collin County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Doe Branch.....	Just upstream of Ash Street.	690
	Just downstream of 289 State Highway.	704

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1956 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4971]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Fairview, Collin County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Fairview, Collin County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the

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second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Fairview City Hall, Fairview, Texas. Send comments to: Mayor Peter Haas, P.O. Box 551, Fairview, Texas 75069.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Fairview, Collin County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sloan Creek.....	Just upstream of FM 1378.	542
	Approximately 550 feet upstream of the eastern Corporate Limits.	523
Wilson Creek	Northern Corporate Limits.	527
	Country Club Road extended.	525

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 5, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
(FR Doc. 79-1957 Filed 1-23-79; 8:45 am)

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4970]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Garland, Dallas County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Garland, Dallas County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Secretary's Office, City Hall, 200 North Fifth Street, Garland, Texas. Send comments to: Mayor Charles Clack, or Mr. June E. Lykes, Jr., City Manager, City Hall, P.O. Box 401889, Garland, Texas 75040.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Garland, Dallas County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowlett Creek	Just downstream of State Highway 78.	481
	Just upstream Blackburn Road.	495
Spring Creek.....	Just upstream Naaman School Road.	490
	Just upstream North Star Road.	512
Stream 211.....	Just downstream Big Spring Road.	532
	Approximately 130' downstream of Naaman School Road.	497
Stream 212.....	Approximately 50' downstream of Apollo Road.	522
Stream 213.....	Just upstream of Apollo Road.	517
Stream 214.....	Just upstream of Quarry Road.	530
Stream 215.....	Approximately 100' downstream of Big Spring Road.	538
Stream 216.....	At Big Spring Road.....	548
Stream 217.....	Just upstream of Campbell Road.	561
Stream 2DI	Approximately 100' downstream of Centerville Road.	470
Mills Branch	Just upstream of Centerville Road.	451
	Just upstream of New Garland Avenue (New State Highway 66).	480
	Approximately 40' upstream of Commercial Street.	496
	Just upstream of Lavon Drive.	522

Issued: January 5, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-1958 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4934]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for
the City of Junction, Kimble County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Junction, Kimble County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of the County Clerk, County Courthouse, Junction, Texas. Send comments to: Honorable LaRue Newby, Mayor of the City of Junction or Don Bouta, Mayor Protem, 102 N. 15th Street, Junction, Texas 76849.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Junction, Kimble County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Llano River	Just upstream I-10	1,700
North Llano	At the intersection of Hickory Street and North 9th Street.	1,706
	Just downstream Highways 290, 83, and 377.	1,712
South Llano River	At the intersection of Oak Street and 4th Street.	1,706
	Intersection of Patricia Drive and South 12th Street.	1,710

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

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

Issued: January 5, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 79-1959 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4935]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for
the City of Laward, Jackson County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream 2D3	Just downstream of High Meadow Drive.	487
Bradfield Creek	At Centerville Road	458
	Just upstream of Country Club Road.	511
Stream 2D13	Confluence with Rowlett Creek.	467
Stream 2D14	Approximately 40' upstream Ben Davis Road.	496
Stream 2D4	Just upstream of Atcheson Topeka & Santa Fe Railroad.	487
Stream 2D5	Approximately 100' downstream Blackburn Road.	506
Stream 2D6	Just downstream of North Star Road.	507
Duck Creek	Just downstream of State Highway 67 & Interstate Highway 30.	460
	Approximately 100' upstream of Dates Road.	473
	Just upstream of Kingsley Road.	506
	At Forrestland	538
	Approximately 100' downstream of Buckingham Road.	569
Long Branch	Approximately 150' upstream of Highway 635.	504
	Just upstream Centerville Road.	533
	Approximately 100' upstream of North West Highway.	560
Stream 2C1	Just upstream of Northern Frontage Road to U.S. Highway 67.	464
	Just upstream of Tacoma Drive.	487
Stream 2C2	Approximately 100' upstream of Douglas Drive.	526
Stream 2C3	Approximately 100' downstream of Patricia Lane.	547
	Just downstream of Lonacker Drive.	578
Stream 2C4	At South Garland Avenue.	541
	Just upstream of Patricia Lane.	558
Stream 2C5	Just upstream of Shiloh Road.	572
	Approximately 80' downstream of Klrbv Street.	599
Stream 2C6	Just upstream of Buckingham Road.	581

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

In accordance with section 7(o)(4) of the Department of Housing Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

PROPOSED RULES

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of LaWard, Jackson County, Texas. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at LaWard Community Center, LaWard, Texas. Send comments to: Honorable Arthur Kinsfater, Mayor of the City of LaWard, P.O. Box 68, LaWard, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of LaWard, Jackson, County, Texas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Keller's Creek.....	Washington Street Extended.	41
West Carancahua Creek Tributary No. 18.	At the Northern Corporate Limits.	38
West Carancahua Creek Tributary No. 19.	At the Southern Corporate Limits.	42

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administration.
[FR Doc. 79-1960 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4969]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the County of Fauquier, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the County of Fauquier, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Planning Office, 14 Main Street, Warrenton, Virginia. Send comments to:

Mr. Steve Crosby, County Administrator, County Office Building, 14 Main Street, Warrenton, Virginia 22186.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the County of Fauquier, Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cedar Run.....	Southern Railroad Bridge.	223
Owl Run.....	State Route 616.....	255
	Southern Railway.....	268
	State Route 28.....	268
	Access Road.....	268
Rappahannock River.	Confluence of Tinpot Run.	277
	outhern Railway.....	277
	U.S. Route 15/29.....	278
	U.S. Route 15/29 (By-Pass).	287
South Run.....	U.S. Route 29/211.....	476
	Va. Route 693.....	488
Tinpot Run.....	Confluence with Rappahannock River.	277
	Va. Route 651.....	277
	Va. Route 655.....	277
	U.S. Route 15/29.....	277
	U.S. Route 15/29 (By-Pass).	283
White Mills Branch.	Upstream Corporate Limits.	423

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1961 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4968]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Marion, Smyth County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Marion, Smyth County, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Mayor, Marion, Virginia. Send comments to: Honorable W. W. Scott, Mayor of Marion, P.O. Box 1005, Marion, Virginia 24354.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Marion, Smyth County, Virginia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Fork Holston River.	Upstream Country Club Road.	2,087
	Upstream Marion Dam...	2,110
	Upstream Amplex Street.	2,127
	At Mile 43.6	2,146
	Upstream Norfolk and Western Railway.	2,175
Staley Creek	At East Lee Street	2,125
	At East High Street	2,142
	Upstream Matson Drive.	2,170
	Upstream Interstate Route 81 (Exit North).	2,192
Town Branch	At Pearl Avenue	2,142
	At South Iron Street	2,146
	At Orange Street	2,180
	At Mile 0.46	2,191
	At Church Street (Mile 0.66).	2,210
Hooks Branch	At Matson Drive (Mile 0.05).	2,172
	At Interstate Route 81 ...	2,184
	Upstream Matson Drive at Mile 0.27.	2,190
	At Mile 0.38	2,200
	Upstream Private Drive at Mile 0.57.	2,220
	Upstream Matson Drive at Mile 0.68.	2,233
	Upstream Matson Drive at Mile 0.85.	2,249
	At Mile 1.00	2,263
	At Mile 1.10	2,273

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's dele-

gation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1962 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4967]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Scott County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Scott County, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Administrator's Office, Gate City, Virginia. Send comments to: Ms. Billee Lynch, County Administrator, P.O. Box 67, Gate City, Virginia 24251.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Scott County, Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub.

PROPOSED RULES

L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Fork Holston River.	Downstream State Boundary.	1,205
	U.S. Route 23	1,217
Stony Creek	U.S. Routes 58 and 421...	1,283
	Clinchfield Railroad	1,272
	Mill Dam	1,278
Big Moccasin Creek.	River Mile 1.00	1,301
	River Mile 1.50	1,326
Clinch River	U.S. Routes 58 and 421 at River Mile 2.35.	1,256
	Mill Dam	1,291
North Fork Clinch River.	U.S. Routes 23, 58, and 421.	1,232
	Clinchfield Railroad	1,258
	State Route 65	1,301
	River Mile 13.0	1,239
Troublesome Creek.	River Mile 15.0	1,259
	Kingdom Road	1,282
	State Route 638	1,291
	River Mile 21.0	1,319
Tributary No. 1 to Possum Creek at Mile 5.23.	Private Road at River Mile 2.12.	1,426
	Private Road at River Mile 2.37.	1,447
	Private Bridge at River Mile 2.64.	1,470
Tributary No. 1 to North Fork Holston River at Mile 7.34.	Confluence of Cate Branch.	1,261
	Private Bridge at River Mile 1.5.	1,286
Stock Creek	State Route 714	1,212
	Private Bridge at River Mile 0.55.	1,227
	Upstream Town of Clinchport Corporate Limits.	1,239
	Southern Railway at River Mile 1.93.	1,259
Little Moccasin Creek.	Footbridge at River Mile 2.85.	1,296
	State Route 646	1,333
	Private Road at River Mile 3.42.	1,354
	Private Road at River Mile 4.41.	1,385
North Fork Holston River.	Private Road at River Mile 5.61.	1,438

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1963 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4966]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Smyth County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Smyth County, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the County Administrator, Marion County, Virginia. Send comments to: Mr. Marvin Perry, County Administrator, P.O. Box 188, Marion, Virginia 24354.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Smyth County, Virginia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Fork Holston River.	Interstate Route 81	1,944
	State Route 638	1,953
	U.S. Route 11	1,974
	State Route 645	1,986
	State Route 659	2,064
	Confluence of Hungry Mother Creek.	2,080
	State Route 691	2,167
	State Route 693	2,194
	State Route 689	2,210
	Confluence of Bear Creek.	2,256
Sulphur Spring Creek.	Confluence of Shupe Hollow Creek.	2,288
	State Route 626	2,303
	Flowing Springs Road ...	2,337
	Chilhowie Corporate Limits.	1,947
Carlock Creek	State Route 640	1,962
	River Mile 1.0	1,092
	U.S. Route 11	1,952
Staley Creek	Carlock Creek Road	1,952
	State Route 774	1,958
	Private Road at River Mile 0.62.	1,963
	Marion Corporate Limits.	2,196
North Fork Holston River.	State Route 16	2,257
	Private Road at River Mile 2.68.	2,302
	State Route 688	2,334
	Private Road at River Mile 3.43.	2,362
	State Route 689	2,377
	State Route 740	2,415
Downstream County Boundary.	State Route 91	1,714
	Confluence of Elkhorn Branch.	1,737

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	State Route 633	1,748
	Private Road at River Mile 91.5	1,764
Turkey Run Creek	State Route 91	1,731
	Private Road at River Mile 0.18	1,749
	Private Road at River Mile 0.26	1,769
	State Route 613 at River Mile 0.28	1,775
	State Route 613 at River Mile 0.43	1,807
	River Mile 0.55	1,828
	River Mile 0.66	1,863
South Fork Hoiston River.	State Route 674	2,558
	Private Road at River Mile 112.48	2,563
	Confluence of Slemp Creek	2,568
Dickey Creek	State Route 601	2,571
	State Route 695	2,609
	River Mile 1.0	2,637
Slemp Creek	Confluence with South Fork Hoiston River	2,568
	Confluence of Cressy Creek	2,577
Cressy Creek	State Route 601	2,586
	State Route 16	2,593
	Confluence of Quarter Branch	2,596
Quarter Branch	Private Road at River Mile 0.03	2,601
	Confluence of Unnamed Tributary	2,616
	Private Road at River Mile 0.32	2,637
Unnamed Tributary to Quarter Branch.	State Route 676	2,616
	Private Road at River Mile 0.14	2,629
	Private Road at River Mile 0.23	2,638
Cedar Branch	State Route 632	1,713
	River Mile 2.0	1,729
	River Mile 3.5	1,749
	River Mile 5.0	1,766
	River Mile 6.5	1,780
	Private Road at River Mile 0.78	1,800
	River Mile 0.9	1,826
	Saltville Corporate Limits (Extended)	1,843

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

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

Issued: January 5, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-1964 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4965]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Oceana, Wyoming County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Oceana, Wyoming County, West Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Oceana Town Hall, Cook Parkway, Oceana, West Virginia. Send comments to: Honorable John Roach, Mayor of Oceana, Oceana Town Hall, P.O. Box 190, Oceana, West Virginia 24870.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Oceana, Wyoming County, West Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clear Fork	Downstream Corporate Limits	1,240
	Old Mill Road	1,251
	Tyler Street	1,254
	Lois Street	1,281
	Upstream Corporate Limits	1,295
Laurel Fork	Confluence w/Clear Fork	1,267
	Sycamore Street (Extended)	1,272
	Private Drive	1,278
	Corporate Limits (Upstream)	1,295

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

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

Issued: January 5, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-1965 Filed 1-23-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4936]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of North Fond du Lac, Fond du Lac County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of North Fond du Lac,

Fond du Lac County, Wisconsin. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, North Fond Du Lac City Hall, North Fond Du Lac, Wisconsin. Send comments to: Mr. Robert J. Hinn, Director of Public Works, Village of North Fond du Lac, North Fond Du Lac city Hall, North Fond Du Lac, Wisconsin 54935.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of North Fond Du Lac, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Supple Creek	Downstream corporate limits.	752
	Upstream corporate limits.	752
Mosher Creek	Downstream corporate limits.	754
	200 feet upstream of the downstream corporate limit.	757
	Just downstream of the Chicago and North Western Railroad bridge located 870 feet upstream of the downstream corporate limit.	758
	Just upstream of the Chicago and North Western Railroad bridge located 1,550 feet downstream of Wisconsin Avenue.	764
	Just downstream of Clinton Street.	765
	Just upstream of Polk Street.	767
	Approximately 80 feet upstream of McKinley Street.	769
	Just downstream of Prospect Avenue.	772
Upstream corporate limits.	774	

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

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

Issued: January 5, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 79-1966 Filed 1-23-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[FRL 1040-6; Docket No. VII-79-DCO-1]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by the Iowa Department of Environmental Quality To Terra Chemicals International, Sergeant Bluff, Iowa

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Iowa Department of Environmental Quality to Terra Chemicals International. The order requires the company to bring air emissions from its urea prill tower in Sergeant Bluff, Iowa into compliance with certain regulations contained in the federally-approved Iowa State Implementation Plan (SIP) by June 15, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before February 23, 1979.

ADDRESS: Comments should be submitted to Director, Enforcement Division, EPA, Region VII, 1735 Baltimore, Kansas City, Missouri 64108. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Henry F. Rompage, EPA, Region VII, 1735 Baltimore, Kansas City, Missouri 64108, telephone 816/374-2576.

SUPPLEMENTARY INFORMATION: Terra Chemicals International operates a fertilizer manufacturing plant at Sergeant Bluff, Iowa. The order under consideration addresses emissions from urea prill tower at the facility, which are subject to subrule 400-4.3(2)a Iowa Administrative Code, Process weight rate. The regulation limits the emissions of particulates, and is part of the federally approved Iowa State Implementation Plan. The order requires final compliance with the regulation by June 15, 1979 through installation of a packed bed scrubber. The source has consented to the terms of the order. The source has satisfied increments 1 and 2 contained in the order.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it be-

comes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Iowa SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65. (42 U.S.C. 7413, 7601.)

Dated: January 8, 1979.

KATHLEEN Q. CAMIN,
Regional Administrator.

PART 65—DELAYED COMPLIANCE ORDER

1. By Amending the table in § 65.201 to reflect approval of the following Order:

[Docket No. VII-79-DCO-1]

IOWA DEPARTMENT OF ENVIRONMENTAL QUALITY AIR QUALITY COMMISSION

DES MOINES, IOWA

In the matter of Terra Chemicals International, Inc., Order, Docket No. 78-A-012.

WHEREAS employees of the Department of Environmental Quality have reviewed the results of the April, 1978, stack test of the urea prill tower of Terra Chemicals International, Inc., at Port Neal Industrial Area in Woodbury County, Iowa, and determined that the emissions from the urea prill tower exceed the emission standard of subrule 400-4.3(2)a I.A.C.

WHEREAS the said subrule is a part of the federally-approved implementation plan applicable to Air Quality Control Region 086 in which the Terra Chemicals International, Inc. urea prill tower at the Port Neal Industrial Area, Woodbury County, Iowa, is located;

WHEREAS Terra Chemicals International, Inc. has acknowledged that it is in violation of subrule 400-4.3(2)a I.A.C. and has

agreed to waive its rights to a contested case hearing under the Iowa Administrative Procedure Act and to waive its rights under section 455B.17 of the Iowa Code;

WHEREAS Terra Chemicals International, Inc. is hereby given notice that in the event it fails to meet any requirement of this order, it will be subject to civil penalties for such noncompliance, and that if it fails to achieve final compliance as specified in Subparagraph A-6 by July 1, 1979, it shall be required to pay a noncompliance penalty under Section 120 of the Clean Air Act as amended (42 USC 7420) or under Iowa Law subsequently enacted to obtain delegation under that section;

WHEREAS after full consideration of relevant facts, including the seriousness of the violation and any good faith efforts to comply, the source cannot immediately comply and compliance with the order below is reasonable and expeditious;

Therefore, it is ordered, By the Air Quality Commission:

A. That Terra Chemicals International, Inc. complete the following acts with respect to the urea prill tower at its plant at Port Neal Area in Woodbury County, Iowa, on or before the dates specified.

1. September 1, 1978—Submit final control plan.
2. November 1, 1978—Award bids and execute contracts for emission control equipment.
3. March 5, 1979—Initiate on-site construction or installation of emission control equipment.
4. May 18, 1979—Complete on-site construction or installation of emission control equipment.
5. May 21, 1979—Complete shakedown operations and perform stack tests on system.
6. June 15, 1979—Submit stack test report and achieve final compliance with subrule 400-4.3(2)a I.A.C.

The parties understand and agree that the above timetable shall be extended for such periods of time as Terra Chemicals International, Inc. may be delayed as the result of causes beyond the control of Terra Chemicals International, Inc., such as, but not limited to, acts of God and strikes. Determination as to the existence of circumstances beyond Terra Chemicals International, Inc.'s control and of the period of any extension shall be at the reasonable discretion of the Iowa Department of Environmental Quality.

B. That specified interim requirements for emission reduction, prior to final compliance as specified in subparagraph A-6, are not feasible.

C. That no specific monitoring prior to final compliance will be required.

D. That Terra Chemicals International, Inc. prior to the initiation of on-site construction or installation of emission control equipment required by paragraph A-3, obtain a permit for the proposed equipment or related control equipment from the Permits Section of the Air and Land Quality Division of the Department of Environmen-

tal Quality, as defined in subrule 400-3.1 I.A.C.

E. That Terra Chemicals International, Inc. certify to the Chief of Surveillance Section of the Air and Land Quality Division of the Department of Environmental Quality no later than seven (7) days after the deadline for completing such increment of progress, whether such increment has been achieved; if an increment has not been achieved by the deadline date, a full report of the reasons why the increment was not achieved and of whether the failure is expected to put the subsequent deadline dates in jeopardy should be submitted.

F. That Terra Chemicals International, Inc., 15 days prior to conducting the performance tests required by this order give notice of such scheduled test to the Chief of Surveillance Section to afford him an opportunity to have an observer present.

Dated: November 16, 1978.

AIR QUALITY COMMISSION,
HAL B. RICHMOND,
Chairman.

Dated: August 4, 1978.

TERRA CHEMICALS INTERNATIONAL, INC.,
JOHN H. COLBY.

A public notice was published on August 24, 1978 in the Sioux City Journal regarding this order (and the schedule for compliance contained herein), and a public hearing was held before the Iowa Air Quality Commission on October 12, 1978, at the Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa.

DEPARTMENT OF ENVIRONMENTAL QUALITY

DES MOINES, IOWA

In the matter of: Terra Chemicals International, Inc., Waiver.

Terra Chemicals International, Inc. acknowledges that it is in violation of subrule 400-4.3(2)a I.A.C. and agrees to waive its rights to a contested case hearing under the Iowa Administrative Procedure Act and its rights under 455B.17 of the Iowa Code. Furthermore, Terra Chemicals International, Inc. has reviewed Order 78-A-012, believes it to be a reasonable means to attain compliance with the applicable regulations in that it accords with the intentions of Terra Chemicals International, Inc. regarding the urea prill tower at its plant at Port Neal Industrial Area in Woodbury County, Iowa, and it consents to the terms of the order. Finally, Terra Chemicals International, Inc. acknowledges that compliance with the Order 78-A-012 does not relieve it of the responsibility to comply with the provisions of the Rules of the Air Quality Commission.

Dated: August 4, 1978.

TERRA CHEMICALS INTERNATIONAL, INC.,
JOHN H. COLBY.

[FR Doc. 79-2559 Filed 1-23-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Proposed Elimination of the Quality Analysis for Dark, Hard, and Vitreous Kernels in Hard Red Winter Wheat

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice and Request for Comments.

SUMMARY: The Administrator of the FGIS proposes the elimination of the quality analysis for the percentage of Dark, Hard, and Vitreous (DHV) kernels in Hard Red Winter (HRW) wheat to become effective May 1, 1980, and requests comments on the proposal.

DATES: Comments must be received on or before February 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Leslie E. Malone, Assistant Deputy Administrator, Program Operations (Staff), Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1627, Washington, D.C. 20250, (202) 447-9166.

SUPPLEMENTARY INFORMATION: Pursuant to the authority in section 7(b) of the United States Grain Standards Act, as amended, (7 U.S.C. 79(b)), hereinafter cited as the Act, notice is hereby given, that the Administrator of the FGIS proposes the elimination of quality determinations for the percentage of DHV kernels in HRW wheat.

As of May 1, 1977, all references to subclass in HRW wheat, based on the factor of DHV, were deleted from the Official United States Standards for Grain. This action was based on results from research studies indicating that protein content is better correlated to baking quality than the correlation that exists between DHV and baking quality. Further, the test for protein content is an objective test, whereas, the determination of the percentage of DHV is a subjective test. For this reason, the DHV analysis is subject to the variance attributed to human judgement. This variance had been a contributing factor in intermar-

ket subclassing differences in HRW wheat.

To lessen the negative effects that the subclass deletion may have had on the contracting and marketing of wheat, applicants were allowed to request DHV determinations under Section 7(b), permissive criteria, of the Act (7 U.S.C. 79(b)). This also provided time to initiate action to inform foreign buyers of U.S. HRW wheat in regard to the advantages of an objective analysis for protein content. At the time of the deletion of subclasses in HRW wheat, determination for the percentage of DHV was the only method available that could quickly provide some indication of end-use quality. Protein content could only officially be determined by the Kjeldahl method was accurate, but too time-consuming for widespread use at export markets, particularly on a subplot basis.

Since the deletion of subclasses in HRW wheat, the Administrator has made available a quick and reliable means of determining protein content in HRW wheat via the use of approved near-infrared reflectance (NIR) instruments. These instruments are currently in use throughout the United States, including all major export markets. Accordingly, the effect of the elimination of quality analysis for the percentage of DHV kernels on the marketing of HRW wheat is expected to be minimal.

Therefore, the Administrator proposes to eliminate the quality determination of DHV, performed under permissive criteria, in HRW wheat as of May 1, 1980. This proposal is based on the availability of a quick and reliable method of determining protein content, which has been shown to be, in general, a better indicator of baking quality. Also, by eliminating DHV determinations, the occurrence of intermarket subclassing differences due to variances in human judgement when determining the percentage of DHV in HRW wheat will be eliminated.

Interested persons are encouraged to submit written comments regarding the elimination of quality analysis for DHV in HRW wheat. All comments should be submitted in writing, in duplicate, and mailed on or before February 23, 1979, John W. Marshall, Director, Inspection Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence

Avenue, SW., Room 0624, Washington, D.C. 20250.

Consideration will be given to the comments filed and to all other information available to the U.S. Department of Agriculture prior to a final determination with respect to the availability of DHV analysis under permissive criteria in HRW wheat. All comments submitted pursuant to this Notice will be made available for public inspection at the previously mentioned address during regular business hours.

(Sec. 8, 16, Pub. L. 94-582, 90 Stat. 2870, 2884 (7 U.S.C. 79(b), 87(e)).)

Dated: January 18, 1979.

L. E. BARTELT,
Administrator, FGIS.

[FR Doc. 2323 Filed 1-23-79; 8:45 am]

[3410-05-M]

Office of the Secretary

ADVISORY COMMITTEE ON EXPORT SALES REPORTING Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following Committee meeting:

NAME: Advisory Committee on Export Sales Reporting.

DATE: February 8, 1979.

TIME: 9 a.m. to 4 p.m.

PLACE: Room 4960-South Building, U.S. Department of Agriculture, 1400 Independence Avenue, Washington, D.C. 20250.

TYPE OF MEETING: Open to the public. However, only written comments will be accepted and should be submitted to Kelly Harrison, General Sales Manager, U.S.D.A., Washington, D.C. 20250, telephone 202-447-5173. Copies of summary minutes of committee meetings may be obtained from the address shown above.

PURPOSE: The Committee is expected to review and approve its report to the Secretary of Agriculture.

Dated: January 19, 1979.

GEORGE S. SHANKLIN,
Acting General Sales Manager.

[FR Doc. 79-2460 Filed 1-23-79; 8:45 am]

[6320-1-M]

CIVIL AERONAUTICS BOARD

[Order 79-1-111; Dockets 34138, 34100,
34089, 34129, 34132]COMMUTER/CERTIFICATED CARRIER JOINT
FARES

Phase II (Division of Revenues)

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of January, 1979.

On November 30, 1978, we issued a Tentative Decision and Order, Order 78-11-154, in response to the direction from Congress, contained in Section 37(c) of the Airline Deregulation Act, to include commuter-certificated carrier connections in the present, and future, uniform methods of establishing and dividing joint fares. At that time, we found that application of the uniform method establishing and dividing joint fares to interline routings between certificated and commuter carriers beginning January 22, 1979, was required by the Airline Deregulation Act of 1978, Pub. L. 95-504. We also tentatively found that the uniform method of establishing and dividing joint fares should not apply to interline routings between certificated and commuter carriers, except in those specific cases previously ordered by the Board, until January 22, 1979.

Consequently, we then proposed to extend the existing Phase 4 methods of establishing and dividing joint fares to all commuter/certificated carrier interline routings effective January 22, 1979. We determined to waive the 30-day requirement for the filing of new tariffs under this program. And, as directed by Congress, we provided that any commuter carrier modifying, terminating, or suspending service covered by an interline agreement without giving 90 days notice of such change would be excluded from participating in the uniform method.

We directed any person having objection to finalizing this decision to file comments with us by December 20, 1978 and permitted responses to be filed until December 29, 1978.

Comments were filed by the Commuter Airline Association of America (CAAA), Western Airlines, United Airlines, Aspen Airways, Southwest Airlines, Altair Airlines,¹ Continental Airlines, the Local Service Carriers,² American Airlines and Trans World Airlines. Responses were then filed by Pacific Southwest Airlines, Provincetown-Boston Airline, and CAAA.³

¹Altair's pleading was accompanied by a Motion for Late Filed Document, which we grant.

²Frontier Airlines, Hughes Airwest, North Central Airlines, Ozark Airlines, Piedmont Aviation, Southern Airways, Texas International Airlines, and Allegheny Airlines.

³During the pendency of this proceeding Air Florida (Docket 34132) and Golden

West/Swift Aire (jointly in Docket 34129) have petitioned us seeking inclusion in the uniform method. Since this order general applicability grants these applicants the relief they seek without the necessity of individualized proceedings, we will dismiss their petitions as moot. Docket 34100, involving a similar petition by Wright Airlines and Altair Airlines, will also be disposed of in this manner.

After consideration of the various positions, we have decided to affirm, with certain clarifications, that portion of the Tentative Decision and Order calling for the extension of the uniform method of establishing joint fares to commuter-certificated carrier connections effective January 22, 1979. We have also decided to institute an investigation of whether the current method of divisions is unfair, unreasonable or unduly prejudicial or preferential and of, whether, as a matter of law, the Airline Deregulation Act requires that the uniform method of dividing joint fares be made retroactive before January 22, 1979. While we are therefore opening the division formula we have decided that, on an interim basis, the current method and formula be used for dividing joint fares, including those between certificated and commuter carriers.

The comments submitted by the various parties fell into three groups. Several smaller, certificated carriers who were not parties to Phase 4 filed requests that our order be clarified insofar as their participation in the uniform method is involved. One carrier wished it made clear that it did not have to participate in the uniform method; several wished it made clear that they were included in the uniform method.

The second group of comments were filed by certificated carriers who objected strenuously to the use of the Phase 4 division formula as a basis for dividing joint fares with commuter carriers, terming such a division formula unjust and unreasonable. Several also objected to the extension of the requirement to establish joint fares with commuters in all markets and some expressed doubt that the system could effectively be implemented by January 22, 1979. Several suggested that the better course was to begin the comprehensive reexamination of joint fare policy, which we have announced our intention to undertake, at once and consider the question of commuter/certificated joint fares in that context. Various suggestions were made as to what should be done in the interim.

The third set of comments were the consolidated answer and response filed by CAAA, the trade association of commuter carriers, and by an individual commuter carrier. These comments urged the finalization of our interim order insofar as it extended the uniform method prospectively, and in ad-

dition urged us to reverse our position and apply the uniform method retroactively or, in the alternative, to sever this question from the rest of our order and address it separately. The commuters argued that the system could operate effectively, if not flawlessly, by January 22, 1979, if both we and the affected carriers made a commitment to seeing it work. They also responded to the objections of the certificated carriers.

A more detailed summary of the comments filed with us is contained in the attached Appendix.⁴

DISCUSSION

After consideration of these comments and answers, we remain convinced that Congress intended us to move expeditiously to extend whatever uniform method of establishing and dividing joint fares currently exist, or may exist in the future, to interline routings involving commuter and certificated carriers. We believe that, despite obvious difficulties which must be dealt with, we can and should finalize our Tentative Order, setting January 22, 1979 as the date on which the uniform method will apply to commuter/certificated carrier joint fares. In this regard, we repeat our intent to be reasonable in implementing the requirements for publication of joint fares.⁴

It is clear, however, that many carriers believe that the current uniform method of dividing joint fares is unjust and unreasonable. We are not prepared to say that these concerns lack foundation. Consequently, we are initiating an investigation into whether the current method is unjust, inequitable or unduly preferential or prejudicial and, if so, what division method is fair and equitable. We leave open for resolution in this proceeding whether the "method" must embody a specific formula applicable to all carriers.

While we are opening the method of dividing joint fares as of January 22, 1979, we believe that the current method and formula should be used on an interim basis beginning on that date. We are not prepared to consider changes to a long-standing division formula on such short notice given the potential impact of unanticipated effects on the parties, some of whom are very small and burdened by the need to compete in the new regulatory environment. The parties in the proceeding we are initiating are, of course,

⁴ Appendix A filed as a part of the original document.

⁵In order to ensure that the carriers who would be affected by the finalization of our Tentative Decision and Order were aware of this, for planning purposes, Chairman Cohen so indicated in a statement at the Sunshine meeting of January 4, 1979 and in an accompanying press release.

free to request modification of the interim formula at a later time, on a proper record.

This proceeding should also examine CAAA's contentions that, as a matter of law, Section 37(c) of the Airline Deregulation Act requires the retroactive application of the existing uniform method of dividing joint fares before January 22, 1979. While we have not been persuaded that our tentative determination against such retroactivity is incorrect, we prefer to await the development of a more extended record before making a final decision. We will determine, and announce shortly, the manner in which this proceeding will be conducted.

With respect to the exclusion of commuter carriers who modify, suspend, or terminate service covered by an interline agreement without providing 90 days notice, we agree that only actual modifications of service, and not inconsequential changes in the times of flights, are covered. We solicit informal comments within the next 30 days as to what should be deemed to constitute such a modification and as to how to deal with cases in which both commuter and certificated carrier involved wish to modify service on less than 90 days notice. Following receipt of such comments, the Board will determine what additional procedures, if any, are required to arrive at a correct policy. In the interim, we will deal with any problems that arise on a case-by-case basis.

Southwest's desire not to participate in the joint fare system will be honored. It has never been our intention to force carriers not bound by Phase 4 of DPFI to participate. The burdens attendant to participation are not insignificant and could hamper the efforts of new and potential entrants to the industry. While we will adopt the proposed general rule bringing newly-licensed carriers within the system, 15 days following certification unless prior to their certification they file a notice of intent not to participate, we will permit existing certificated airlines not now subject to Phase 4 to opt out of the system by filing a notice on or before February 1, 1979 of their intent not to participate. Southwest has attempted to give such notice in its Statement of Objections and will be deemed to have complied with this requirement. PSA, Aspen and other newly-certificated carriers which do wish to participate as of January 22, 1979 need do nothing; the Tentative Order contemplated their automatic inclusion. Carriers such as Altair who provide service under a variety of authorities and are not bound by Phase 4 of DPFI are free to differentiate their participation on this basis, upon timely notice.

Commuter carriers wishing to be excluded from the system clearly can do so by modifying, suspending or terminating service without giving the required notice. We see no reason why this option should be available only at the cost of disrupting service. Therefore, we will permit them to stay out of the system by filing notice to that effect by February 1. We do not feel that such a decision must be made now or never, for such a policy would ultimately harm passengers. Consequently, commuter airlines, not barred from participation in the uniform method because of a service modification, suspension, or termination without notice, will be able to join or leave the uniform method on 90-days notice. Such notice shall be served on all certificated carriers and on the Board in Docket 34138 (PHASE II). Recognizing the advantages which flow from flexibility, we will also extend the same option to those certificated carriers which were not parties to Phase 4 of the DPFI and hence need not be bound by it.

Finally, we reemphasize our commitment to undertake the promised comprehensive evaluation of the joint fare system and direct the staff to expedite the initiation of such a proceeding. In so doing we make no judgement about the desirability of mandatory joint fares and divisions, but rather of the need to address these questions giving opportunity for all concerned persons to participate.

Accordingly, 1. We amend Paragraph 1 of Order 74-12-108, amended by Order 75-8-126, to read as follows:

The maximum lawful joint hereafter to be demanded, charged, collected, and received by trunk, local, and commuter service carriers for interline transportation of persons, involving at least one certificated carrier, by said air carriers in the 48 contiguous states and the District of Columbia are as follows:

2. Paragraph 6 of Order 74-12-108 is revised to read as follows:

Divisions of all joint fares for transportation of persons by trunk, local, and commuter carriers for interline transportation involving at least one certificated carrier between points served by said carriers in the 48 contiguous states and the District of Columbia shall be based on the relative costs for the distances flown by each carrier participating in the interline carriage.

3. We waive, for 30 days from the service date of this order, the requirements of 14 CFR 221.160 and paragraph 3 of Order 74-12-108, that tariffs involving joint fares between certificated and commuter carriers be filed 30 days before their effective date. During this period, such tariffs may be effective one day after filing.

4. The uniform method of establishing and dividing joint fares shall not apply to any commuter air carrier which has an agreement with any air carrier to provide service for persons and property which includes transportation over its routes and which:

(a) modifies, suspends or terminates such service; and

(b) fails to provide ninety days notice of such modification, suspension or termination of service to the Board and to the carrier or carriers involved in such agreement.

5. Any carrier which was not a party to Phase 4 of DPFI which does not wish to participate in the uniform method of establishing and dividing joint fares as of January 22, 1979 may be excluded by providing notice to the Board and to all certificated carriers prior to February 1, 1979.⁵

6. After February 1, 1979 any carrier, which was not a party to Phase 4 of DPFI may withdraw from participation in the uniform method of establishing and dividing joint fares by providing 90 days notice to the Board and to all certificated carriers.

7. After February 1, 1979 any carrier which was not a party to Phase 4 of DPFI and which is not participating in the uniform method of establishing and dividing joint fares but which is eligible to do so, may have such uniform method made applicable to it by providing 90 days notice to the Board and to all certificated carriers.⁵

8. We hereby institute an investigation in Docket 34138 (PHASE II) of (1) whether the existing formula for the division of mandatory joint fares is unjust, unreasonable, inequitable, or unduly preferential or prejudicial and if it is, what is just, reasonable and equitable; (2) in the event such a new division formula is established, whether it should be effective from the date of entry of this order of investigation or such other date subsequent thereto as may be just, reasonable, and equitable; and (3) whether Section 37 of the Airline Deregulation Act of 1978 requires that any uniform method of dividing joint fares be made retroactive to a date before January 22, 1979.

9. Effective January 22, 1979, on an interim basis, the current DPFI (Phase 4) formula will be used for the division of mandatory joint fares.

10. The petitions filed by Air Florida and jointly by Golden West and Swift Aire, and Wright and Altair, requesting proceedings to effectuate their inclusion in Phase 4 of DPFI are dismissed as moot.

11. The petition of the CAAA in Docket 34089 is consolidated into Docket 34138 (PHASE II). Docket 34089 is closed.

⁵Notices required to be filed with the Board pursuant to this order shall be sent to the Docket section in Docket 34138 (PHASE II).

12. This order does not constitute a "major federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 or a "major regulatory action" under the Energy Policy and Conservation Act of 1975 as defined in subsection 313.4(a)(1) of the Board's regulations.

13. We will serve a copy of this order on all certificated and commuter carriers and on the Commuter Airline Association of America, Inc.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,*
Secretary.

[FR Doc. 79-2511 Filed 1-23-79; 8:45 am]

[6320-01-M]

[Docket 33361]

CONNER AIR LINES, INC.

Former Large Irregular Air Service
Investigation; Rescheduled Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding previously scheduled to be held on January 30, 1979 (44 FR 2186, January 10, 1979), will, upon request of counsel for applicant, be held instead on February 14, 1979, at 9:30 a.m. (local time), in Hearing Room 1003 C, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before me.

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

Dated at Washington, D.C., January 18, 1979.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc. 79-2510 Filed 1-23-79; 8:45 am]

[3510-25-M]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

DUKE UNIVERSITY

Decision on Application for Duty-Free Entry of
Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of

* All Members concurred.

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

DOCKET NUMBER: 78-00363. APPLICANT: Duke University, Department of Physics, Durham, N.C. 27706. ARTICLE: PS-400P Coherent Nuclear Magnetic Resonance (NMR) Pulse Spectrometer with one tunable probe head and receiver transmitter. MANUFACTURER: Spin-Tech Electronics Ltd., Canada. INTENDED USE OF ARTICLE: This article is intended to be used for studies on solid hydrogen deuterium and helium-3 which involves investigation of the orientational forces acting on the molecules. The article will also be used by students working for the doctorate in physics.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article is capable of providing measurements in the 20-1000 millikelvin range. The National Bureau of Standards advises in its memorandum dated January 5, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory
Import Programs Staff.

[FR Doc. 79-2464 Filed 1-23-79; 8:45 am]

[3510-25-M]

NATIONAL INSTITUTES OF HEALTH ET AL

Consolidated Decision on Applications for Duty
Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursu-

ant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

DOCKET NUMBER: 79-00037. APPLICANT: National Institutes of Health NIAMDD/LEP, 9000 Rockville Pike, Building 4, Room 312, Bethesda, Maryland 20014. ARTICLE: Electron Microscope, Model EM 400 HMG with high magnification goniometer and accessories. MANUFACTURER: Philips Electronics Instrument NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used in the electron microscope study of intracellular junctions, which provide a barrier to the passage of antigenetically active molecules between cells, and in their chemical characterization, both on intact isolated cells, and in isolated plasma membranes; both in freeze fracture and in negatively stained preparation to learn more about the generation of several immune diseases in man. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: November 3, 1978.

DOCKET NUMBER: 79-00038. APPLICANT: Biomedical Engineering and Instrumentation Branch DRS, National Institutes of Health, Bldg. 13, Room 3W13, 9000 Rockville Pike, Bethesda, MD 20014. ARTICLE: Electron Microscope, Model H-700 and accessories. MANUFACTURER: Hitachi Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to analyze the ultrastructure and composition of a wide variety of biological specimens. In addition, the article will be equipped with X-ray and electron energy-less spectrometers, whose data output will assist in the exploration of the structure-function relationships in the tissues examined. ARTICLE ORDERED: June 26, 1978.

DOCKET NUMBER: 79-00040. APPLICANT: Kansas State University, College of Veterinary Medicine, Manhattan, KS 66506. ARTICLE: Electron Microscope, Model H-300 and accessories. MANUFACTURER: Hitachi, Japan. INTENDED USE OF ARTICLE: The article is intended to be used to help elucidate the pathogenesis and pathologic changes in various diseases of domestic animals. The experiments to be conducted will include daily examination of specimens from animals for diagnostic purposes and planned

experiments arising from diagnostic cases of economic significance. The objectives of the investigations are to develop a better understanding of the structural and functional changes with cells that result in malfunction and disease. In addition, the article will also be used in the courses: Topics in Pathology, Advanced Topics in Pathology and Advanced Diagnostic Pathology to give the pathologists-in-training training in the use of electron microscope and in the recognition of ultrastructural disease processes. **ARTICLE ORDERED:** May 16, 1978.

DOCKET NUMBER: 79-00042. **APPLICANT:** East Tennessee State University College of Medicine, P.O. Box 19540A, State University Station, Johnson City, Tennessee 37601. **ARTICLE:** Electron Microscope, Model EM 201C and Plate Camera with accessories. **MANUFACTURER:** Philips Electronics Instruments NVD, The Netherlands. **INTENDED USE OF ARTICLE:** The article is intended to be used for studies of tissues from experimental animals used in a model of experimental endometrial and bladder cancer. The ultrastructure of organelles of target tissue is altered by the administration of chemical carcinogens, sex hormones, and castration. These alterations will be studied. The article will also be used in a Sophomore Pathology course designed to present a comprehensive survey of general and organ system pathology to familiarize the students with medical nomenclature, basic concepts of etiology and pathogenesis and sufficient information about disease states so that they can perform up to their capabilities on the National Board examinations and benefit maximally from their subsequent clinical clerkships. **ARTICLE ORDERED:** September 28, 1978.

DOCKET NUMBER: 79-00043. **APPLICANT:** University of Mississippi Medical Center, 2500 North State Street, Jackson, MS 39216. **ARTICLE:** Electron Microscope, Model EM 10A with Goniometer and accessories. **MANUFACTURER:** Carl Zeiss, West Germany. **INTENDED USE OF ARTICLE:** The article will be used in part for a combined ultrastructural, immunocytochemical and biochemical investigation of the role of the large dense core noradrenergic vesicles of the peripheral sympathetic nervous system. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** November 3, 1978.

DOCKET NUMBER: 79-00045. **APPLICANT:** University of Oklahoma, Purchasing Office, 660 Parrington Oval, Room 321, Norman, Oklahoma 73019. **ARTICLE:** Electron Microscope, Model EM 10A and accessories. **MANUFACTURER:** Carl Zeiss, West Germany. **INTENDED USE OF ARTI-**

CLE: The article is intended to be used for research programs involving viruses, bacteria, plant and animal tissue and algae. Essentially, all these studies are morphological in nature, i.e. to elucidate ultrastructural morphology. The morphological information being observed will concern the natural state of the specimen. Consequently, any "experiments" will be an attempt to retain the natural state of the specimen. The article will be used primarily in conjunction with the course "Cytology Ultrastructure" with emphasis given to the ultrastructural morphology of cellular organelles and their functional significance. It is a descriptive survey of bacterial, plant, and animal cells. Students will be familiarized with the design and function of both the scanning and transmission electron microscope and the attendant specimen preparation techniques. **ARTICLE ORDERED:** September 6, 1978.

DOCKET NUMBER: 79-00064. **APPLICANT:** University of California, San Francisco, 1438 Harbour Way South, P.O. Box 4028, Richmond CA 94804. **ARTICLE:** Electron Microscope, Model EM 400 and accessories. **MANUFACTURERS:** Philips Electronics Instruments NVD, The Netherlands. **INTENDED USE OF ARTICLE:** The article is intended to be used in conducting varied research projects which include the following:

(1) Histological and cytological studies of the development of the pancreas, using ultrastructure to complement their molecular studies.

(2) Studies on the formation of synapses between neurons and target cells to localize particular molecules in synapses using antibody conjugates.

(3) Characterization of purified homogeneity synaptic vesicles and further to use antibodies to synaptic vesicles and to presynaptic neurotoxins in functional studies of the nervous system.

(4) Several studies on chromosomal structure—including studies of the organization of *Drosophila* polytene chromosomes bands/interbands.

(5) Analysis of biological macromolecules, particularly DNA and RNA, and their interaction with proteins.

(6) Characterization of yeast and mammalian gene DNA isolate by recombinant DNA techniques.

(7) Studies of the mechanisms which mediate the RNA tumor viruses and the factors that control viral gene expression.

In addition, the article will be used for instruction purposes covering all new techniques. **ARTICLE ORDERED:** November 6, 1978.

DOCKET NUMBER: 79-00066. **APPLICANT:** Princeton University, P.O. Box 33, Princeton, New Jersey 08540. **ARTICLE:** Electron Microscope,

Model EM 400 HMG and accessories. **MANUFACTURER:** Philips Electronics Instruments NVD, The Netherlands. **INTENDED USE OF ARTICLE:** The article is intended to be used for investigation of biological macromolecules (proteins, nucleic acids), cell particulates (chromatin, ribosomes, membranes) viruses, cells with the objective of obtaining knowledge of biomedical value. The article will be used by both pre- and postdoctoral research students in their research work, as well as by faculty. The pre- and postdoctoral students will receive training in the use of the microscope by resident electron microscopist. **ARTICLE ORDERED:** October 20, 1978.

DOCKET NUMBER: 79-00067. **APPLICANT:** National Institutes of Health, Bethesda, Maryland 20014. **ARTICLE:** Electron Microscope, Model EM 400 HMG and accessories. **MANUFACTURER:** Philips Electronics Instruments NVD, The Netherlands. **INTENDED USE OF ARTICLE:** The article is intended to be used by electron microscopists looking at synaptic junctions, neural processes and peptide binding sites. The work on the neural connections of the retina involves examination of serial sections in the electron microscope and some of the project will involve examination of Golgi-impregnated tissues or horseradish peroxidase injected cells. The sectioned neurons are followed through at least one hundred sections and frequently montage electron micrographs are taken. **ARTICLE ORDERED:** September 30, 1978.

DOCKET NUMBER: 79-00032. **APPLICANT:** Howard University, 415 College Street N.W., Washington, D.C. 20059. **ARTICLE:** Electron Microscope, Model EM 10 with Coolwell recirculating cooling system and accessories. **MANUFACTURER:** Carl Zeiss, West Germany. **INTENDED USE OF ARTICLE:** The article is intended to be used for studies of biological materials related to human diseases, particularly heart disease and stroke and cancer with focus on studies on the molecular and subcellular alteration of organelles. Investigations will be conducted to:

(a) To determine the change in myofibril structure and function in cardiac cells and endothelia in normal and heart diseased animals.

(b) Determine the ultrastructural changes that occur during the transformation of a normal mammary gland cell into a tumor cell.

(c) Localize the sites of protein hormone binding on the plasma membrane of cells in hormone responsive tissues.

(d) Localize sites of tumor specific antigens on cultured cell surfaces.

ARTICLE ORDERED: September 1, 1978.

COMMENTS: No comments have been received with respect to any of the foregoing applications.

DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

REASONS: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-2463 Filed 1-23-79; 8:45 am]

[3510-25-M]

NORTHWESTERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

DOCKET NUMBER: 78-00432. **APPLICANT:** Northwestern University, Chemistry Department Evanston, Ill. 60201. **ARTICLE:** Rare Gas Halide Laser Kit and Accessories. **MANUFACTURER:** Lumonics Research, Canada. **INTENDED USE OF ARTI-**

CLE: The article is intended to be used to create large quantities of molecular fragments which will be studied with respect to measuring the initial energy distribution of these fragments. This will allow for the testing and formulation of theories of chemical dynamics and the reactivity of excited molecules. In another set of experiments the article will be used as a HF laser to pump energy into overtone vibrations of molecules. The reactivity of these excited molecules will then be studied. In a third set of experiments, the output of this laser will be used in the 300-nm region of the spectrum to pump a dye laser which will then be used to probe excited state molecular fragment energy distributions. The article will also be used in nonlinear optics experiments in which high peak power is very important.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. **REASONS:** The foreign article provides a high power level (6 millijoules for nitrogen), a short pulse (5 nanoseconds for nitrogen) and operation using several gases (N₂, KrF, ArF, Xef etc.). The National Bureau of Standards advises in its memorandum dated December 13, 1978 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-2465 Filed 1-23-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF ALABAMA

Withdrawal of Application for Duty Free Entry of Scientific Article

The University of Alabama in Birmingham has withdrawn its application (Docket Number 78-00391) for duty-free entry of a Model LKB 8800A Ultramicrotome.

Accordingly, further administrative proceedings will not be taken by the Department of Commerce with respect to this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.
[FR Doc. 79-2461 Filed 1-23-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF RHODE ISLAND, ET AL

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building at 14th and Constitution Avenue N.W., Washington, D.C. 20230.

DECISION: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

REASONS: Subsection 301.8 of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.

... If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11." [Emphasis added]

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another appli-

cation for the same article to which the denial without prejudice relates within the 20-day period, or fails to re-submit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

... the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

DOCKET NUMBER: 78-00052. APPLICANT: University of Rhode Island, Graduate School of Oceanography, Kingston, R.I. 02881. ARTICLE: VG Micromass 30B Surface Ionization Mass Spectrometer and accessories. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: May 12, 1978. DOCKET NUMBER: 78-00099. APPLICANT: Case Western Reserve University, Department of Macromolecular Science, University Circle, Cleveland, Ohio 44106. ARTICLE: Chart Recorder, Model TE 200/2 and Accessories. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: August 24, 1978.

DOCKET NUMBER: 78-00137. APPLICANT: University of South Alabama—College of Medicine, Electron Microscopy Suite, Room 1206, Medical Sciences Building, 307 University Blvd., Mobile, Alabama 36688. ARTICLE: LKB 8800A Ultratome III Ultramicrotome and Accessories. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: June 8, 1978.

DOCKET NUMBER: 78-00145. APPLICANT: University of Wisconsin, Nuclear Engineering Department, 1500 Johnson Drive, Madison, Wisconsin 53706. ARTICLE: Microwave Reflex Klystron. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: June 16, 1978.

DOCKET NUMBER: 78-00153. APPLICANT: Northwestern University, 633 Clark Street, Evanston, Illinois 60201. ARTICLE: Dual Channel Transient Recorder Model DL 922 and Accessories. DATE OF DENIAL WITH-

OUT PREJUDICE TO RESUBMISSION: August 30, 1978.

DOCKET NUMBER: 78-00179. APPLICANT: National Aeronautics and Space Administration, Headquarters, Contracts Division, Code HWE-2, Washington, D.C. 20546. ARTICLE: Eighteen (18) Ultrasonic Flowmeter Transducers and Accessories. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: August 30, 1978.

DOCKET NUMBER: 78-00180. APPLICANT: Albert Einstein College of Medicine of Yeshiva University, Dept. of Molecular Pharmacology, 1300 Morris Park Ave., Bronx, New York 10461. ARTICLE: Laminar Flow Cage Rack. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: August 24, 1978.

DOCKET NUMBER: 78-00191. APPLICANT: Washington State University, Division of Purchasing, Pullman, WA 99164. ARTICLE: Particle Electrophoresis Apparatus, Mark II and Accessories. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: August 24, 1978.

DOCKET NUMBER: 78-00194. APPLICANT: Harvard Medical School, VA Hospital, 1400 VFW Pkwy., West Roxbury, MA 02132. ARTICLE: LKB 8800A Ultratome III Ultramicrotome and Accessories. DATE OF DENIAL WITHOUT PREJUDICE TO RESUBMISSION: August 24, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-2462 Filed 1-23-79; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric
Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL GROUND FISH ADVISORY SUB- PANEL

Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council was established by the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established an Advisory Subpanel on Groundfish. This subpanel will meet to review a draft fishery management plan.

DATES: The meeting will convene on Wednesday, February 21, 1979, at 9:30 a.m. and adjourn at 4:00 p.m. This meeting is open to the public.

ADDRESS: The meeting will take place in the Aviation Board Room at the New Orleans International Airport, Kenner, Louisiana.

FOR FURTHER INFORMATION CONTACT:

Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: January 19, 1979.

WINFRED H. MELBOHM,
Acting Executive Director,
National Marine Fisheries Service.
[FR Doc. 79-2421 Filed 1-23-79; 8:45 am]

[3510-22-M]

MARINE FISHERIES ADVISORY COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a Subcommittee meeting of the Marine Fisheries Advisory Committee. The meeting will be held on Thursday, February 8, 1979, in Room 401, Page Building No. 2, 3300 Whitehaven Street, NW., Washington, D.C., starting at 9:00 a.m. and ending at approximately 4:00 p.m.

The purpose of the Subcommittee is to look at the current requirements for mandatory safety inspection of commercial fishing vessels and the potential for bringing the uninspected vessels under mandatory safety requirements; to evaluate the requirements to build U.S. fishing vessels solely in U.S. shipyards and the impacts that changes would have on industries associated with fishing and shipbuilding.

The Subcommittee meeting is open to the public and there will be seating for approximately 25 members of the public available on a first come, first served basis. Questions concerning the meeting may be directed to:

Ms. Phyllis Bentz, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: Area Code 202-634-7355.

Interested members of the public who wish to submit written comments should do so at the address noted above. Written statements should be received within 10 days after the close of the Subcommittee meeting.

Dated: January 19, 1979.

JACK W. GEHRINGER,
Deputy Assistant
Administrator for Fisheries.

[FR Doc. 79-2420 Filed 1-23-79; 8:45 am]

[3510-22-M]

ULF SVENSSON

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Mr. Ulf Svensson, Kolmardens Djurpark.

b. Address: S-610/23 Kolmardens, Sweden.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic Bottlenose dolphins (*Tursiops truncatus*), 3.

4. Type of Take: To capture and maintain permanently in a facility.

5. Location of Activity: Rockport, Texas.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 23, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be main-

tained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the National Board of Agriculture, Sweden, that agency being responsible, among other things, for ensuring the suitable care of animals in captivity;

(b) Includes:

i. A verification from the Division of Contagious Animal Diseases of the information set forth in the application;

ii. A certification from the Division of Contagious Animal Diseases that the Board is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

iii. A statement that the Board will have no objection to a NMFS decision to amend, suspend, or revoke a permit.

In accordance with the above cited policy, the certification and statements of the National Board of Agriculture, Sweden, have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: January 18, 1979.

WILLIAM ARON,
Director, Office of Marine Mammals/Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-2427 Filed 1-23-79; 8:45 am]

[3510-25-M]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF SOUTH AFRICA

Import Restraint Level for Certain Man-Made Fiber Yarn, Correction

On December 28, 1978, there was published in the FEDERAL REGISTER (43 FR 60635) a letter dated December 21, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing an import restraint level for man-made fiber yarn

in Category 604 (only T.S.U.S.A. 310.5049) of 1,866,000 pounds during the twelve-month period which began on January 1, 1979 and extends through December 31, 1979. The name of the country concerned should have read, "Republic" of South Africa, instead of "Union" of South Africa.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-2459 Filed 1-23-79; 8:45 am]

[6820-33-M]

COMMITTEE FOR PURCHASE FROM BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1979

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1979 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: January 24, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On July 28, 1978 the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (43 FR 32851) of proposed addition to Procurement List 1979, November 15, 1978 (43 FR 53151).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1979:

CLASS 6510

Bandage, Muslin, Compressed, Camouflaged 6510-00-201-1755.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 79-2439 Filed 1-23-79; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE*Office of the Secretary***DEFENSE ADVISORY COMMITTEE ON WOMEN
IN THE SERVICES (DACOWITS)****Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 9 a.m. to 4 p.m., February 13, 1979, at the Pentagon, OSD Conference Room, 1E801 No. 3. Meeting sessions will be open to the public.

This meeting has been called by the Chairperson without the normal 30 day prior notification requirement to discuss the plans and agenda for the semiannual meeting which will be held three weeks earlier (April 1-5, 1979) than previously scheduled. This constitutes the normal Executive Committee Meeting held during February or March preparatory to the formal DACOWITS Spring Meeting.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Lt. Col. Barbara J. Roy, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, telephone 202-697-5655 no later than February 12, 1979.

MAURICE W. ROCHE,
*Director, Correspondence and
Directives, Washington Head-
quarters Service, Department
of Defense.*

JANUARY 19, 1979.

[FR Doc. 79-2466 Filed 1-23-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY**NATIONAL PETROLEUM COUNCIL, TASK
GROUP OF THE COMMITTEE ON MATERIALS
AND MANPOWER REQUIREMENTS****Meeting**

Notice is hereby given that two task groups of the Committee on Materials and Manpower Requirements 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 Materials and Manpower Requirements 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 two task groups scheduling meetings are the Task Group on Drilling Equipment and the Task Group on Well Servicing. The time, location and agenda of each task group meeting follows:

The first meeting of the Drilling Equipment Task Group will be on Friday, February 2, 1979, starting at 8:00 a.m. on the 9th Floor of the Armco Building, 1455 West Loop South, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of scope of the NPC study on Materials and Manpower Requirements.

3. Discussion of the study methodology to be employed by the Drilling Equipment Task Group.

4. Discussion of the timetable of the Drilling Equipment Task Group.

5. Discussion of any other matters pertinent to the overall assignment of the Drilling Equipment Task Group.

The second meeting of the Well Servicing Task Group will be on Monday, February 12, 1979, starting at 9:00 a.m. in the Board Room of Well-Tech, Inc., 700 Rusk Avenue, Houston, Texas.

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 Well Servicing Task Group and review of assignments.

3. Discussion of the timetable of the Well Servicing Task Group.

4. Discussion of any other matters pertinent to the overall assignment of the Well Servicing Task Group.

The meetings are open to the public. The chairman of each task group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with either 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 James R. Hemphill, Office of Resource Applications, 202-633-8383, 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 a.m. and 4:30

p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on January 16, 1979.

GEORGE S. McISAAC,
*Assistant Secretary for
Resource Applications.*

JANUARY 16, 1979.

[FR Doc. 79-2380 Filed 1-23-79; 8:45 am]

[6450-01-M]

Bonneville Power Administration

[DOE/EIS-0005-DS-2]

PROPOSED FISCAL YEAR 1979 PROGRAM**Availability of Draft Facility Planning
Supplement**

Notice is hereby given that the Bonneville Power Administration (BPA), Department of Energy (DOE), has issued a draft facility planning supplement to BPA's Final Fiscal Year 1979 Proposed Program Environmental Statement. This Draft Facility Planning Supplement is issued pursuant to DOE's implementation of the National Environmental Policy Act of 1969. Entitled "Southwest Oregon Area Service," this supplement assesses the environmental impacts of two electrical plans of service to provide power to southwestern Oregon and to reinforce the Pacific Northwest power grid.

Copies of the Southwest Oregon Area Service Draft Facility Planning Supplement are available for public inspection at designated Federal depositories (for locations, contact the Environmental Manager, BPA, P.O. Box 3621, Portland, OR 97208) and at DOE public document rooms located at:

FOI Public Reading Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C.

BPA, Washington, D.C., Office, Forrestal Building, 1000 Independence Avenue, S.W. (Room GA-176), Washington, D.C.
Library, BPA Headquarters, 1002 N.E. Holaday Street, Portland, OR.

And in the following BPA Area and District Offices:

Eugene District Office, U.S. Federal Building, 211 East 7th Street, Room 206, Eugene, OR.

Idaho Falls District Office, 531 Lomax Street, Idaho Falls, ID.

Kalispell District Office, Highway 2 (East of Kalispell), Kalispell, MT.

Portland Area Office, Lloyd Plaza Building, 919 N.E. 19th Avenue, Room 210, Portland, OR.

Seattle Area Office, 415 First Avenue North, Room 250, Seattle, WA.

Spokane Area Office, U.S. Court House, Room 561, W. 920 Riverside Avenue, Spokane, WA.

Walla Walla Area Office, West 101 Poplar, Walla Walla, WA.

Wenatchee District Office, U.S. Federal Building, Room 314, 301 Yakima Street, Wenatchee, WA.

This document is being furnished to various Federal, State, and local agencies with environmental expertise, or which are otherwise likely to be interested in, or affected by, the proposal. Copies of the document are also being furnished to State and local clearing-houses and to other interested groups and individuals.

A limited number of single copies are available for distribution by contacting the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; the BPA Area and District Offices mentioned above.

Dated at Portland, Oregon this 8th day of December 1978.

STERLING MUNRO,
Administrator.

[FR Doc. 79-2435 Filed 1-23-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Docket Nos. IS79-4, FS79-1 and FS79-2]

WILLIAMS PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Instituting Section 4 Investigation, Consolidating Proceedings, Establishing Procedures and Certifying Matter to the Commission

JANUARY 18, 1979.

On November 30, 1978, Williams Pipe Line Company (WPL) filed in Docket No. IS79-4 supplemental tariff sheets¹ incorporating increased rates for the transportation of crude petroleum and various petroleum products. WPL proposes an effective date of January 19, 1979.²

Concurrently with its general rate increase filing WPL filed two applications for relief under Section 4 of the Interstate Commerce Act (I.C.A.). The first of these applications, designated "Fourth Section Application No. 11," was assigned Docket No. FS79-1 and pertains to certain transportation services performed under WPL's F.E.R.C. Tariff Nos. 5, 8, and 10. The second ap-

¹Supplement 18 to WPL F.E.R.C. No. 5; Supplement 17 to WPL F.E.R.C. No. 6; Supplement 12 to WPL F.E.R.C. No. 8; Supplement 6 to WPL F.E.R.C. No. 9; Supplement 15 to WPL F.E.R.C. No. 10; Supplement 6 to WPL F.E.R.C. No. 11; Supplement 15 to WPL F.E.R.C. No. 12; Supplement 4 to WPL F.E.R.C. No. 13; Supplement 4 to F.E.R.C. No. 14; and Supplement 4 to WPL F.E.R.C. No. 15.

²Postponement supplement filed December 22, 1978, delayed the effective date from the originally proposed date of January 1, 1979.

plication, designated "Fourth Section Application No. 12," was assigned Docket No. FS79-2 and pertains to certain transportation services performed by WPL under F.E.R.C. Tariff No. 9. If granted, the applications would allow WPL to charge lower rates for specified long-haul transportation services than for short-haul service on the same lines. WPL claims that the Section 4 relief requested by its two applications is supplementary to relief granted by the I.C.C. in Fourteenth Supplemental Fourth Section Order 20281, dated September 23, 1977, and Second Supplemental Fourth Section Order No. 20500, dated September 29, 1977.³

On December 20, 1978, "Mid-Continent Petroleum Products Shippers" (Mid-Continent), a group of five petroleum shippers which transport petroleum products via WPL's facilities, filed a complaint in Docket No. IS79-4 seeking suspension of WPL's proposed rate increase. Mid-Continent's complaint was supplemented by filing of January 8, 1979, and WPL filed a reply on January 10, 1979.

For the reasons stated below, the Board shall (1) suspend WPL's proposed tariff sheets until August 1, 1979, (2) institute an investigation under Section 4 of the Interstate Commerce Act, (3) consolidate all three dockets for purposes of hearing and decision and (4) prescribe hearing procedures for the consolidated proceeding. In addition, the Board shall certify to the Commission (in accordance with 18 CFR Part 3.5(e)(9)) the question of whether this consolidated proceeding should also be consolidated with pending rate proceedings involving WPL.

WPL owns and operates an 8,500 mile pipeline system serving 12 mid-western states. The company operates 33 distribution terminals, all of which have truck-loading facilities, 13 of which are equipped to handle railroad tank cars. The system is also connected to ten pipelines, 52 shipper-owned facilities and five refineries. Transportation services are provided for a broad range of products including gasolines, fuel oils, kerosene, diesel fuels, jet fuels, liquefied petroleum gases, aqueous fertilizer solutions, crude oils, blending stocks and other semi-refined products. According to WPL approximately 70 shippers use the system on a continuing basis. In 1977, system throughput averaged 522,000 barrels per day.

WPL claims that its increased rates will result in a 3.79 percent increase in revenue per barrel in the third quarter of 1979 and, therefore, that the increase meets Presidential price guide-

³Both I.C.C. orders require, however, that WPL not increase applicable rates unless new Commission authorization is obtained.

lines and falls below the level at which the Board has indicated, as a matter of policy, it will suspend proposed rates. WPL cites increases in the cost of its purchased power, labor, materials, and services as support for its increase. It is estimated by WPL that total 1978 operating expenses increased by 21.6 percent over 1977 levels. On a per-barrel basis expenses have increased by an estimated 15.4 percent. WPL projects that it will earn an 8.86 percent return on valuation in 1979 if the proposed rate increase is allowed to become effective as requested.

Mid-Continent's complaint, as supplemented, protests the WPL increase on three principal grounds. First, it contends that WPL's rates reflect excessive depreciation charges. WPL, it is asserted, amortizes the pipeline assets which it purchased from Great Lakes Pipe Line Company on the basis of WPL's "fair-market" value purchase price (\$287.6 million) rather than on the basis of the property's original cost to Great Lakes (\$174.8 million). Second, Mid-Continent argues that WPL's historical earnings have been excessive. The protestors claim that WPL earned a 16.1 percent before tax return on average net investment in 1977. Finally, Mid-Continent charges that WPL's filing will increase rates applicable to its shipments by an average of 6.5 percent while increasing joint rates⁴ from Gulf coast origins by an average rate of only 4.3 percent. This disparity in percentage increase, it is said, constitutes undue preference and prejudice violative of Section 3(1) of the I.C.A. The protestors point out that both their depreciation and discrimination claims were, in part, the subject of the *Farmers Union* case and *Williams Pipe Line Co.*, I.C.C. Docket No. I&S 9089.

WPL in its January 10, 1979, reply responds to all of Mid-Continent's contentions. WPL points out that the depreciation and discrimination issues raised by Mid-Continent are before the F.E.R.C. on remand from the D.C. Circuit Court of Appeal's opinion in *Farmers Union*. WPL argues that it would be premature to decide those issues in a suspension order: The proper forum is in the remand of *Farmers Union* and not here. Contrary to Mid-Continent's assertion that WPL earnings have been excessive,

⁴The rates complained of consist of through rates filed jointly by Explorer Pipeline and WPL and are published as F.E.R.C. No. 12.

⁵*Farmers Union Central Exchange, et al. v. F.E.R.C.*, 584 F. 2d 408 (D.C. Cir. 1978) reh. denied July 25, 1978, cert. denied U.S. (No. 78-352, Nov. 27, 1978), *Farmers Union* is now before the Commission on remand from the D.C. Circuit Court of Appeals and has been assigned Docket No. OR79-1

the pipeline stresses that it projects for 1979 only a 7.7 percent return on valuation absent the rate relief requested.

Having reviewed the pleadings of Mid-Continent and WPL, the Board finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, prejudicial or otherwise unlawful. Accordingly, the Board shall suspend WPL's rate increase until August 1, 1979, and permit it to become effective, subject to refund, on that date.

The unique circumstances arising in this case fully justify a suspension period until August 1, 1979. In particular, the Board is concerned that WPL's proposed rates may grant an undue preference to shippers of products originating in Gulf coast areas resulting in undue prejudice to Mid-Continent shippers and others similarly situated. Without addressing the merits of the shippers' or WPL's contentions on this point, the Board finds that the potential for harm to the complaining shippers supports the length of the suspension period provided for by this order.

With respect to WPL's section 4 applications, the Board finds that the suspension of WPL's general rate increase request makes it inappropriate to grant these applications at this time. The Board shall institute an investigation to determine whether circumstances continue to exist which require departure from the long- and short-haul restriction of section 4 of the I.C.A. Because the section 4 investigation involves questions common to WPL's general rate increase request, the Board shall consolidate Docket Nos. IS79-4, FS79-1 and FS79-2 for purpose of hearing and decision.

The Board takes notice of the fact that the filings in Docket Nos. IS79-4, FS79-1 and FS79-2 represent the most recent of a series of WPL rate cases now before the Federal Energy Regulatory Commission. Other pending cases include the remand of *Farmers Union, supra*, and I.C.C. Docket Nos. I & S 9089, 36423 and 36520.

Because the proceeding instituted by this order involves questions of law and fact common to other pending WPL cases, the Board believes that it should be consolidated for purposes of hearing and decision with the *Farmers Union* remand, as well as other WPL rate cases. The authority to consolidate this proceeding with pre-existing WPL cases, however, resides in the full Commission. The Board, therefore, shall certify this matter (together with the record thus far developed in these dockets) to the Commission and, as part of this order, shall request the Commission to consolidate this proceeding with one or more of WPL's pending rate cases. Except as may be

modified by any consolidation orders which may eventually be entered by the Commission in the proceeding, the schedule established in the ordering paragraphs, below, shall control the conduct of hearings in this case.

The Board orders: (A) Pursuant to Section 15(7) of the I.C.A. an investigation shall be instituted into the lawfulness of the proposed rate increases reflected in the supplemental tariff sheets filed by WPL on November 30, 1978. Pending hearing and decision on the lawfulness of WPL's proposed rates, the supplemental tariff sheets filed November 30, 1978, shall be accepted for filing and suspended until August 1, 1979, when they shall be permitted to become effective subject to refund.

(B) Pursuant to Section 15(7) of the I.C.A. a public hearing shall be held in Docket No. IS79-4 concerning the lawfulness of WPL's proposed rates.

(C) An investigation and public hearing shall be held in Docket Nos. FS79-1 and FS79-2 to determine whether WPL is entitled to relief from the long- and short-haul restriction of section 4 of the I.C.A.

(D) The hearings and investigations instituted in Docket Nos. IS79-4, FS79-1 and FS79-2 shall be consolidated for purposes of hearing and decision.

(E) WPL shall file its case-in-chief fully justifying the proposed general rate increase and section 4 applications on or before April 2, 1979. WPL's case-in-chief shall contain a schedule setting forth net original cost investment, with details. WPL may propose an appropriate working capital allowance to be included in rate base and may propose a rate of return to be applied to this rate base.

(F) Staff shall serve its top sheets on or before June 29, 1979.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on July 17, 1979, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss) as provided for in the rules of practice and procedure.

(H) If WPL's proposed rate increase becomes effective, subject to refund, after the suspension period but prior to final Commission decision upon the lawfulness of such increase, WPL shall keep an accurate account of all amounts received by reason of such increase, specifying when, by whom, and in whose behalf such amounts are paid. The account shall be in suffi-

cient detail so that refunds, with interest, can be ordered of any portion of the increased rates ultimately found unjustified.

(I) If WPL's proposed increase becomes effective, subject to refund, after the suspension period but prior to final Commission decision on the lawfulness of the increase, WPL shall file an undertaking with the Board in a form and manner substantially similar to the undertaking required of gas pipeline companies under § 154.67(d) of the Commission's regulations under the Natural Gas Act (18 CFR 154.67(d)).

(J) Pursuant to 18 CFR Part 3.5(e)(9) the Board by this order certifies to the full Commission the following matter: Should the proceedings in these dockets be consolidated with one or more of the proceedings pending before the Commission involving WPL? For the sole purpose of assisting the Commission in its determination, the Board concurrently certifies the pleadings and applications filed to date in this proceeding.

By the Oil Pipeline Board.

LEON J. SLAVIN,
Administrative Officer
Oil Pipeline Board.

[FR Doc. 79-2382 Filed 1-23-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1044-3; OPP-50398]

ISSUANCE OF EXPERIMENTAL USE PERMITS

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 10182-EUP-13. ICI Americas Inc., Wilmington, Delaware 19897. This experimental use permit allows the use of the acaricide fenitrothion on almonds, apples, grapefruit, oranges, and pears to evaluate control of certain mites. The experimental use permit is effective from January 4, 1979 to January 4, 1980. (PM-12, Room: E-229, Telephone: 202/426-9425)

No. 10182-EUP-14. ICI Americas Inc., Wilmington, Delaware 19897. This experimental use permit and the one above allow the use of a total of 1,700 pounds of the acaricide fenitrothion on almonds, apples, grapefruit, oranges, and pears to evaluate control of certain mites. A total of 820 acres is involved for both permits; the programs are authorized only in the States of Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Iowa, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Virginia, Wash-

ington, Wisconsin, and West Virginia. This experimental use permit is also effective from January 4, 1979 to January 4, 1980. The permits will use the same active ingredient, but different formulations. These permits are being issued with the limitation that all treated crops are destroyed or used for research purposes only. (PM-12, Room: E-229, Telephone: 202/426-9425)

No. 3125-EUP-161. Mobay Chemical Corp., Kansas City, Missouri 64120. This experimental use permit allows the use of 2,000 pounds of the insecticide fensulfothion on turf to evaluate control of Japanese beetle larvae. A total of 800 acres is involved; the program is authorized only in the State of New Jersey. The experimental use permit is effective from March 1, 1979 to March 1, 1980. (PM-15, Room: E-229, telephone: 202/426-9425)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)

Dated: January 19, 1979.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

[FR Doc. 79-2561 Filed 1-23-79; 8:45 am]

[6560-01-M]

[FRL 1044-2; OPP-30158]

PESTICIDE PROGRAMS

Receipt of Application to Register Pesticide Product Containing New Active Ingredients

Abbott Laboratories, North Chicago, IL 60064, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product PROMALIN (EPA File Symbol 275-GE), containing the active ingredients *N*-(phenylmethyl)-*IH*-purine-6-amine at 1.8% (w/w) and Gibberellins A₄A, at 1.8% (w/w) which have not been included in any previously registered pesticide product. The application proposes that the pesticide be classified for general use as a plant regulator on Red Delicious apples. This application is made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amend in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) and

the regulations thereunder (40 CFE Part 162).

Notice of receipt of this application does not indicate a decision by the Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW, Washington DC 20460. The comments must be received on or before February 23, 1979, and should bear a notation indicating the EPA File Symbol "275-GE". Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application and the data submitted should be directed to Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, at the above address or by telephone at 202/755-2196. The label furnished by Abbott Laboratories, as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Notice of approval or denial of this application to register PROMALIN will be announced in the FEDERAL REGISTER. Except for such material protected by section 10 of FIFRA, the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the FEDERAL REGISTER if an application is approved.

Dated: January 17, 1979.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 79-2562 Filed 1-23-79; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

CHARTERING AUTHORITY FOR MUTUAL SAVINGS BANKS

Informal Public Hearings and Solicitation of Written Views and Comments

As previously announced (see 43 FR 60999 (1978)), the Federal Home Loan Bank Board has scheduled hearings on its chartering authority for mutual savings banks for January 26, 1979. The record of these proceedings will be held open for fourteen days, or

until the close of business on February 9, 1979, so that all interested parties might submit in writing any further views and comments on the above referenced matter.

All submissions, which will be deemed filed when received, should be directed to Loren J. Friesen, Attorney, Office of the General Counsel, 1700 G Street, N.W., Washington, D.C., 20552; phone: (202) 377-6454.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-2456 Filed 1-23-79; 8:45 am]

[6325-01-M]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

CANCELLATION OF MEETING

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463) notice was published in 43 FR 245 of December 20, 1978, that a meeting of the Federal Prevailing Rate Advisory Committee would be held on January 25, 1979. Notice is hereby given that the meeting scheduled for January 25, 1979, has been cancelled.

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Advisory Committee.

JANUARY 22, 1979.

[FR Doc. 79-2649 Filed 1-23-79; 8:45 am]

[6820-23-M]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, on February 8 and 9, 1979, from 9:30 a.m. to 4:15 p.m., in Room 2636 of the GSA Regional Office Building, Seventh and D Streets, SW, Washington, DC. The meeting will be devoted to the initial stage of the process for screening and evaluating prospective architect-engineer firms to furnish professional services required in connection with development of Design Services for the following projects: (1) Renovate and Upgrade Air-Conditioning, Sub and Plumbing Support Systems, National Archives Building, 7th Street and Pennsylvania Avenue, N.W., Washington, D.C., (GS-03B-88318/89055) and (2) Switchgear House No. 2 and Upgrade of 13.2KV System, Suitland Complex, Suitland,

Maryland, (GS-03B-78278/89007). The meeting will be open to the public.

WALTER V. KALLAUR,
Regional Administrator.

[FR Doc. 79-2627 Filed 1-23-79; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE

Health Care Financing Administration

MEDICAL ASSISTANCE PROGRAM

Proposed List of Medicaid Laboratory Tests
Subject to Lowest Charge Level

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

ACTION: Notice with Comment Period.

SUMMARY: This is a proposed list of laboratory tests commonly paid for by Medicaid, but not Medicare, which would be subject to the Medicaid lowest charge level regulation. This proposed list is the first step in implementing that portion of the Medicaid lowest charge level regulation dealing with Medicaid-only items and services (42 CFR 447.351(c)).

DATES: Closing date for receipt of comments: March 26, 1979.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013. In commenting, please refer to file code MMB-249-N. Agencies and organizations are requested to submit comments in duplicate.

Beginning two weeks from today, the public may review the comments Monday through Friday of each week, from 8:30 a.m. to 5:00 p.m.: Department of Health, Education, and Welfare, Health Care Financing Administration, Room 5231, 330 C Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Estelle Seldowitz, 202-245-0596.

SUPPLEMENTARY INFORMATION: Section 1903(i)(1) of the Social Security Act (the Act) provides that federal financial participation shall not be available in Medicaid payments that exceed the charge which is reasonable under section 1842(b)(3) of the Act. Section 1842(b)(3) provides that for medical services, supplies, and equipment (including equipment servicing) which the Secretary determines do not generally vary significantly in quality from one supplier to another, the charges allowed under Medicare may not exceed the lowest charge levels at which such items and services are

widely and consistently available in a locality.

Medicaid regulations (42 CFR 447.351, 352) implementing section 1903(i)(1) and Medicare regulations (42 CFR 405.502, 405.506, and 405.511) implementing section 1842(b)(3) were published in the FEDERAL REGISTER on July 26, 1978 (43 FR 32294). Since we want to maintain consistent reimbursement policy for Medicare and Medicaid, the Medicaid regulation (42 CFR 447.351(c)) provides for the establishment of lowest charge levels for items and services that are frequently furnished under Medicaid but not Medicare. For these items and services, the State Medicaid agency, or its fiscal agent, will calculate the lowest charge level using the methodology set forth in the Medicare lowest charge level regulation (42 CFR 405.511).

To implement section 1903(i)(1) of the Act and 42 CFR 447.351(c), we propose to apply lowest charge level criteria to certain laboratory services that appear to be among the most frequently furnished to Medicaid recipients and reimbursed under State Medicaid programs.

The proposed list of services that follows is the first step in implementing lowest charge levels for Medicaid-only items and services. As more data are gathered and analyzed, lowest charge level criteria will be applied to other items and services that are frequently provided under Medicaid, but not Medicare, and which do not vary significantly in quality among the providers who actually furnish them. As more items and services (including equipment servicing) are proposed for application of the lowest charge level provision, notices will be published in the FEDERAL REGISTER, giving the public opportunity to comment.

Proposed List of Commonly Performed Medicaid Laboratory Tests Subject to Lowest Charge Level Criteria (with identifying codes as listed in the 1964 edition of the California Relative Value Studies):

- (1) Sickling of Red Blood Cells (8123)
- (2) Hemoglobin; Electrophoresis (8119)
- (3) Microscopic Examination, Stain for Bacteria (including Smear for Gonococcus), Fungi, Ova and Parasites, Any Source (8471)
- (4) Heterophil Antibodies, Screening (8685)
- (5) Lead, Blood, Quantitative (8895)
- (6) Iron, Serum, Automated (8686)
- (7) Pregnancy Test (8143)

(Section 1102, 1842(b)(3) and 1903(i)(1) of the Social Security Act (42 U.S.C. 1302, 1395u(b)(3) and 1396b(i)(1)).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: December 8, 1978.

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

Approved: January 6, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-2251 Filed 1-23-79; 8:45 am]

[4110-83-M]

Health Resources Administration

AGENDA PLANNING SUBCOMMITTEE OF THE
NATIONAL COUNCIL ON HEALTH PLAN-
NING AND DEVELOPMENT

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1979:

Name: AGENDA PLANNING SUBCOMMITTEE OF THE NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Date and Time: February 8, 1979, 10:30 a.m.—12:30 p.m.

Place: Hubert H. Humphrey Building, Rooms 703A-705, 200 Independence Avenue, S.W., Washington, D.C. 20201. Open for entire meeting.

Purpose. The objectives of the Agenda Planning Subcommittee are to (1) assist the Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations.

Agenda. The Subcommittee will plan the agenda for the March 9 meeting of the National Council on Health Planning and Development.

Anyone requiring information regarding the subject Subcommittee should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland, 20782. Telephone (301) 436-7175.

Agenda items are subject to change as priorities dictate.

Dated: January 19, 1979.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc. 79-2455 Filed 1-23-79; 8:45 am]

[4110-84-M]

Health Services Administration

**MATERNAL AND CHILD HEALTH AND CRIP-
PLED CHILDREN'S SERVICES PROJECT
GRANTS TO INSTITUTIONS OF HIGHER
LEARNING**

Announcement of Availability of Grants

The Bureau of Community Health Services, Health Services Administration, announces that competitive applications are now being accepted for grants in fiscal year 1979 for specialized training in maternal and child health of several categories of health professionals. The grants are offered under the authority of sections 503(2), 504(2), and 511 of the Social Security Act (42 U.S.C. 703(2), 704(2), and 711) which authorize the Secretary of Health, Education, and Welfare to make grants to institutions of higher learning for that purpose. Regulations for the program appear at 42 CFR Part 51a, Subpart D.

"Institution of higher learning" is defined as any college or university accredited by a recognized body or bodies approved for such purpose by the U.S. Commissioner of Education, and any teaching hospital which has higher learning among its purposes and functions and which has a formal affiliation with an accredited school of medicine and a full time academic medical staff holding faculty status in such school of medicine.

Grants to eligible applicants may be made by the Secretary for projects which will best promote the purposes of sections 503, 504, and 511 of the Act, taking into account:

1. The relative extent to which the project will contribute to a nationwide distribution of needed services and training with special emphasis on how the applicant will place graduates in State and local health departments and the extent to which the applicant has been successful in recruiting trainees or fellows from minority groups.

2. The capability of the applicant to provide training of high quality and effectiveness.

3. The relative extent to which the project will provide more effective utilization of personnel currently providing health services to mothers and children.

4. The extent to which the project will assist in the development of new information or innovative methods re-

lating to the provision of maternal and child health and crippled children's services.

5. The degree to which the project would meet the requirements as set forth in the regulations (See 42 CFR Part 51a. 405).

A document regarding intended disbursement of funds is available to applicants from: Health Services Training, Bureau of Community Health Services, Health Services Administration, Parklawn Building, Room 7-15, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: 301-443-2340.

Consultation and technical assistance relative to the development of an application is also available upon request to that address.

Completed applications must be received by March 16, 1979, and will be subject to competitive, objective review. They should be sent to: Grants Management Branch, Bureau of Community Health Services, Health Services Administration, Parklawn Building, Room 6-49, 5600 Fishers Lane, Rockville, Maryland 20857.

The amount available for new maternal and child health training grants under this announcement is \$4,750,000. Approximately 25 grants will be awarded.

Dated: January 12, 1979.

GEORGE I. LYTHCOTT,
Administrator,
Health Services Administration.

[FR Doc. 79-2354 Filed 1-23-79; 8:45 am]

[4110-84-M]

**SUDDEN INFANT DEATH SYNDROME
PROGRAM**

**Announcement of Competitive Grant
Applications**

The Bureau of Community Health Services (BCHS), Health Services Administration, announces that competitive applications for Sudden Infant Death Syndrome (SIDS) Information and Counseling project grants will be accepted until April 16, 1979, under the grant program established by Section 1121(b) of the Public Health Service Act (42 U.S.C. 300c-11, as added by Section 3(a) of the Sudden Infant Death Syndrome Act of 1974, P.L. 93-270).

Section 1121(b) of the Public Health Service Act authorizes project grants to public and nonprofit private entities for support of SIDS projects for the collection, analysis, and furnishing of information (derived from postmortem examination and other means) relating to the causes of SIDS and the provision of information and counseling to families affected by SIDS.

Regulations applicable to this program are set forth at Subpart E of Part 51a of Title 42, Code of Federal Regulations "Project Grants for SIDS Information and Counseling," published on June 6, 1975 (40 FR 24436).

Scope of This Program Announcement: This program announcement identifies the general program objectives and funding priorities of the Project Grants for SIDS Information and Counseling Program for fiscal year 1979.

A. Program Purposes: There are an estimated 6,500-8,000 cases of SIDS in the United States each year. These deaths occur in all geographical areas and socioeconomic classes, as well as in all ethnic and racial groups. The purposes of the project grants are to provide comprehensive, coordinated and humanitarian services to families whose infants have died suddenly and unexpectedly and to learn more about this syndrome. The SIDS program, administered by the Office of Maternal and Child Health in BCHS, currently provides grant funds to 34 organizations in 29 States.

B. Eligible Applicants: Any public or nonprofit private entity is eligible to apply for a grant under this announcement. Individuals are not eligible applicants. Applications with evidence of active support of the various community resources necessary to provide a comprehensive approach to this serious problem are encouraged.

C. Available Funds: Of the \$2,802,000 approved under a continuing resolution, H. J. Res. 1139, by the Congress for the SIDS program in fiscal year 1979, the SIDS program expects to award \$1,412,414 for new and competing renewal grants.

A new grant is the initial grant made in support of a project requested in an application. A competing renewal grant continues a project beyond the project period for which the initial grant was made.

It is expected that approximately 15 new and renewal grants will be awarded pursuant to this announcement. The range of funds per grant is expected to be from \$23,000 to \$179,000, with the average award expected to be \$78,000. Generally, projects will be supported for periods of 1 to 3 years. The funds currently available will sustain the budget of the new and renewal awards for a 1-year period. Support for any additional time remaining in the project period depends on: (1) the availability of funds; (2) the Secretary's assessment of the grantee's satisfactory performance on the project for which the grant was awarded, and (3) the likelihood of the grantee's continued contribution to the priorities of the SIDS program.

D. Program Objectives and Priorities for Funding: Regulations under the

Sudden Infant Death Syndrome Act call for programs which provide services, including: (1) autopsies in sudden and unexpected deaths of infants, (2) use of SIDS as a cause of death on the death certificate where appropriate, (3) prompt notification of the parents about the cause of death, within a 24 hour period, wherever possible, (4) information and voluntary counseling of families affected by a SIDS loss, (5) consultation and arrangements with official and voluntary community resources for referral of families affected by SIDS and for furnishing information and suggestions for dealing with SIDS cases to such resources and (6) collection and dissemination of information on SIDS cases in the project area to appropriate public officials and interested members of the general public in the project area.

Priority will be given to projects that provide statewide coordinated services: (1) to geographic areas with a population of one million or more persons, (2) to geographic areas with an infant mortality rate higher than the national average, (3) with community resources available which enable the projects to meet the requirements of the program, (4) which are assured of community support, and (5) which provide indications of how continuations of services will be maintained after Federal funding is concluded.

E. The Application Process: A-95 Clearinghouse Notice: In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised, applicants which request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of their intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse (listed at 42 FR 2210, January 10, 1977).

It is strongly recommended that the clearinghouse be notified at least sixty (60) days before the submission deadline date for receipt of applications. Applications will not be formally reviewed without clearinghouse comments, which should be included with the application, or verification that no comments were made within the applicable period available to the clearinghouse for comment.

Application Consideration: Applications which are late, incomplete or otherwise do not conform to this announcement, will not be accepted for review and applicants will be notified accordingly. All other applications will be subject to a competitive review and evaluation in accordance with the established objective review process.

For additional program information, please write or telephone: Mrs. Geraldine J. Norris, SIDS Program Director, BCHS, Parklawn Building, Room 7-44, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: 301-443-6600.

Once the Secretary has decided (see item F of this notice) to disapprove competing grant applications, or if funds are not available to support all approved competing grant applications, the affected applicants will be notified.

F. Criteria for Review and Evaluation of Applications: Competing grant applications will be reviewed and evaluated against the criteria which are set forth in SIDS program regulations (42 CFR Part 51a, Subpart E). Applicants will be furnished with application forms and instructions (see item H of this notice).

G. Closing Date for Receipt of Applications: The closing date for receipt of applications under this program announcement is April 16, 1979. Applications may be mailed or hand delivered. Hand delivered applications are accepted during the usual working hours of 8:30 a.m. and 5:00 p.m.

An application will be considered to have arrived by the closing date if: (1) the application is in the Grants Management Branch (see item H, below) on or before the announced closing date, or (2) the application is postmarked at least two (2) days prior to the announced closing date.

H. Availability of Application Forms: Application kits, including all necessary forms, instructions, and information may be obtained from, and completed applications returned to, the address below: Grants Management Branch, Bureau of Community Health Services, Room 6-49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: January 12, 1979.

GEORGE I. LYTHCOTT,
Administrator,
Health Services Administration.

[FR Doc. 79-2355 Filed 1-23-79; 8:45 a.m.]

[4110-08-M]

National Institutes of Health
BOARD OF SCIENTIFIC COUNSELORS

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, February 14 and 15, 1979, in Building 5, Room 216, and on February 16, 1979, in Building 31, Room 7A24, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on February 14 and 15 from

9:00 a.m. until recess. During this open session, the permanent staff of the Laboratory of Parasitic Diseases will present and discuss their immediate, past, and present research activities.

In accordance with the provisions set forth in Sections 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92-463, the meeting of the Board will be closed to the public on February 16 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, NIH, Building 5, Room 137, telephone (301) 496-2144, will provide substantive program information.

Dated: January 10, 1979.

SUZANNE L. FREMEAUX,
Committee Management
Officer, NIH.

(Catalog of Federal domestic Assistance Program No. 13-301, National Institutes of Health.)

[FR Doc. 79-2370 Filed 1-23-79; 8:45 am]

[4110-08-M]

CANCER EDUCATION WORKSHOP

Meeting

Notice is hereby given of the Cancer Education Workshop sponsored by the Division of Cancer Control and Rehabilitation, National Cancer Institute, February 22 and 23, 1979 at the Linden Hill Hotel, Bethesda, Maryland.

This meeting will be open to the public on February 22, 1979 from 9:00 a.m. to 5:15 p.m., and on February 23, 1979 from 9:00 a.m. to 4:30 p.m. for presentation and discussion of scientific papers. Attendance by the public will be limited to space available.

Anyone wishing to attend or to obtain more information about the conference should contact Dr. Arlene Barro, Program Director for Educational Resources, Office of Planning and Analysis, Blair Building, Room 720, Division of Cancer Control and Rehabilitation, National Cancer Institute, National Institutes of Health, Silver Spring, Maryland 20910 (301/427-8055).

Dated: January 18, 1979.

SUZANNE L. FREMEAUX,
Committee Management
Officer, NIH.

[FR Doc. 79-2372 Filed 1-23-79; 8:45 am]

[4110-08-M]

DIVISION OF RESEARCH SERVICES

Meeting

Notice is hereby given that the Division of Research Services, Biomedical Engineering and Instrumentation Branch, National Institutes of Health, will hold a consensus development conference April 24-26, 1979, at the Masur Auditorium, Bldg. 10, NIH. Topic of the conference is the role of "intelligent" microprocessor-based machines in patient care. The meeting is open to any interested individuals and groups.

Machines are being developed that can handle many facets of patient care. Attendees at the conference will attempt to reach consensus on the state of the art of this technology and the prospects for future development. They will also consider the legal, ethical, social, political, medical and economic implications of this equipment.

Specific issues to be discussed include: Would intelligent machines be more reliable or more effective than alternative technologies? How could performance be validated? What ethical-legal issues can arise in the development, testing and marketing of these devices? What long-term adverse consequences might occur? Can they be avoided? When might clinically useful devices of this type first appear?

Requests for information should be directed to Dr. Murray Eden, BEIB, DRS, National Institutes of Health, Bldg. 13, Room 3W-13, Bethesda, Md., 20014

Dated: January 10, 1979

SUZANNE L. FREMEAUX,
Committee Management
Officer, NIH.

[FR Doc. 79-2371 Filed 1-23-79; 8:45 am]

[4110-08-M]

NATIONAL HEART, LUNG, AND BLOOD INSTITUTES; HIGH BLOOD PRESSURE WORKING GROUP

Notice of Meeting

Notice is hereby given of the meeting of the High Blood Pressure Working Group sponsored by the National Heart, Lung, and Blood Institute, March 5, 1979, National Institutes of Health, Building 31—C Wing, Conference Room 10, Bethesda, Maryland 20014.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. The Working Group is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

Mr. Graham W. Ward, Chief, Health Education Branch, National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A10, 9000 Rockville Pike, Bethesda, Maryland 20014 (301/496-1051) will provide additional information.

For the list of participants and meeting summary contact: Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, NIH, Building 31, Room 5A10, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: January 10, 1979.

SUZANNE L. FREMEAUX,
Committee Management
Officer, NIH.

[FR Doc. 79-2373 Filed 1-23-79; 8:45 am]

[4110-08-M]

NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE SCIENCE INFORMATION PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee, National Institutes of Health, March 15 and 16, 1979, in Conference Room 4, Landow Building, 7910 Woodmont Avenue, Bethesda, MD 20014.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., on March 15th, and from 9:00 a.m. to adjournment on March 16th, to review the public information program of the Institute and topics regarding the Institute's science information transfer activities. Attendance by the public will be limited to space available.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20014, telephone 301/496-5751, will furnish summaries of the meeting and rosters of committee members.

Mr. Alfred Weissberg, Executive Secretary, NINCDS, NIH, Building 31, Room 8A07, Bethesda, MD 20014, telephone 301/496-9271, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.854, National Institutes of Health.)

Dated: January 18, 1979.

SUZANNE L. FREMEAUX,
Committee Management
Officer, NIH.

[FR Doc. 79-2374 Filed 1-23-79; 8:45 am]

[4110-08-M]

REVIEW OF CONTRACT PROPOSALS AND GRANT APPLICATIONS

Meetings

Pursuant to Public Law 92-463, Notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552(b)(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

NAME OF COMMITTEE: Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee)

DATES: February 20, 1979; 8:00 a.m.

PLACE: Building 31C, Conference Room 8, National Institutes of Health

TIMES:

OPEN: February 20, 8:00 a.m.-8:30 a.m.

CLOSED: February 20, 8:30 a.m.-adjournment

CLOSURE REASON: To review research grant applications

EXECUTIVE SECRETARY: Dr. Andrew Charlado

ADDRESS: Westwood Building Room 853, National Institutes of Health

PHONE: 301/496-7194

NOTICES

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 13.393; 13.394; 13.395 NATIONAL INSTITUTES OF HEALTH)

NAME OF COMMITTEE: Cause and Prevention Scientific Review Committee

DATES: February 22-23, 1979; 8:30 a.m.

PLACE: Building 31A, Conference Room 11A10, National Institutes of Health

TIMES:

OPEN: February 22, 8:30 a.m.-9:00 a.m.

CLOSED: February 22, 9:00 a.m.-5:00 p.m.

CLOSED: February 23, 9:00 a.m.—adjournment.

CLOSURE REASON: To review research contract proposals

EXECUTIVE SECRETARY: Dr. Eugene Zimmerman

ADDRESS: Westwood Building, Room 826, National Institutes of Health

PHONE: 301/496-7575

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 13.395 NATIONAL INSTITUTES OF HEALTH)

NAME OF COMMITTEE: Cancer Clinical Investigation Review Committee

DATES: February 26-27, 1979; 9:00 a.m.

PLACE: Building 31C, Conference Room 6, National Institutes of Health

TIMES:

OPEN: February 26, 9:00 a.m.-12:00 noon

CLOSED: February 26, 1:00 p.m.-5:00 p.m.

CLOSED: February 27, 8:30 a.m.—adjournment

CLOSURE REASON: To review research grant applications

EXECUTIVE SECRETARY: Mr. C. W. White

ADDRESS: Westwood Building, Room 819, National Institutes of Health

PHONE: 301/496-7481

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 13.395 NATIONAL INSTITUTES OF HEALTH)

NAME OF COMMITTEE: Cancer Control Grant Review Committee

DATES: March 5-6, 1979; 8:30 a.m.

PLACE: Building 31C, Conference Room 8, National Institutes of Health

TIMES:

OPEN: March 5, 8:30 a.m.-9:00 a.m.

CLOSED: March 5, 9:00 a.m.-5:00 p.m.

CLOSED: March 6, 8:30 a.m.—adjournment

CLOSURE REASON: To review research grant applications

EXECUTIVE SECRETARY: Dr. Robert F. Browning

ADDRESS: Westwood Building, Room 806, National Institutes of Health

PHONE: 301/496-7413

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 13.399 NATIONAL INSTITUTES OF HEALTH)

NAME OF COMMITTEE: Cancer Special Program Advisory Committee

DATES: March 8-9, 1979; 9:00 a.m.

PLACE: Building 31C, Conference Room 10, National Institutes of Health

TIMES:

OPEN: March 8, 9:00 a.m.-10:00 a.m.

CLOSED: March 8, 10:00 a.m.-5:00 p.m.

CLOSED: March 9, 8:30 a.m.—adjournment

CLOSURE REASON: To review research grant applications

EXECUTIVE SECRETARY: Dr. William R. Sansone

ADDRESS: Westwood Building, Room 805, National Institutes of Health

PHONE: 301/496-7565

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 13.392 NATIONAL INSTITUTES OF HEALTH)

Dated: January 10, 1979.

SUZANNE L. FREMEAU,
Committee Management
Officer, NIH.

[FR Doc. 79-2369 Filed 1-23-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 35830]

NEW MEXICO

Application

JANUARY 15, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Cities Service Company has applied for one 2-inch and 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 7 S., R. 31 E.,
Sec. 33, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 8 S., R. 31 E.,
Sec. 4, lot 3.

This pipeline will convey natural gas across 0.305 of a mile of public lands in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land

Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 79-2424 Filed 1-23-79; 8:45 am]

[4310-84-M]

[NM 35469]

NEW MEXICO

Transfer of Jurisdiction to Pueblo of Zia

JANUARY 16, 1979.

1. Pub. L. 95-499 (92 Stat. 1679) declared that all right, title, and interest of the United States in the lands situated within Sandoval County in the State of New Mexico and described in paragraph five of this notice are to be held by the United States in trust for the benefit and use of the Pueblo of Zia. The transfer includes all right, title, and interests of the United States in all minerals, including gas and oil underlying the lands declared to be held in trust.

2. All existing mineral leases and rights-of-way involving lands declared to be held in trust by this Act, including oil and gas leases which have been issued or approved pursuant to Federal law, prior to enactment of this Act, shall remain in force and effect in accordance with the provisions thereof.

3. This transfer and conveyance is subject to the following roadway rights-of-way for the use and benefit of adjacent private landowners, the Bureau of Land Management, its permittees, lessees, successors and assigns:

A. Access road through Zia allotment: A road right-of-way, 50 feet wide over that portion in SE $\frac{1}{4}$, Sec. 13; SE $\frac{1}{4}$ Sec. 23; N $\frac{1}{2}$, Sec. 24, N $\frac{1}{2}$, Sec. 26 and N $\frac{1}{2}$, Sec. 27, T. 15 N., R. 1 E., New Mexico Principal Meridian.

Beginning at intersection of State Road 44, thence southwesterly 1,600 feet to a point of curve, thence westerly 2,100 feet to a point of curve, thence southerly 1,100 feet to a point of curve, thence southwesterly 2,400 feet to a point of curve, thence southerly 2,640 feet of a point of curve, thence southerly 8,500 feet to a point of curve near the west section line of section 27. Road being 3.5 miles long (approx.). Distances to a curve are scaled distances (approx.) from U.S.G.S. Quadrangle Sheet, Sky village N.E. Quadrangle, and San Ysidro Quadrangle.

B. Gypsum Mine Access Road: A road right-of-way, 50 feet wide over that portion in W $\frac{1}{2}$, SE $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, Sec. 14 and NE $\frac{1}{4}$, Sec. 24, T. 15 N., R. 1 E., New Mexico Principal Meridian.

Beginning at the intersection of Gypsum mine access road and access road through lands known as Zia Allotment being 500 feet southwesterly from State Road 44, thence northwesterly 6,500 feet near the east line

of section 14. Distances to the termination of road are scaled distances (approx.) from U.S.G.S. Quadrangle Sheet, San Ysidro Quadrangle.

C. These descriptions are taken from paper surveys made from U.S.G.S. Quadrangle maps. The roads are subject to survey and this legal description may be modified in the future to more accurately describe the locations of the roads.

4. Paleontological resources from these lands shall be managed as provided by the Act.

5. New Mexico Principal Meridian, New Mexico:

T. 14 N., R. 1 E.,

Sec. 3, Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 15 N., R. 1 E.,

Sec. 10, Lot 4;

Sec. 11, S $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 13, W $\frac{1}{2}$, SE $\frac{1}{4}$;

Sec. 14, all;

Sec. 15, Lots 1, 2, 3, 4, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 22, all;

Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ and SE $\frac{1}{4}$;

Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 26, N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 27, all;

Sec. 34, NE $\frac{1}{4}$ and W $\frac{1}{2}$.

Containing a total of 4849.34 acres.

BILLY M. BRADY,
Acting State Director.

[FR Doc. 79-2425 Filed 1-23-79; 8:45 am]

[4310-84-M]

[NM 35760]

NEW MEXICO

Application

JANUARY 16, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 3 W.,

Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This pipeline will convey natural gas across 1.848 miles of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land

Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-2426 Filed 1-23-79; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Crown Animals, 1140, Via Enrico, San Lorenzo, California 94580.

The applicant requests a permit to import one (1) female margay cat (*Felis wiedii*) from Costa Rica, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3640. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 18, 1979.

LARRY LA ROCHELLE,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service

[FR Doc. 79-2351 Filed 1-23-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Osborn Laboratories of Marine Sciences, New York Aquarium, Boardwalk at West 8th Street, Brooklyn, New York 11224.

The applicant requests a permit to remove twelve snail darters (*Percina tanasi*) from the wild in Tennessee for propagation and exhibition at the New York Aquarium at Brooklyn, New York.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by

writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3674. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 16, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-2353 Filed 1-23-79; 8:45 am]

[4310-55-M]

MARINE MAMMAL PERMIT

Notice of Receipt of Application

Notice is hereby given that an Applicant has applied in due form for a Permit to take polar bears as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 18).

1. Applicant:

a. Name: Charles A. Repenning

b. Address: Branch of Paleontology & Stratigraphy, U.S. Geological Survey, M/S 15, 345 Middlefield Road, Menlo Park, California 94025

2. Type of Permit: Marine Mammal

3. Name and Number of Animals: Polar bear (*Ursus maritimus*)²

4. Type of Activity: Import for scientific research

5. Location of Activity: San Francisco, California

6. Period of Activity: As soon as possible

The purpose of this application is to import 2 polar bear skulls to be used as comparative material in the study of the paleontologic history of marine mammals.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-3521. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application

would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia.

Dated: January 18, 1979.

DONALD G. DONAHO,
Acting for Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc. 79-2350 Filed 1-23-79; 8:45 am]

[4310-55-M]

MARINE MAMMAL REPORT

Availability

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of availability of marine mammal report.

SUMMARY: The Director, U.S. Fish and Wildlife Service, on September 18 signed the report on the Service's administration of the marine mammals under its jurisdiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972. The report covers the period June 22, 1977, to March 31, 1978, and was submitted to the Congress on December 8. By this notice, the Director informs the public that the report is available and that any interested individual may secure a single copy by requesting same in writing from the Service.

ADDRESS: Write for a copy to Director (WA), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Requests will be filled until the supply is exhausted.

FOR FURTHER INFORMATION CONTACT:

Mr. Rupert R. Bonner, Marine Mammal Coordinator, Office of Wildlife Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-632-2202.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service is responsible for eight species of marine mammals under the jurisdiction of the Department of the Interior, as assigned by the Marine Mammal Protection Act of 1972 (MMPA). These species are polar bears, sea and marine otters, walruses, manatees (three species), and dugongs. The report reviews

the Service's marine mammal-related activities during the report period and summarizes the following status information for each species: Distribution and migration, abundance and trends, general biology, ecological problems, allocation problems, regulations, and current research. Administrative actions discussed include the amendment of the MMPA to increase fiscal authorization ceilings for fiscal year 1978, the waiver of the moratorium for nine species of marine mammals, the walrus waiver, marine mammal care and maintenance standards, the West Indian manatee, the marine otter, legal actions against the Department of the Interior, law enforcement activities, scientific research and public display permits, certificates of registration, research, endangered species, the Outer Continental Shelf Environmental Studies Program, ecological characterizations of U.S. coastal areas, and international activities. The end of this year's reporting period was changed from June 21, 1978, to March 31, 1978, to eliminate problems in meeting reporting requirements; each future report will cover the interval between April 1 of one year and March 31 of the following year.

The primary author of this notice is Jackson E. Lewis, Marine Biologist, Office of Wildlife Assistance, 202-632-2202.

Dated: December 28, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 79-2378 Filed 1-23-79; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Frank J. Zeitler, 2225 West Elder Street, Santa Ana, California 92704.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR Section 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3429. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the

date of this publication. Please refer to the file number when submitting comments.

Dated: January 17, 1979.

LARRY LAROCHELLE,
Chief, Permit Branch, Federal
Wildlife Permit Office, U.S.
Fish and Wildlife Service.

[FR Doc. 79-2352 Filed 1-23-79; 8:45 a.m.]

[4310-31-M]

Geological Survey

NATURAL GAS CATEGORY DETERMINATION

Delegation of Authority and an Interim Notice to Lessees for Implementing the Natural Gas Policy Act

Commencing December 1, 1978, the effective date of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. 95-621, the authority to make category determinations on certain natural gas under the NGPA is hereby delegated from the Director, Geological Survey, through the Chief, Conservation Division, and the appropriate Regional Conservation Manager, to the appropriate Oil and Gas Supervisor, Conservation Division, Geological Survey (GS).

The authority delegated is the regulatory function pursuant to Section 503(c)(1) and related provisions of the NGPA. Section 503(c)(1) states:

A Federal or State agency having regulatory jurisdiction with respect to the production of natural gas is authorized to make determinations referred to in subsection (a).

Subsection (a)(1) provides, in essence, that any determination of a certain natural gas category by a State or Federal agency is within the authority of that agency, but such a determination shall be forwarded to the Federal Energy Regulatory Commission (FERC) for a final ruling.

The categories of natural gas subject to final determination by the Oil and Gas Supervisor include the following, as listed in the NGPA:

Section 102(c)—New OCS leases, new onshore wells, and new onshore reservoirs.

Section 102(d)—OCS gas qualifying for new natural gas ceiling price.

Section 103(c)—New onshore production well.

Section 107(c)—High-cost natural gas.

Section 108(b)—Stripper well natural gas.

By the provisions of the December 1, 1978, FERC interim regulations, Title 18, Subchapter H, Part 274, and the delegation of authority above, the Oil and Gas Supervisor shall process the respective applications from the operators of Federal leased lands and shall make the appropriate category determination for each application.

So that the filing requirements of the FERC regulation 18 CFR 274.201 may be fulfilled, an Interim Notice to Lessees is set forth below establishing the general processing procedure of the Area Oil and Gas Supervisor and the requirements to be met by the operators to be in compliance with this procedure. The Interim Notice becomes effective immediately January 24, 1979; however, a 30-day period is allowed from date of publication to receive comments from interested persons. The Geological Survey will not require the use of Forms GS-102, GS-103, GS-107, and GS-108 enclosed in the Interim Notice until the Office of Management and Budget grants clearance under the Federal Reports Act of 1942 and OMB Circular A-40. The comments should be forwarded to the Chief, Conservation Division, Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Va. 22092. The telephone number is (703) 860-7524. The staff person most familiar with the Interim Notice is Price McDonald, telephone (703) 860-6461.

INTERIM NOTICE TO LESSEES

(1) *Who may file.* An operator of a Federal lease, either on public lands or on the Outer Continental Shelf (OCS) or on Indian allotted or tribal lands except for the Osage Reservation, Osage County, Oklahoma, may make application for a natural gas category determination to the appropriate Oil and Gas Supervisor as provided under the Natural Gas Policy Act of 1978 (NGPA) and the Federal Energy Regulatory Commission (FERC) regulations 18 CFR 274. The operator shall make application for any co-lessees, except that a co-lessee may make application if the operator refuses to take such action upon written request. Each application shall indicate one category preference; however, more than one category may be entered on the application, if an explanation is given, the support data are furnished, and a preference is clearly marked.

(2) *Where to file.* The applications shall be filed with the appropriate Oil and Gas Supervisor as indicated by the addresses listed in 18 CFR 274.501. For those Federal leases involved with State or other leases through a unit or communitization agreement or by a State boundary line condition, the respective Oil and Gas Supervisors shall make the determination if the completion location of a well is on a Federal or Indian lease. For those cases where the completion location of a well is on a divided interest lease involving Federal or Indian and State or private ownerships, the Oil and Gas Supervisor shall make the determination if the majority interest is Federal and/or Indian. In the case of a 50-50 split interest lease, the State shall make the determination.

(3) *Form, signature, and affidavit.* The applicant shall make application using Form FERC 121, "Application for Determination of the Maximum Lawful Price under the Natural Gas Policy Act," as the base instrument. The signature on the application shall be in compliance with 18 CFR 274.201(c).

Further, to assure that the oath requirements of 18 CFR 274.202, 274.203, 274.204, 274.205, and 274.206 are fulfilled, the appli-

cant shall submit an affidavit of truth with each application. The affidavit shall be signed by the appropriate company official or person and shall be notarized.

(4) *Draft GS Forms.* With each application, the operator shall complete and submit one of the following draft forms as a supplement to the application: Draft Form GS-102, Draft Form GS-103, Draft Form GS-107, or Draft Form GS-108. The Form in each case is titled "Supplementary Application for Category Determination." A copy of each is enclosed.

(5) *Support data.* With each application, the applicant shall submit five copies of Form FERC 121 and two copies of all other information required under 18 CFR 274.202, 274.203, 274.204, 274.205, and 274.206, as appropriate. If the applicant wishes to have a copy of all such information returned upon filing, an additional copy of the application should be submitted.

The applicant shall include support data beyond the minimum requirements of the FERC regulations if he relies on such data in making application. Also, the applicant shall supply such additional information if so requested by the Oil and Gas Supervisor in making the category determination. The minimum data required for each category determination shall be in accordance with the data required on the Draft Forms mentioned in (4) above. All copies of records relied on by the applicant shall be certified.

(6) *Support data considered to be proprietary.* In accordance with the provisions of 18 CFR 275.206, all information submitted in support of the application shall be marked appropriately if believed to be proprietary and therefore confidential in nature. Such information may be considered as confidential if it falls within one of the exemptions described in paragraphs (1) through (9) of 5 U.S.C. 552(b). (OCS Order No. 12 is an acceptable "proprietary" guide for operations under operating regulations 30 CFR 221 and 30 CFR 250, but the regulatory authority as to confidentiality under the NGPA is pursuant to 18 CFR 275.206(b).)

(7) *Notice to purchaser and others.* With each application, the applicant shall forward a copy of Form FERC 121 to the purchaser and to the co-lessees and shall so indicated this action with a statement attached to the application. Also, the applicant shall give notice of each application to the public through at least one daily newspaper common to the area and generally well circulated. The notice shall include complete well identity, and location information, and the category preference. The notice shall state that written comments will be accepted by the Oil and Gas Supervisor for a 15-day period following receipt of a completed application and the filing of Form, FERC 121 in the Supervisor's Public Record Office. The Oil and Gas Supervisor may approve an extension of the 15-day holding period. The 15 days referred to here and below shall be considered as calendar days.

(8) *Receipt of application.* Upon receipt of an application, the Oil and Gas Supervisor shall enter the date and other appropriate information into a log. Upon establishing that the application is acceptable for processing, a copy of Form FERC 121 will be placed in the Supervisor's Public Records Office, and the above mentioned 15-day holding period will begin. Until the 15-day holding period or an approved extension ex-

pires, the Oil and Gas Supervisor shall receive written comments (in triplicate) on the notice of application from other operators and lessees, the purchasers, and the public. All such comments shall be filed with the appropriate application and copies shall be placed in the Supervisor's Public Records Office.

(9) *Preliminary determination.* The Oil and Gas Supervisor shall make a preliminary category determination (Draft Form GS-1) following the 15-day holding period above and the review and evaluation of the application and all comments submitted. The preliminary determination shall be entered in a log, and a copy shall be placed in the Supervisor's Public Records Office. Notice shall be given as follows:

a. The Oil and Gas Supervisor shall forward a copy of the preliminary determination to the applicant and to all parties who submitted comments on the application in such a manner that the copy will be received by the first day of the month. A copy shall be forwarded to the co-lessees when the determination differs from the applicant's category preference.

b. On the first working day of each month, the Oil and Gas Supervisor shall place in the Public Records Office a copy of all preliminary determinations (Draft Form GS-1) made during the previous month.

c. The Oil and Gas Supervisor shall receive written comments (in triplicate) on all preliminary determinations on file in the Public Records Office for a 15-day period or for such extended period as he may approve.

d. For those cases where the applicant or commenter requests oral discussion, the Oil and Gas Supervisor shall comply with the request and shall schedule a conference, reasonably soon thereafter. With each conference, the Oil and Gas Supervisor shall give notice to the applicant, the purchaser, and others who may be interested in attendance at the conference. With each conference involving a protest, the protestor shall submit (in triplicate) a signed statement identifying the application in question and indicating the basis for protest at least 1 day ahead. The Oil and Gas Supervisor or his/her representative shall conduct the conference on an informal basis but shall exercise discretion in guiding the participants and limiting the time for a particular discussion. A record and transcript shall be made of all conferences.

(10) *Final determinations.* Upon review and study of the application and all written comments and conferences, the Oil and Gas Supervisor shall make a final determination and shall forward the determination on Draft Form GS-2 (copy enclosed) with the application to the FERC within fifteen (15) days of making the determination. Draft Form GS-2 is designed to be in compliance with 18 CFR 274.104. The determination shall be entered in the log, and a copy shall be filed with the application. Also, a copy shall be filed with the preliminary determination in the Public Records Office, and additional copies shall be forwarded to the applicant, the purchasers, and all parties who commented in writing on the application.

In the event of a negative determination, the Oil and Gas Supervisor shall forward to the FERC a notice of the determination together with FERC Form 121. Copies of such a determination shall also be forwarded to the aforementioned parties and to the co-lessees, and shall be placed on file in the

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Public Records Office. If so requested by the applicant or any aggrieved party within 15 days following the determination, the Oil and Gas Supervisor shall forward to the FERC all the information specified under 18 CFR 274.104.

Any relief sought by an applicant or other interested party from a Supervisor's final decision should be in the form of a protest to the FERC, as provided for in 18 CFR 275.201 through 271.205.

(11) The public shall be notified promptly through the FEDERAL REGISTER of any changes of substance in the above procedure. Without such changes, the public shall be informed annually hereafter through the FEDERAL REGISTER as to the procedure in effect and the information on file in the Public Records Office.

Dated: January 19, 1979.

HENRY W. COULTER,
Acting Director.

[3510-25-C]

Draft Form GS-102

SUPPLEMENTARY APPLICATION FOR CATEGORY DETERMINATION
UNDER THE NATURAL GAS POLICY ACT, SECTION 102

1. Applicant. Enter name, address, and phone number. (If not the operator, so indicate.) _____

2. Identification and location of the well, reservoir, and Federal or Indian lease number, including the API well number, section, township, and range, as appropriate. _____

3. Requested Category: Section 102(c)(1)(A), (c)(1)(B), (c)(1)(C), or (d). Indicate one. _____
4. Name, address, and phone number of person responsible for answering questions about this application if different from applicant. _____

5. Newspaper and expected date of notice publication. _____

6. List all gas purchasers by name and address. _____

7. List all co-lessees by name and address. _____

8. Mark below to indicate the materials relevant to the request and attach accordingly:
 - a. All applications:
 - (1) FERC Form 121 _____

- (2) A statement under oath appropriate for the application including a statement that completed copies of FERC Form Number 121 have been forwarded to the purchasers and to the co-lessees _____
- b. Section 102(c)(1)(A), New OCS leases:
- (1) Lease Agreement _____
- (2) Form 9-330, Well Completion or Recompletion Report _____
- c. Section 102(c)(1)(B), New onshore wells:
- (1) 2.5 mile test:
- Form 9-330, Well Completion or Recompletion Report _____
- Directional drilling survey _____
- A plat locating and identifying the applicant's well of interest and any other well within a 2.5 mile radius which is producing or produced natural gas after January 1, 1970 _____
- (2) 1,000-feet deeper test:
- Form 9-330, Well Completion or Recompletion Report _____
- A plat locating and identifying the applicant's well of interest and any other well within a 2.5 mile radius which is producing or produced natural gas after January 1, 1970; including specific identification of all marker wells for which a determination is sought _____
- A list of the deepest completion locations for all marker wells identified _____
- Directional drilling survey _____
- d. Section 102(c)(1)(C), New onshore reservoirs:
- (1) Supporting geological information if reasonably available:
- A well log section defining the top and bottom of the reservoir _____

Draft Form GS-102 (cont.)

- Bottom-hole or surface pressure surveys _____
- Well potential tests _____
- Formation structure map _____
- Subsurface cross-section chart _____
- Gas analysis _____
- (2) Form 9-330, Well Completion or Recompletion Report _____
- (3) Directional drilling survey _____
- (4) Portion of driller's log showing date reservoir
penetrated _____
- (5) Form 9-329, Monthly Report of Operations, showing
first commercial production from reservoir _____
- (6) Date that suitable facilities for production and
delivery were in existence _____
- e. Section 102(d), New Reservoir on Old OCS Lease:
- (1) Effective date of the lease agreement _____
- (2) Directional drilling survey _____
- (3) Portion of driller's log showing date reservoir
penetrated _____
- (4) Supporting geological information if reasonably available:
- A well-log section defining the top and bottom of the
reservoir _____
- Well potential tests _____
- Formation structure map _____
- Subsurface cross-section chart _____
- Bottom-hole or surface pressure surveys _____
- Gas analysis _____

Draft Form GS-102 (cont.)

- (5) Form 9-330, Well Completion or Recompletion Report _____
- (6) If the date of reservoir penetration is prior to July 27, 1976, any tests or capability evidence during that time frame under OCS Order No. 4 which would indicate the reservoir to be incapable of producing in paying quantities _____
- (7) Other: _____

I certify that the foregoing is true and correct and that the records relied on and submitted with this application are true and correct to the best of my knowledge.

Name: _____

Title: _____

Signature: _____

Date: _____

Phone number: _____

Draft Form GS-103

SUPPLEMENTARY APPLICATION FOR CATEGORY DETERMINATION
UNDER THE NATURAL GAS POLICY ACT, SECTION 103

1. Applicant. Enter name, address, and phone number. (If not the operator, so indicate.) _____

2. Identification and location of the well, reservoir, and Federal or Indian lease number, including the API well number, section, township, and range, as appropriate. _____

3. Requested Category: Section 103(c).
4. Name, address, and phone number of person responsible for answering questions about this application if different from applicant. _____

5. Newspaper and expected date of notice publication. _____

6. List all gas purchasers by name and address. _____

7. List all co-lessees by name and address. _____

8. Mark below to indicate the materials relevant to the request and attach accordingly:
 - a. All applications:
 - (1) FERC Form 121 _____

- (2) A statement under oath appropriate for the application including a statement that completed copies of FERC Form Number 121 have been forwarded to the purchasers and to the co-lessees _____
- (3) Form 9-330, Well Completion or Recompletion Report _____
- (4) A plat locating and identifying the well of interest and all other wells within the proration unit encompassing the well of interest _____
- (5) For a new well drilled into an existing proration unit, appropriate geological evidence to show that the new well is necessary _____
- (6) Other: _____

I certify that the foregoing is true and correct and that the records relied on and submitted with this application are true and correct to the best of my knowledge.

Name: _____

Title: _____

Signature: _____

Date: _____

Phone number: _____

Draft Form GS-107

SUPPLEMENTARY APPLICATION FOR CATEGORY DETERMINATION
UNDER THE NATURAL GAS POLICY ACT, SECTION 107

1. Applicant. Enter name, address, and phone number. (If not the operator, so indicate.) _____

2. Identification and location of the well, reservoir, and Federal or Indian lease number, including the API well number, section, township, and range, as appropriate. _____

3. Requested category: Section 107(c)(1).
4. Name, address, and phone number of person responsible for answering questions about this application if different from applicant. _____

5. Newspaper and expected date of notice publication. _____

6. List all gas purchasers by name and address. _____

7. List all co-lessees by name and address. _____

8. Mark below to indicate the materials relevant to the request and attach accordingly:
 - a. All applications:
 - (1) FERC Form 121 _____

Draft Form GS-107 (cont.)

- (2) A statement under oath appropriate for the application including a statement that completed copies of FERC Form Number 121 have been forwarded to the purchasers and to the co-lessees _____
- (3) All of the Forms 9-330, Well Completion or Recompletion Reports _____
- (4) Well logs or service company reports or other such information corroborating the well completion depth _____
- (5) Directional drilling survey _____
- (6) Water depth at well location _____
- (7) Other: _____

I certify that the foregoing is true and correct and that the records relied on and submitted with the application are true and correct to the best of my knowledge.

Name: _____

Title: _____

Signature: _____

Date: _____

Phone number: _____

Draft Form GS-108

SUPPLEMENTARY APPLICATION FOR CATEGORY DETERMINATION
UNDER THE NATURAL GAS POLICY ACT, SECTION 108

1. Applicant. Enter name, address, and phone number. (If not the operator, so indicate.) _____

2. Identification and location of the well, reservoir, and Federal or Indian lease number, including the API well number, section, township, and range, as appropriate. _____

3. Requested Category: Section 108(b).
4. Name, address, and phone number of person responsible for answering questions about this application if different from applicant. _____

5. Newspaper and expected date of notice publication. _____

6. List all gas purchasers by name and address. _____

7. List all co-lessees by name and address. _____

8. Mark below to indicate the materials relevant to the request and attach accordingly:
 - a. All applications:
 - (1) FERC Form 121 _____

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Draft Form GS-108 (cont.)

- (2) A statement under oath appropriate for the application including a statement that completed copies of FERC Form Number 121 have been forwarded to the purchasers and to the co-lessees _____
- (3) Form 9-330, Well Completion or Recompletion Report _____
- (4) Natural gas production for each month for 12 preceding months using a 14.73 psia base pressure

<u>Month</u>	<u>Year</u>	<u>Natural Gas (MCF)</u>	<u>Oil (Barrels)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Totals		_____	_____

Average Per Production Day _____

Average per production day for the last three (3) months of production history noted above _____ (MCFD @ 14.73 psia)

Maximum efficient rate of flow based on the twelve (12) month production history noted above _____ (MCFD @ 14.73 psia)

- (5) List all dates the well was off production during the past 90-day production period and give reasons respectively by date

- (6) Form 9-152, or Form 9-329, Monthly Report of Operations, for 12 months preceding this application _____

Draft Form GS-108 (cont.)

- (7) An inventory of the lease production equipment connected to the well for the past 24 months or for such lesser period as the well has been in production prior to the date of filing _____
- (8) Identify any equipment or processes used for enhanced recovery during the well completion or during production subsequent to well completion but prior to the date of filing _____
- (9) For a seasonably affected well:
 - Names and addresses of the applicant and purchasers _____
 - Well identification, reference to the original stripper-well qualification, and any notice filed by a purchaser pursuant to 18 CFR 271.805 _____
 - Production records for a period of 24 months, including the 90-day or 12-month production period which is the subject of the notice by the operator or the purchaser _____
 - A description of the nature of the seasonal fluctuations _____
- (10) Other: _____

I certify that the foregoing is true and correct and that the records relied on and submitted with this application are true and correct to the best of my knowledge.

Name: _____

Title: _____

Signature: _____

Date: _____

Phone number: _____

PRELIMINARY DETERMINATION BY THE OIL AND GAS SUPERVISOR
UNDER THE NATURAL GAS POLICY ACT (NGPA)

A preliminary category determination is set forth below pursuant to the provisions of the NGPA for certain Federal lease gas as requested in an application dated _____ and filed by _____

Well, reservoir, and lease location information: _____

Category determination requested: Section _____

Preliminary category determination:

Approved as requested _____ Negative determination _____

Remarks: _____

In accordance with the requirements of 18 CFR 274.104 and upon making a final determination in this matter, the following information and reference materials will be submitted to the FERC:*

1. List of participants thus far including the applicant and all parties submitting comments on the application. _____
2. A statement on any matter being opposed. _____
3. A copy of the application. Also, a copy of any other materials in the record used in the determination, which thus far include: _____

*In the case of a negative determination, only a copy of the negative determination and a copy of FERC Form 121 will be forwarded to FERC. If the applicant or any aggrieved party so requests within 15 days of making such a determination, all information referenced in 1 through 4 will be forwarded with the negative determination to FERC in accordance with 18 CFR 274.104(b).

Draft Form GS 1 (cont.)

4. An affirmative finding that all materials required under 18 CFR 274, Subpart B, and all other record materials used in the determination process are enclosed with the final determination: _____

In my judgment, a final determination in agreement with this decision will be rendered unless additional comments are received in this office within 15 calendar days which would justify a finding contrary to this preliminary determination.

Name: _____

Title: _____

Signature: _____

Date: _____

Phone number: _____

Draft Form GS 2

FINAL DETERMINATION BY THE OIL AND GAS SUPERVISOR
 UNDER THE NATURAL GAS POLICY ACT OF 1978 (NGPA)

A final category determination is set forth below pursuant to the provisions of the NGPA for certain Federal lease gas as requested in an application dated _____ and filed by _____

Well, reservoir, and lease location information: _____

Category determination requested: Section _____

Final category determination:

Approved as requested _____ Negative determination _____

Remarks: _____

In accordance with the requirements of 18 CFR 274.104, the following information and reference materials are being submitted to the FERC with this final determination:*

1. List of participants including the applicant and all parties submitting comments on the application. _____
2. A statement on any matter opposed. _____
3. A copy of the application. Also, a copy of any other materials in the record used in the determination, which include: _____

*In the case of a negative determination, only a copy of the negative determination and a copy of FERC Form 121 will be forwarded to FERC. If the applicant or any aggrieved party so requests within 15 days of making such a determination, all information referenced in 1 through 4 will be forwarded with the negative determination to FERC in accordance with 18 CFR 274.104(b).

Draft Form GS 2 (cont.)

4. An affirmative finding is hereby made that all materials required under Part 274, Subpart B, and all other record materials used in the determination process are enclosed with the final determination.
-
-

A final jurisdictional agency determination is hereby made that the Federal lease natural gas referred to above does/does not qualify as natural gas produced from a _____ in accordance with the applicable provisions of the NGPA.

Any person may object to this final determination by filing a protest with the FERC within 15 days after this determination is published by the FERC in the Federal Register in accordance with 18 CFR, Part 275.

Name: _____

Title: _____

Signature: _____

Date: _____

Phone number: _____

Address: _____

[FR Doc. 79-2532 Filed 1-23-79; 8:45 am]

[4310-31-M]

NATURAL GAS CATEGORY DETERMINATION

Delegation of Authority

Pursuant to Section 503(c)(1) of the Natural Gas Policy Act of 1978 (NGPA), the Secretary of the Department of the Interior has issued Order No. 3032 authorizing the Director, Geological Survey, to make natural gas category determinations in accordance with the provisions of Section 503(a) and related sections of the NGPA. For additional information on this matter, please write to the Chief, Conservation Division, Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia 22092, or telephone him at (703) 860-7524. The Order is published as follows:

[Order No. 3032]

Subject: Delegation of authority for implementation of certain sections of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. 95-621.

SECTION 1. Purpose. Sections 102, 103, 107, and 108 of the NGPA provide categories of natural gas for which applications from Federal lease operators are to be submitted for final determinations. The NGPA became effective December 1, 1978.

SECTION 2. Delegation of Authority. Section 503(c)(1) of the NGPA states that "A Federal or State Agency having regulatory jurisdiction with respect to the production of natural gas is authorized to make determinations referred to in subsection (a)." Subsection (a)(1) provides, in essence, that any final determination of a natural gas category by a State or Federal Agency is within the authority of that Agency but that such a determination is subject to a final ruling by the Federal Energy Regulatory Commission (FERC). The authority for implementation of the NGPA for natural gas produced on the Outer Continental Shelf, public lands, and Indian allotted and tribal lands (except for the Osage Reservation, Osage County, Oklahoma) is hereby delegated to the Director, Geological Survey, through the Assistant Secretary—Energy and Minerals. This delegation is subject to the authority of the Assistant Secretary—Energy and Minerals as provided in Secretarial Order No. 3005, July 8, 1977. The delegation of authority is effective as of December 1, 1978, concurrent with the effective date of the NGPA.

SECTION 3. The Categories of Natural Gas. Category determinations shall be made in accordance with Section 503(c) and related sections of the NGPA. The natural gas categories subject to application by Federal lease operators include the following:

Section 102(c)—New OCS leases, new onshore wells, and new onshore reservoirs.
Section 102(d)—OCS gas qualifying for new natural gas ceiling price.

Section 103(c)—New onshore production well.

Section 107(c)—High-cost natural gas.

Section 108(b)—Stripper-well natural gas.

SECTION 4. Effective Date. This Order is effective as of December 1, 1978. Its provisions shall remain in effect until it is amended, superseded, or revoked, whichever occurs

first. However, in the absence of the foregoing actions, the provisions of this Order shall terminate and be considered obsolete on July 1, 1978.

Dated: January 11, 1979.

CECIL D. ANDRUS,
Secretary.

[FR Doc. 79-2444 Filed 1-23-79; 8:45 am]

[4310-31-M]

RESEARCH AND DEVELOPMENT PROGRAM FOR OCS OIL AND GAS OPERATIONS

Annual Report

The annual technical report entitled "Research and Development Program for Outer Continental Shelf Oil and Gas Operations—1978" is available without charge. Requests should be addressed to Mr. John B. Gregory, Branch of Marine Oil and Gas Operations, Conservation Division, 620 National Center, Reston, Virginia 22092; phone 703-860-7531.

This report contains background information on the program and summarizes technical investigations on 14 individual projects. These projects include structural dynamics of offshore platforms, monitoring of structural fatigue, underwater acoustic telemetry, the application of fluidic controls to down-hole telemetry and hydrogen sulfide gas detection, well-control experimentation, and effects of toxicity of drilling muds on corals.

Dated: January 17, 1979.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 79-2445 Filed 1-23-79; 8:45 am]

[4310-70-M]

National Park Service

[Order No. 2]

ADMINISTRATIVE OFFICER, ET AL.,
CUMBERLAND ISLAND NATIONAL SEASHORE,
GA.

Delegation of Authority

SECTION 1. Administrative Officer. The Administrative Officer may execute, approve, and administer contracts not in excess of \$25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. Purchasing Agent. The Purchasing Agent may issue purchase orders not in excess of \$500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Sec. 3. Revocation. This order supersedes Order No. 1 dated February 11, 1975 and published in 40 FR 30294 on July 18, 1975. (National Park Service Order No. 77 (38 FR 7478), as amended; Southeast Region Order No. 6 (42 FR 59428), published November 17, 1977.)

Dated: May 26, 1978.

PAUL F. MCCRARY,
Superintendent, Cumberland
Island National Seashore.

[FR Doc. 79-2414 Filed 1-23-79; 8:45 am]

[4310-70-M]

[Order No. 3]

ADMINISTRATIVE SERVICES ASSISTANT,
STONES RIVER NATIONAL BATTLEFIELD

Delegation of Authority

1. **Administrative Services Assistant**—Administrative Services Assistant may issue purchase orders not in excess of \$5,000 for supplies, materials, and services and not in excess of \$2,000 for contracting; in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

2. **Revocation.** This order supersedes Order No. 2 issued June 4, 1973 (FR 38 106).

(National Park Service Order No. 77 (38 FR 7478) published March 22, 1973, as amended; Southeast Region Order No. 6 (42 FR 59428) Published November 17, 1977.

JAMES A. SANDERS,
Superintendent, Stones River
National Battlefield.

JUNE 23, 1978.

[FR Doc. 79-2416 Filed 1-23-79; 8:45 am]

[4310-70-M]

[Order No. 2]

ADMINISTRATIVE TECHNICIAN

Delegation of Authority Regarding Approval and Administration of Contracts for Construction, Supplies, Equipment and Services; Approval of Revocable Special Use Permits

1. **Administrative Technician.** The Administrative Technician may approve and administer contracts not in excess of \$2,000 for construction, supplies, equipment and services, in conformity with applicable regulations and statutory authority and subject to availability of allotted funds; and may execute and approve revocable special use permits for use of Government-owned lands and facilities.

2. **Redelegation.** The authority delegated herein shall not be redelegated.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 6 (42 FR 59428) published November 17, 1977.)

Dated: November 7, 1978.

BENJAMIN H. DAVIS,
Superintendent, Carl Sandburg
Home National-Historic Site.
[FR Doc. 79-2413 Filed 1-23-79; 8:45 am]

[4310-70-M]

[Order No. 2]

**ADMINISTRATIVE TECHNICIAN, KENNESAW
MOUNTAIN NATIONAL BATTLEFIELD PARK**

Delegation of Authority

SECTION 1. *Administrative Technician.* The Administrative Technician may issue purchase orders not in excess of \$2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

SEC. 2. Revocation. This order revokes Order No. 1, dated April 2, 1975 (40 FR 29309).

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 6 (42 FR 59428)).

Dated: July 14, 1978.

ALVOID L. RECTOR,
Superintendent, Kennesaw
Mountain National Battlefield
Park.

[FR Doc. 79-2415 Filed 1-23-79; 8:45 am]

[7020-02-M]

**INTERNATIONAL TRADE
COMMISSION**

[303-TA-9]

**CERTAIN FISH AND CERTAIN SHELLFISH FROM
CANADA**

Investigation and Hearing

Having received advice from the Department of the Treasury on January 9, 1979, that a bounty or grant is being paid with respect to certain fish and certain shellfish imported from Canada, provided for in items 110.1593, 110.1597, 110.4730, 110.4755, 110.4760, 110.4765, 114.4520, and 114.4537 of the Tariff Schedules of the United States (TSUS), which merchandise is accorded duty-free treatment, the United States International Trade Commission on January 18, 1979, instituted investigation No. 303-TA-9, under section 303(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(b)), to determine whether 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 such merchandise into the United States.

A public hearing in connection with the investigation will be held in the Commission's Hearing Room, United

States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t., on Tuesday, February 27, 1979. All persons shall have the right to appear by counsel or in person, to present evidence and be heard. Requests to appear at the public hearing shall be filed with the Secretary of the Commission at his office in Washington, D.C. not later than close of business February 23, 1979.

Issued: January 19, 1979.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-2501 Filed 1-23-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

**PROPOSED CONSENT DECREE IN ACTION TO
ENJOIN DISCHARGE OF WATER POLLUTANTS**

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, a notice is hereby given that on January 10, 1979, a proposed consent decree in *United States v. West Penn Power Company*, was lodged with the United States District Court for the Western District of Pennsylvania. The proposed decree requires the company to construct a flue gas desulfurization system at its Mitchell Station Unit No. 3 and comply with the Clean Air Act by September 21, 1982.

The Department of Justice will receive for 30 days from the date of publication of this notice written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. West Penn Power Company*, D.J. Ref. 90-5-2-1-58.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Pennsylvania, U.S. Courthouse, Pittsburgh, Pennsylvania; the Clerk of the District Court, Western District of Pennsylvania, U.S. Courthouse, Pittsburgh, Pennsylvania; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2625, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent judgment may be ob-

tained in person or by mail from the Pollution Control Section.

JAMES W. MOOREMAN,
Assistant Attorney General,
Land and Natural Resources
Division.

[FR Doc. 79-2437 Filed 1-23-79; 8:45 am]

[4410-01-M]

**PROPOSED CONSENT DECREE IN ACTION TO
ENJOIN DISCHARGE OF WATER POLLUTANTS**

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, a notice is hereby given that on January 12, 1979, a proposed consent decree in *United States v. National Steel Corporation*, was lodged with the United States District Court for the Northern District of West Virginia. The proposed decree requires the company to construct several water pollution control systems in order to comply with the Clean Water Act and pay a civil penalty of \$3.5 million for violations of the Act.

The Department of Justice will receive for 30 days from the date of publication of this notice written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. National Steel Corporation*, D.J. Ref. 90-1-5-6-110.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of West Virginia, U.S. Courthouse, Wheeling, West Virginia; the Clerk of the District Court, Northern District of West Virginia, U.S. Courthouse, Wheeling, West Virginia; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2625, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section.

JAMES W. MOORMAN,
Assistant Attorney General,
Land and Natural Resources
Division.

[FR Doc. 79-2436 Filed 1-23-79; 8:45 am]

[4410-09-M]

**Drug Enforcement Administration
IMPORTATION OF CONTROLLED SUBSTANCES
Notice of Application**

Pursuant to Section 1008 of the Controlled Substances Import and Export

Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on November 1, 1978, Lee Laboratories, Inc., Petersburg Industrial Park, 2999 Frontage Road, Petersburg Virginia 23803, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug:	Schedule
Morphine (9300).....	II
Thebaine (9333).....	II
Imported Raw Opium (9600).....	II
Concentrate of Poppy Straw (9670).....	II

As to the basic class of controlled substances listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than February 26, 1979.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (b), (c), (d), (e) and (f) (if applicable) are satisfied.

It should be noted that concentrate of poppy straw is presently imported into the United States under the terms of the emergency provisions of Section 1002(a)(2)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a)(2)(A)). Thus, while the Drug Enforcement Adminis-

tration invites the filing of comments on the advisability or propriety of granting an additional registration to import concentrate of poppy straw, the terms of Section 1008(h) clearly leave it to the discretion of the Administrator to grant or deny a hearing to any party on issues concerning such importation.

In addition, the terms of Section 1008(h) of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)) obligate the Administrator to give only to manufacturers holding registrations for the bulk manufacture of a substance sought to be imported the opportunity for a hearing on issues associated with the proposed registration of a bulk manufacturer of the substance or associated with the proposed actual importation of the substance. In the case of imported raw opium, there exists no registered bulk manufacturer of the substance, hence, it is likewise left to the discretion of the Administrator to grant or deny a hearing to any party on issues concerning the importation of raw opium.

Dated: January 17, 1979

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 79-2423 Filed 1-23-79; 8:45 am]

[4410-09-M]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to 21 U.S.C. 823(a)(1), and § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 1, 1978, Lee Laboratories, Inc., Petersburg Industrial Park, 2999 Frontage Road, Petersburg, Virginia 23803, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Codeine (9050).....	II
Oxycodone (9143).....	II
Morphine (9300).....	II
Opium Extracts (9610).....	II
Opium Fluid Extracts (9620).....	II
Opium Tinctures (9630).....	II
Opium Powders (9639).....	II
Opium Granulated (9640).....	II
Concentrate of Poppy Straw (9670).....	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than February 26, 1979.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
Dated: January 17, 1979.

[FR Doc. 79-2422 Filed 1-23-79; 8:45 am]

[4410-18-M]

ADVISORY COMMITTEE OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on February 8, 1979 from 9:00 A.M. to 4:30 P.M. and on February 9, 1979 from 9:00 A.M. to 12:00 P.M. at the Holiday Inn, 480 King Street, Old Town, Alexandria, Virginia.

The major topic of discussion will concern the research agenda for FY80.

The meeting will be open to the public.

For further information, please contact Blair G. Ewing, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U. S. Department of Justice, Washington, D.C. 20531 (301/492-9108).

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-2428 Filed 1-23-79; 8:45 am]

[4410-18-M]

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Program Solicitation of Research for Policy Experiments in General Deterrence

The National Institute of Law Enforcement and Criminal Justice announces the solicitation of research proposals for policy experiments in general deterrence. This competitive solicitation has a closing date of March 21, 1979. Interested researchers may obtain a copy of the solicitation by writing to:

National Criminal Justice Reference Service, Program Solicitation, Policy Experiments in General Deterrence, Box 6000, Rockville, Maryland 20850.

This solicitation will award only grants.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-2429 Filed 1-23-79; 8:45 am]

[4410-18-M]

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Solicitation Regarding Grant Program of Research on Minority Communities

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant program or research on minority communities with the purpose of increasing the understanding of the relationships between race and crime.

The solicitation asks for the submission of concept papers rather than full proposals. Full proposals will be requested following reviews of concept papers. In order to be considered, a concept paper must be received by the National Institute no later than March 31, 1979. One grant will be awarded for a project to run for 2 years.

Additional information and copies of the solicitation can be obtained by contacting Winifred L. Reed, Center for the Study of Crime Correlates and Determinants of Criminal Behavior, NILECJ, 633 Indiana Avenue, N.W., Washington, D.C., 20531, (301) 492-9126.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-2430 Filed 1-23-79; 8:45 am]

[4410-18-M]

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Solicitation Regarding Grant Program to Study Safe and Secure Neighborhoods

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant to study "Safe and Secure Neighborhoods." The purpose of the research is to identify those processes operating through the physical and social characteristics of a neighborhood to achieve and maintain a safe and secure environment.

The solicitation asks for the submission of full proposals. In order to be considered, proposals must be post-marked no later than March 1, 1979. It

is expected that two to three awards will be made under this announcement. Funding under any one award will not exceed \$125,000, and will be executed within 24 months.

Copies of the solicitation and additional information can be obtained by contacting: Director, Community Crime Prevention Division, NILECJ, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (301/492-9122).

Dated: January 11, 1979.

Approved:

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-2431 Filed 1-23-79; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

MEDIA ARTS (GENERAL PROGRAMS) ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts (General Programs) Advisory Panel to the National Council on the Arts will meet February 26, 1979, from 9:00 a.m. to 6:00 p.m., February 27, 1979, from 9:00 a.m. to 6:00 p.m., and February 28, 1979, from 9:00 a.m. to 6:00 p.m., in room 1220, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

JANUARY 19, 1979.

[FR Doc. 79-2504 Filed 1-23-79; 8:45 am]

[7537-01-M]

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on February 9, 1979, from 9:00 a.m. to 5:30 p.m., February 10, 1979, from 9:00 a.m. to 5:30 p.m., and February 11, 1979 from 9:00 a.m. to 1:00 p.m., at the East Building of the National Gallery of Art, Constitution Avenue and 4th Street, N.W., Washington, D.C. Use 4th Street entrance to the Study Center which is to the right of the East Building Exhibition entrance.

A portion of this meeting will be open to the public on Friday, February 9, 1979 from 9:00 a.m. to 4:00 p.m. and Saturday, February 10, 1979 from 9:00 a.m. to 3:30 p.m. Topics for discussion will be program policy and guidelines for the Literature, Music, Opera-Musical Theatre, Folk Arts and Dance Touring Programs; long-range planning for the Arts Endowment; a report on the work of the Hispanic American Task Force and other general reports. The remaining sessions of this meeting on Friday, February 9, 1979 from 4:00-5:30 p.m.; on Saturday, February 10, 1979 from 3:30-5:30 p.m.; and on Sunday, February 11, 1979 from 9:00 a.m. to 1:00 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsections (c) (4), (6) and 9 (B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

JANUARY 19, 1979.

[FR Doc. 79-2503 Filed 1-23-79; 8:45 am]

[7537-01-M]

VISUAL ARTS PANEL (ARTIST'S FELLOWSHIPS)

Meeting

Pursuant to section 10 (a) (2) of the Federal Advisory Committee Act (Pub.

L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Artist's Fellowships) will be held February 12, 1979, from 9:30 a.m. to 5:30 p.m., February 13, 1979, from 9:30 a.m. to 5:30 p.m., and February 13, 1979, from 9:30 a.m. to 5:30 p.m., and February 14, 1979, from 9:30 a.m. to 5:30 p.m., in Room 1115, Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9 (B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

JOHN H. CLARK,
Director, Office of Council and
Panel Operations, National
Endowment for the Arts.

JANUARY 19, 1979.

[FR Doc. 79-2505 Filed 1-23-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on February 8-10, 1979, in Room 1046, 1717 H Street, NW, Washington, DC.

The agenda for the subject meeting will be as follows:

THURSDAY, FEBRUARY 8, 1979

8:30 a.m.-9:15 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

9:15 a.m.-10:15 a.m.: Meeting with Director, NRC (Open)—The Committee will hear a brief report on the degree to which the NRC Staff considers low-probability, high-consequence accidents in the licensing process.

10:15 a.m.-1:00 p.m.: Executive Session (Open)—The Committee will

review items to be discussed with the NRC Commissioners including the ACRS 1978 Annual Report to Congress on the NRC Safety Research Program, ACRS review of Licensee Event Reports, and use of probabilistic assessment in the licensing process including consideration of low-probability, high-consequence accidents. The Committee will also discuss the qualifications of candidates proposed for appointment to the Committee.

Portions of this session will be closed as necessary to permit discussion of information the release of which would represent an unwarranted invasion of personal privacy.

2:00 p.m.-3:00 p.m.: Meeting with NRC Commissioners (Open)—The Committee will meet with the NRC Commissioners in Room 1130 to discuss the items noted above.

3:00 p.m.-3:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the request for an Operating License for the Salem Nuclear Generating Station Unit 2.

Portions of this session will be closed as required to permit discussion of Proprietary Information related to this project and arrangements for the physical security of this station.

3:30 p.m.-6:00 p.m.: Salem Nuclear Generating Station Unit 2 (Open)—The Committee will hear reports from and hold discussions with representatives of the NRC Staff and the applicant regarding proposed operation of this plant.

Portions of this session will be closed as required to discuss Proprietary Information related to this project and arrangements for the physical security of this station.

FRIDAY, FEBRUARY 9, 1979

8:30 a.m.-9:00 a.m.: Executive Session (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the request for Preliminary Design Approval for the Fluor Pioneer Inc. standard balance of plant (Fluor BOPSSAR) used with the Babcock-205 Standard Nuclear Steam Supply System.

Portions of this session will be closed as required to permit discussion of Proprietary Information related to this request and arrangements for the physical security of this facility.

9:00 a.m.-12:00 Noon: Fluor Pioneer Inc. Standard Balance of Plant to be used with the Babcock-205 Standard Nuclear Steam Supply System (Open)—The Committee will hear and discuss reports from representatives of the NRC Staff, Fluor Pioneer Inc., and the Babcock and Wilcox Company regarding the request for Preliminary

Design Approval for this type of nuclear power plant facility.

Portions of this session will be closed as required to permit discussion of Proprietary Information related to this request and arrangements for the physical security of this facility.

1:00 p.m.-3:45 p.m.: Meeting with NRC Staff (Open)—The Committee will meet with members of the NRC Staff to hear reports on and to discuss recent operating experience and licensing actions. These matters will include matters related to operations at the Kewaunee Nuclear Station and NRC activities related to the capability of nuclear power plants to shut down and remove decay heat using only safety grade equipment.

The future schedule for ACRS activities will also be discussed.

3:45 p.m.-5:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the reports of its Subcommittees on recent activities regarding Anticipated Transients Without Scram, Emergency Core Cooling Systems, and ACRS review of Licensee Event Reports.

The Committee will discuss its proposed reports to the NRC regarding the Salem Nuclear Generating Station and the Fluor Pioneer Inc. standard balance of plant.

Portions of this session will be closed as required to permit discussion of Proprietary Information related to these subjects and arrangements for the physical security of these plants.

SATURDAY, FEBRUARY 10, 1979

8:30 a.m.-12:30 p.m.: Executive Session (Open)—The Committee will discuss its proposed reports to the NRC on the Salem Nuclear Station and the Fluor Pioneer Inc. standard balance of plant.

The committee will also discuss proposed comments and positions regarding other items discussed during this meeting.

Procedures for the conduct of and participation in ACRS meetings were outlined in the FEDERAL REGISTER on October 4, 1978, page 45926. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with Subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of

this meeting as noted above to protect Proprietary Information (5 U.S.C. 552 b(c)(4) and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 a.m. and 5:00 p.m. EST.

Dated: January 18, 1979.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 79-2406 Filed 1-23-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 41 and 38 to Facility Operating Licenses Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company (the licensee) which revise Technical Specifications for Zion Station, Unit Nos. 1 and 2, located in Zion, Illinois. The amendments are effective as of the date of issuance.

These amendments reduce the maximum allowable pressurizer heatup rate from 200°F per hour to 100°F per hour and add ECCS flow rate surveillance requirements.

The applications for these amendments comply 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 amendments. Prior public notice of this action was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 is not required for these amendments.

For further details see (1) the applications for amendments dated October 26, 1977 and October 5, 1978, (2) the

above cited amendments and (3) the Commission's Related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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, Md., this 16th day of January 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-2411 Filed 1-23-79; 8:45 am]

[7590-01-M]

[Docket No. 50-245]

CONNECTICUT LIGHT AND POWER CO.; THE HARTFORD ELECTRIC LIGHT CO.; WESTERN MASSACHUSETTS ELECTRIC CO.; AND NORTHEAST NUCLEAR ENERGY CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Provisional Operating License No. DPR-21, issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1 (the facility) located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment changes the Appendix A Technical Specifications to authorize a revised setpoint for the suppression chamber to reactor building vacuum breakers.

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 envi-

ronmental 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 March 15, 1978, (2) Amendment No. 58 to License No. DPR-21, 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, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. 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, Md., this 12th day of January, 1979.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors
Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-2409 Filed 1-23-79; 8:45 am]

[7590-01-M]

[Docket No. 50-263]

NORTHERN STATES POWER CO. (MONTICELLO NUCLEAR GENERATING STATION, UNIT NO. 1)

Request for Issuance of Immediately Effective Order Prohibiting Installation of Allegedly Defective Spent Fuel Storage Racks

Notice is hereby given that by letter dated December 8, 1978, the Minnesota Pollution Control Agency (MPCA) requested that the Commission issue an immediately effective order to prohibit installation of allegedly defective spent fuel storage racks at the Monticello Nuclear Generating Station, Unit No. 1. The MPCA alleges that installation of the racks violates Provisional Operating License No. DPR-22 issued for the Monticello facility. The MPCA also requests that a hearing be granted on the issue of whether a license amendment should be issued authorizing the modification and continued use of the allegedly defective spent fuel storage racks and petitions for leave to intervene in such hearing.

This request is being treated under 10 CFR 2.206 of the Commission's regulations and accordingly, action will be taken on the request within a reasonable time. A copy of the request is available for inspection in the Commission's Public Document Room,

1717 H Street, N.W., Washington, D.C. 20555, and at the local public document room for the Monticello Nuclear Generating Station located at Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Bethesda, Md., this 17 day of January 1979.

For the Nuclear Regulatory Commission.

HAROLD DENTON,
Director, Office of
Nuclear Reactor Regulation.

[FR Doc. 79-2412 Filed 1-23-79; 8:45 am]

[7590-01-M]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.8, "Guide for the Preparation of Applications for Medical Programs," described the information needed by the NRC staff in its evaluation of an application for a license to use byproduct radioactive materials in diagnostic and therapeutic medical applications. The guide also provides a simpler Form NRC-313M for completing the required entries.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 10.8 will, however, be particularly useful in evaluating the need for an early revision if received by March 23, 1979.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 16th day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc. 79-2407 Filed 1-23-79; 8:45 am]

[7590-01-M]

TOPICAL REPORT

Issuance and Availability

The Nuclear Regulatory Commission staff has released a topical report on potential radiation doses from timepieces containing tritium and promethium paint. The report was prepared by the Oak Ridge National Laboratory under a contract to NRC.

The report, NUREG/CR-0216, "Radiation Dose Estimates from Timepieces Containing Tritium or Promethium-147 in Radioluminous Paints," presents estimates of potential radiation doses to members of the general public, both individually and collectively, from exposure to timepieces containing tritium or promethium-147 mixed with a phosphor used in luminous paint. The study considered exposures that could occur during the distribution, use, repair, and disposal of such timepieces, as well as under certain postulated accident conditions involving the timepieces.

This is the second in a series of reports prepared for the NRC on radiation doses associated with consumer products containing radioactive materials. The first, NUREG/CR-0215, "Estimates of Potential Radiation Doses from Wristwatches Containing Tritium Gas," was announced in the FEDERAL REGISTER on November 8, 1978 (43 FR 52070).

NUREG/CR-0216 is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161. (Paper copy: \$4.50; Microfiche: \$3.00)

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 15th day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc. 79-2410 Filed 1-23-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT

Notice of New Systems

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between December 11, 1978 and December 29, 1978. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

FEDERAL TRADE COMMISSION

System Name:

Consumer Complaint Files.

Report Date:

December 12, 1978.

Point-of-Contact:

Ms. Karen C. Gabbert, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, Washington, D.C. 20580.

Summary:

This is a report on a proposed change to an existing system of records. The FTC plans to maintain these files on a computer, to "allow for faster, more complete and accurate re-

trieval of the necessary information," to save staff time.

DEPARTMENT OF DEFENSE

System Name:

Automated Payroll, Cost and Personnel Subsystem.

Report Date:

December 20, 1978.

Point-of-Contact:

Mr. William Cavaney, Defense Privacy Board, Department of Defense, Washington, D.C. 20301.

Summary:

This existing Defense Logistics Agency system is being altered to include a minority group designator; the system is used for personnel management, including personnel actions and reporting requirements.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

System Name:

Women Administrators in Vocational Education.

Report Date:

December 22, 1978.

Point-of-Contact:

Mr. William A. Wooten, Privacy and Information Rights Officer, Office of Education, Washington, D.C. 20202.

Summary:

The Office of Education proposes this new system of records as a basis for a Directory of Women Administrators in Vocational Education. The directory will provide information about women who administer programs in non-traditional areas for women, and make their services available to those who need them.

System Name:

Health Education Assistance Loan Program Loan Control Master File.

Report Date:

December 22, 1978.

Point-of-Contact:

Mr. William A. Wooten, Privacy and Information Rights Officer, Office of Education, Washington, D.C. 20202.

Summary:

This proposed new system will be used by the Office of Education to service health education assistance loans, including verifying the identity and eligibility of applicants, counseling of borrowers, collection of the loan and prevention of fraud and abuse in the program.

System Name:

Studies of Possible Influence on Cognitive and Emotional Development of Children.

Report Date:

December 22, 1978.

Point-of-Contact:

Mr. Robert J. Slevin, NIH Privacy Act Coordinator, 9000 Rockville Pike, Bethesda, Md 20014.

Summary:

This system, to be maintained by the National Institutes of Health, is part of a research study focussed on "early environmental influences on development and the complex transactions between organismic characteristics." The study will examine mother-child relationships from delivery through childhood.

System Name:

Scientific Visitors at the National Institutes of Health, Fogarty International Center.

Report Date:

December 22, 1978.

Point-of-Contact:

Mr. Robert J. Slevin, NIH Privacy Act Coordinator, 9000 Rockville Pike, Bethesda, MD 20014.

Summary:

The National Institutes of Health will maintain this new system to administer its foreign visitors program. It will include biographical and education/employment information about applicants for the program.

Waiver Requests:

OMB procedures permit a waiver of the advance notice requirement when the agency can show that the delay caused by the 60 day advance notice would not be in the public interest. It should be noted that a waiver of the 60 day advance notice period does not relieve the agency of the obligation to publish a notice describing the system and to allow 30 days for public comment on the proposed routine uses of the personal information to be collected. A waiver of the 60 day advance notice provision was requested by agencies for the following reports received between December 11, 1978 and December 29, 1979. Public inquiries or comments on the proposed new or altered systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. Comments on the operation of the waiver procedure should be directed to OMB.

CIVIL SERVICE COMMISSION/OFFICE OF PERSONNEL MANAGEMENT

System Name:

Ethics in Government Financial Disclosure Records.

Report Date:

December 21, 1978.

Point-of-Contact:

Office of General Counsel, U.S. Civil Service Commission, 1900 E Street, NW, Washington, D.C. 20415.

Summary:

This system of records is being developed to implement the Ethics in Government Act of 1978 (Public Law 95-521). It will be a government-wide system of records containing financial disclosure records on the President and Vice President and candidates for those offices, Executive Branch and Postal Service employees who are GS-16 or above, administrative law judges, certain other confidential or policy making employees. The information provided by each individual will be available upon request to any member of the public and will be used to administer the Ethics in Government Act.

Status of waiver request:

No action as of January 8, 1979.

DEPARTMENT OF THE TREASURY

System Name:

General Allegations and Investigative Records System.

Report Date:

December 26, 1978.

Point-of-Contact:

Mrs. Carol Jolliffe, Office of the Inspector General, Main Treasury Building, Washington, D.C. 20220.

Summary:

This new system will be maintained by the Office of the Inspector General to track and carry out investigations of alleged illegal acts and misconducts.

Status of waiver request:

No action as of January 8, 1979.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc. 79-2368 Filed 1-23-79; 8:45 am]

[6820-97-M]

**PRESIDENTIAL COMMISSION ON
WORLD HUNGER**

**PUBLIC PARTICIPATION AND
COMMUNICATION SUBCOMMITTEE**

Meetings

The Public Participation and Communication Subcommittee of the Presidential Commission on World Hunger has scheduled meetings as follows:

February 5, 1979, in the Presbyterian Center Chapel, 341 Ponce de Leon Avenue, N.E., Atlanta Georgia. February 12, 1979, in the Foote Music Hall, Houston Fine Arts Center, Montview and Quebec Streets, Colorado Women's College, Denver, Colorado, February 19, 1979, in the El Centro College Performance Hall, Market Street, Dallas, Texas. All meetings will commence at 9:30 a.m..

The meetings will be open to observation by the public. Persons interested in attending such meetings should address a letter to the Presidential Commission on World Hunger, 734 Jackson Place, N.W., Washington, D.C. 20006. Admission of observers will be on the basis of earliest postmark date and to the extent space is available. The Commission's telephone number is (202) 395-3505.

DANIEL E. SHAUGHNESSY,
Acting Executive Director, Presidential Commission on World Hunger.

[FR Doc. 79-1272 Filed 1-23-79; 8:45 am]

[6820-99-M]

**PRESIDENT'S COMMISSION ON
PENSION POLICY**

Privacy Act of 1974

Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-479, 4 U.S.C. 552a, the President's Commission on Pension Policy, hereafter known as the Commission, hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Commission. Any person interested in commenting on the routine use of the system notices may do so by submitting comments in writing to the Administrative Officer, 736 Jackson Place, N.W., Washington, DC 20006. Comments should be submitted on or before February 23, 1979. The Commission's procedures for access to records in the systems are contained in 1 CFR Part 470.

Dated at Washington, DC, on 1/16/79.

THOMAS C. WOODRUFF,
Executive Director.

PCPP-1

System name:

Payroll Records—President's Commission on Pension Policy.

System location:

General Services Administration, Region 3 Office; copies held by the Commission. (GSA holds records for the President's Commission on Pension Policy under contract).

Categories of individuals covered by the system:

Employees and members of the Commission.

Categories of records in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health records; requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C. "Money and Finance", generally. Also, Executive Order 12071, July 12, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigations; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 4416, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Administrative Officer, 736 Jackson Place, N.W., Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the

authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Administrative Officer, 736 Jackson Place, N.W., Washington, D.C. 20006.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and Commission administrative staff.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAS P 1820.2).

System manager(s) and address:

Administrative Officer, 736 Jackson Place, N.W., Washington, D.C. 20006.

Notification procedure:

Refer to Commission access regulations contained in 1 CFR Part 470.

Record access procedures:

Refer to Commission access regulations contained in 1 CFR Part 470.

Record source categories:

The subject individual; the Commission.

PCPP-2

System name:

General Financial Records—President's Commission on Pension Policy.

System location:

General Services Administration, Central Office, copies held by the Commission (GSA holds records for the President's Commission on Pension Policy under contract).

Categories of individuals covered by the system:

Employees and members of the Commission.

Categories of records in the system.

SF-1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

Authority for maintenance of the system:

31 U.S.C. "Money and Finance", generally; also Executive Order 12071, dated July 12, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Paper and tape.

Retrievability:

Manual and automated by name.

Safeguards:

Stored in guarded building; released only to authorized personnel including among others, GSA liaison staff and finance personnel; and Commission administrative staff.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

System manager(s) and address:

Administrative Officer, 736 Jackson Place, N.W., Washington, D.C. 20006.

Notification procedure:

Refer to President's Commission on Pension Policy access regulations contained in 1 CFR Part 470.

Record access procedures:

Refer to President's Commission on Pension Policy in 1 CFR Part 470.

Contesting record procedures:

Refer to President's Commission on Pension Policy access regulations contained in 1 CFR Part 470.

Record source categories:

The subject individual; the Commission.

PCPP-3

System name:

General Informal Personnel Files—President's Commission on Pension Policy.

System location:

President's Commission on Pension Policy, 736 Jackson Place, N.W., Washington, D.C. 20006.

Categories of individuals covered by the system:

Commission members staff and consultants, past and present.

Categories of records in the system:

Copies of: Personnel qualifications statements, personnel action requests and notifications, oaths of office, consultant and/or expert certifications, delegations of authority, background information for security clearances (non-sensitive and critical-sensitive), statements of employment and financial interests, training materials and correspondence with members of the Commission.

Authority for maintenance of the system:

Title 5, U.S.C. "Government Organization and Employees", generally. Also Executive Order 12071, dated July 12, 1978.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Paper.

Retrievability:

Manual.

Safeguards:

Stored in lockable file cabinets, released only to authorized personnel, including among others, GSA liaison staff and Commission administrative staff.

Retention and disposal:

Retained until no longer needed, then discarded.

System manager(s) and address:

Administrative Officer, 736 Jackson Place, N.W., Washington, D.C. 20006.

Notification procedure:

Refer to President's Commission on Pension Policy access regulations contained in 1 CFR Part 470.

Contesting record procedures:

Refer to President's Commission on Pension Policy access regulations contained in 1 CFR Part 470.

Record source categories:

The subject individual; the Commission.

APPENDIX—PRESIDENT'S COMMISSION ON PENSION POLICY

In the event that a system of records maintained by this Commission to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, or local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of pri-

vate relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of an individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc. 79-2457 Filed 1-23-79; 8:45 am]

[8010-01-M]

**SECURITIES AND EXCHANGE
COMMISSION**

[Release No. 10561; 812-4405]

**FIDELITY GOVERNMENT SECURITIES FUND, LTD.
AND FIDELITY MANAGEMENT & RESEARCH
CO.**

**Filing of Application of the Act for Order of
Exemption**

JANUARY 16, 1979.

Notice is hereby given that Fidelity Government Securities Fund, Ltd. ("Fund"), registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, and Fidelity Management & Research Company ("FMR" or the "Adviser"), 82 Devonshire Street, Boston, Massachusetts 02109, Non-Managing General partner and investment adviser of the Fund (collectively "Applicants"), filed an application on December 13, 1978, requesting an order of the Commission pursuant to Section 6(c) of the Act exempting the Fund and its general partners from the provisions of Section 2(a)(19) of the Act to the extent that the Fund's general partners would otherwise be deemed to be "interested persons" of the Fund or its Non-Managing General Partner solely because they are partners in the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Fund has been organized as a limited partnership under the Uniform Limited Partnership Act of Nebraska and proposes to operate as an open-end, diversified management investment company registered under the Act, with the objective of providing investors with as high a level of current income exempt from state and local taxes as is consistent with the preservation of capital.

They further state that the Fund will seek to achieve this objective by investing in a diversified portfolio of securities issued by the United States Government, its agencies or instrumentalities ("government securities").

The Fund plans to invest only in those securities the interest income on which is exempt from state and local taxes. However, the Fund does reserve the right to invest in government securities the interest on which may be subject to taxation in some states in cases of significant yield disparity or for defensive purposes. According to the application, requests for rulings have been filed with the Internal Revenue Service seeking a determination that the Fund will be a partnership and not an association taxable as a corporation.

The general partners of the Fund will consist of Managing General Partners and a Non-Managing General Partner; the Fund will be managed solely by the Managing General Partners, except in the circumstances described below. Only individuals may serve as Managing General Partners. They will perform the same functions as directors of incorporated investment companies. Applicants state that the Non-Managing General Partner FMR, in its capacity as such, is excluded from participation in the Management of the Fund, except in the circumstances described below. In its capacity as investment adviser, however, FMR may also have the authority to act on behalf of the Fund to the extent provided in its advisory agreement.

According to the application, the Managing General Partners may act only by majority vote and are subject to election and removal by vote of the partners. In the event no Managing General Partner remains, it is the responsibility of the Non-Managing General Partner to call a meeting of the limited partners ("Limited Partners"), to be held within 60 days of the date the last Managing General Partner ceased to act in such capacity, for the purpose of determining whether to elect to continue the business of the Fund and, if the business is to be continued, electing new Managing General Partners. During a period of time in which no Managing General Partner remains, the Non-Managing General Partner is permitted to engage in the management, conduct and operation of the business of the Fund to the same extent as a Managing General Partner.

According to the application, the Fund's Limited Partners have no rights to control the Fund's business, but may exercise certain right and powers of a Limited Partner under the partnership agreement, including voting rights, and the giving of con-

sents and approvals provided for in the partnership agreement. The partnership agreement authorizes Limited Partners to exercise voting rights on certain matters, including the right to elect or remove general partners, approval or termination of investment advisory contracts, and ratification or rejection of the appointment of the independent public accountants of the Fund. Applicants state that they have been advised that it will be the opinion of Nebraska counsel that the existence or exercise of these voting rights does not subject the Limited Partners to liability as general partners under the Uniform Limited Partnership Act of Nebraska. However, Applicants further state that it is possible that, because of such voting rights, the Limited Partners might be found to be subject to liability as general partners by the courts of another state. In this regard, the Applicants state that, if a Limited Partner is sued to satisfy an obligation of the Fund, the Fund will, upon notice of such suit by the Limited Partner, either satisfy such obligation or, if it believes such suit is without merit, undertake the defense of such suit. In addition, the Fund intends to include in all material contracts a provision limiting the claims of creditors to Fund assets. The Applicants specifically recognize that in the event a Limited Partner should be found to be liable as a general partner, he will be required to satisfy such a claim personally to the extent that the assets and insurance of the Fund are insufficient to reimburse him.

Applicants state that the entire interest of the partners will be divided into Shares of Partnership Interest ("Shares") which will be offered to investors, and that, upon the sale of a Share to a purchaser who is not a Limited Partner, and upon receipt of a signed partnership authorization, including a power of attorney required of all Limited Partners, the purchaser will become a Limited Partner upon the filing of an amendment to the partnership agreement. According to the application, the Managing General Partners agree to process such amendments at least weekly. However, while amendments will be processed at least weekly, income loss, gain, expense or credits will be allocated to a holder of shares on the day following receipt of payment for shares purchased and a signed partnership authorization. Applicants further state that (1) all items of Fund income gain, loss, deductions and credits will be allocated equally among the outstanding Shares of the Fund; (2) all Shares will have equal rights and one vote each on all matters to be voted upon by partners, and are redeemable; and (3) a Limited Partner can assign his Shares, in whole or part: *Provided*, The assignee

agrees to become a substituted Limited Partner, the general partners consent to such assignment and substitution, and the assignee executes the necessary documents to become a substituted Limited Partner.

It is anticipated that, as a condition of the granting of the rulings noted above, the Internal Revenue Service will require that at all times the general partners must have in the aggregate a one percent interest in all Fund items of income, gains and losses. The general partners intend to meet this condition by purchasing in the aggregate one percent of the outstanding Shares of the Fund. In addition, FMR undertakes that at all times while serving as Non-Managing General Partner it will own a sufficient amount of the Fund's outstanding Shares so that when its ownership is combined with the Share ownership of the General Partners, the aggregate Share ownership of the General Partners will amount to a least one percent of the outstanding Shares of the Fund. FMR also undertakes that it will not withdraw as a Non-Managing General Partner except on 180 days notice or unless another General Partner has assumed this obligation. The Fund undertakes that any successor Non-Managing General Partner will agree to the same undertakings as FMR.

Applicants assert that, if the Fund is organized as a limited partnership, certain tax benefits will accrue to its investors which would not be available if the Fund were organized in corporate form. This, Applicants state, is because as a general rule, income from government securities is exempt from state, local and municipal taxes. The Fund has been advised that if it were organized in corporate form, state and local governments would be free to treat the income distributions paid to shareholders as corporate dividends rather than interest income and impose income tax liability on such distributions. The Fund has also been advised that a limited partnership is generally not considered to be a separate entity under state income tax laws. Consequently, Applicants state that Fund shareholders will have the same state tax liability on income distributions of the Fund as they would have had under direct ownership of a proportionate interest in the instruments held in the Fund's portfolio. Applicants also argue that by organizing as a limited partnership, the Fund provides investors with the benefits of diversification, professional management and low cost operation inherent in an investment company without sacrificing the favorable tax treatment that attaches to the direct ownership of government securities. The Applicants assert that the above favorable

tax treatment can have a significant effect on the net tax-adjusted yield for investors of all income levels and can be particularly important for investors wishing to invest less than the amounts of the lowest denominations of government securities customarily available, which is generally 5,000 except for U.S. Treasury bills for which the minimum denomination is generally \$10,000.

Applicants also state that as a partnership, the Fund will not be obliged to comply with the provisions of Subchapter M of the Internal Revenue Code in order to avoid being taxed as a separate entity under Federal income tax laws; and that, unlike a corporation, a partnership normally is not subject to state taxes.

Section 10(a) of the Act provides, in pertinent part, that no registered investment company shall have a board of directors more than 60 percent of the members of which are persons who are interested persons of such registered company.

Section 2(a)(12) of the Act defines "director" to include any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated.

Section 15(c) of the Act provides, that it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes to regularly serve or act as investment adviser of such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party.

Section 2(a)(19)(A) of the Act provides, in pertinent part, that an "interested person" of another person, when used with respect to an investment company, means (1) any affiliated person of such investment company, and (2) any interested person of any investment adviser or principal underwriter for such company. Section 2(a)(19)(B) of the Act provides, in pertinent part, that an "interested person" of another person, when the other person is an investment adviser or principal underwriter for any investment company, means any affiliated person of such investment adviser or principal underwriter.

Section 2(a)(3)(D) of the Act provides, in pertinent part, that an "affiliated person" of another person means any officer, director partner, co-partner or employee of such other person.

Applicants submit that the relationship of the Managing General Partners to the Fund is essentially identical to the relationship of directors to

an incorporated investment company. They state that, nevertheless, the provisions of Section 2(a)(3) of the Act would make all Managing General Partners affiliated persons of FMR, the adviser which is the Non-Managing General Partner, with the result that the Managing General Partners would be deemed interested persons of the Fund and its Non-Managing General partner under Section 2(a)(19) of the Act.

Applicants, to ensure compliance with Sections 10(a) and 15(c) of the Act, have requested that the Fund and its Managing General Partners be exempted from the provisions of Section 2(a)(19) to the extent that the Fund's Managing General Partners would otherwise be deemed to be "interested persons" of Fund or its Non-Managing General Partner solely because they are general partners of the Fund, a limited partnership in which the Fund's investment adviser, FMR, is also a general partner. Applicants assert that since Section 2(a)(19) excludes from the definition of interested persons of an investment company those individuals who would be interested persons solely because they are directors or owners of securities of an investment company, and since the Non-Managing General Partner is excluded from participation in the management of the Fund except in the limited circumstance described above, it is consistent with the purposes fairly intended by the policy and provisions of the Act to grant the requested exemption from the provisions of Section 2(a)(19).

In addition to the undertakings and representations summarized above (including the fact that the only relationship of the Managing General Partners to the Fund or FMR to which the requested exemptive relief will apply will be their serving as general partners of the Fund), the Applicants also undertake that if there are changes in state laws concerning the taxation of dividends paid by corporations with respect to income received from government securities so that there is no longer any significant advantage to the partnership form, FMR will recommend to the Fund and the fund will recommend to its shareholders that the form of the Fund's organization be changed from a partnership to a corporation.

Applicants state that, prior to a public offering of Shares, the fund will be added as one of the named assureds in FMR's existing errors and omissions policy, up to a maximum amount of \$10 million (with a \$50,000 deductible for any one claim) and will be named assured in indemnity bonds in an aggregate amount of \$35 million. Applicants further state that they will take no action to cancel such policies

and that, if such policies are cancelled by the insurance companies, it will seek to obtain comparable insurance.

Applicants agree that any exemptive order granted may be conditioned upon the continued effectiveness of the above-described undertakings. They submit that the granting of the requested exemptions is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of person, securities, or transactions from any provision of the Act or any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 7, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally, or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-2383 Filed 1-23-79; 8:45 am]

[8010-01-M]

[Release No. 34-15498; File No. SR-NASD-78-16]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 27, 1978, the National Association of Securities Dealers, Inc. (the "NASD") filed with the Securities and Exchange Commission amendment No. 1 to a proposed rule change to amend schedule C under Article I, Section 2, of its By-Laws to create several new Categories of limited principal registration and to provide for specialized principal qualification examinations for those various categories. Notice of this proposed rule change was given in Securities Exchange Act Release No. 15283 (October 27, 1978) and in the FEDERAL REGISTER, 43 FR 51154 (November 2, 1978). The NASD has described the changes made by the amendment as technical and clarifying in nature. In order to assist the Commission to determine whether to approve the proposed rule change, as amended, or institute proceedings to determine whether it should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 15 days from the date of publication in the FEDERAL REGISTER of notice of the filing of Amendment No. 1 to the proposed rule change. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NASD-78-16.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change and amendments to it which are filed with the Commission, and of all written communications relating to the proposed rule change, as amended, between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the submission, and of any subsequent amendments, will be available at the principal office of the NASD.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 16, 1979.

[FR Doc. 79-2400 Filed 1-23-79; 8:45 am]

[8010-01-M]

[Release No. 10562; 812-4406]

PAUL REVERE VARIABLE ANNUITY INSURANCE CO. AND PAUL REVERE VARIABLE ANNUITY CONTRACT ACCUMULATION FUND

Filing of Application of the Act for an Order of Exemption

JANUARY 17, 1979.

Notice is hereby given that the Paul Revere Variable Annuity Insurance Company ("Paul Revere"), a stock insurance company organized under the laws of the State of Massachusetts, and The Paul Revere Variable Annuity Contract Accumulation Fund ("Accumulation Fund"), 18 Chestnut Street, Worcester, MA 01608, a separate account of Paul Revere registered under the Investment Company Act of 1940 ("Act") as diversified open-end investment company (collectively "Applicants"), filed an application on December 13, 1978, for an order granting exemption pursuant to Section 6(c) of the Act from the provisions of Sections 27(c)(2) and 26(a)(2)(C) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Accumulation Fund, a separate account of Paul Revere was established for the purpose of funding variable annuity contracts. Paul Revere acts as the principal underwriter for the Accumulation Fund. One of the contracts currently issued by Paul Revere is the Group "Level Charge" Flexible Annuity Contract (the "Contract") used to fund tax-qualified annuity plans under Section 403(b) of the Internal Revenue Code of 1954, as amended. Presently Applicants assess a level initial sales charge of 5% on the gross purchase payments under the Contract. On sales of the Contract to employers with anticipated annual premiums in excess of \$50,000, Applicants propose to assess a level 2% initial sales charge on the gross purchase payments and an administrative fee of the lesser of \$50 or 0.5% of any amount of the contract value withdrawn prior to the annuity commencement date or the date of the annuitant's death.

SECTION 27(c)(2) AND 26(a)(2)(C)

Section 27(c)(2) of the Act, in pertinent part, makes it unlawful to sell any periodic payment plan certificate unless the proceeds of all payments on such certificates are deposited with a custodian having the qualifications described in Section 26(a)(1), and are held by such custodian under an agreement containing substantially the provisions required in Sections 26(a)(2) and (3) of the Act. Section 26(a)(2)(C) provides essentially that no payment to the depositor of, or a principal underwriter for, a registered unit investment trust shall be allowed the trustee or the custodian as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative duties normally performed by the custodian.

Applicants request an exemption from the provisions of Sections 27(c)(2) and 26(a)(2)(C) of the Act, to the extent necessary, to permit the deduction of the administrative fee. Applicants submit that this administrative fee is intended to closely approximate the actual cost in processing these contract withdrawals. Applicants represent that the requested exemptions are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants have consented that the foregoing requested exemption may be made subject to the following conditions: (1) that the deductions under the Contract for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of the Accumulation Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

SECTION 6(c)

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions

from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 12, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, as order disposing of the application will be issued as of course following February 12, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

GEORGE A FITZSIMMONS,
Secretary.

[FR Doc. 79-2384 Filed 1-23-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

ARIZONA FIRST SMALL BUSINESS INVESTMENT CO.

Surrender of License

Notice is hereby given that Arizona First Small Business Investment Company (Arizona First), 86 University Drive, Mesa, Arizona 85201, incorporated under the laws of the State of Arizona on March 13, 1975, has surrendered its License No. 09/09-0186, issued by the Small Business Administration on December 31, 1975.

Arizona First has complied with all conditions set forth by SBA for the surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the

Regulations promulgated thereunder, the surrender of the license of Arizona First is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59-011, Small Business Investment Companies.)

Dated: January 17, 1979.

PETER F. McNEISH,
*Deputy Associate
Administrator for Investment.*

[FR Doc. 79-2450 Filed 1-23-79; 8:45 am]

[8025-01-M]

CARDON CAPITAL CORP.

Surrender of License

Notice is hereby given that Cardon Capital Corporation (Cardon) 134 West Broadway, Mesa, Arizona 85202, incorporated under the laws of the State of Arizona on May 1, 1975, has surrendered its License No. 09/09-0188 issued by the Small Business Administration on October 30, 1975.

Cardon has complied with all conditions set forth by SBA for the surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the surrender of the license of Cardon is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59-011, Small Business Investment Companies.)

Dated: January 17, 1979.

PETER F. McNEISH,
*Deputy Associate
Administrator for Investment.*

[FR Doc. 79-2451 Filed 1-23-79; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No. 1555; Amdt. 1]

ARIZONA

Declaration of Disaster Loan Area

The above numbered declaration (see 44 FR 1812, January 8, 1979) is amended in accordance with the President's declaration of December 21, 1978, to include Coconino, Pinal and Yavapai Counties in the State of Arizona. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above-named counties and adjacent counties within the State of Arizona. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business on February 21,

1979, and for economic injury until close of business on September 21, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 14, 1979.

A. VERNON WEAVER,
Administrator.

[FR Doc. 79-2448 Filed 1-23-79; 8:45 am]

[8025-01-M]

[Application No. 09/09-5231]

EQUITABLE CAPITAL CORP.

**Application for a License to Operate as a
Small Business Investment Co.**

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), has been filed by the Equitable Capital Corporation (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1979).

The officers, directors, and stockholders are as follows:

John C. Lee, 1424 Stockton Street, San Francisco, Calif. 94133. Chairman, President, 60.8%; Common Stockholder & 46.2%; Class B Preferred Stockholder.

Patricia Lee, 1424 Stockton Street, San Francisco, Calif. 94133. Secretary & Director.

Thomas J. Yick, 1235 Stockton Street, San Francisco, Calif. 94133. Vice President, Director, 24.1%; Common Stockholder & 53.8% Preferred Stockholder.

Jennifer C. Lee, 1665 Marlborough Road, Hillsborough, Calif. 94010. 15.1% Common Stockholder.

The applicant, a California corporation, will maintain an office at 419 Columbus Avenue, San Francisco, California 94133 and will begin operations with \$505,000 of paid-in capital and paid-in surplus derived from the sale of 166,000 shares of Common Stock and 65,000 shares of Class B Preferred Stock to three individuals.

The applicant will operate within the investment policies of § 107.101(c) of the regulations. The applicant anticipates being both equity and loan oriented in its investment decisions and policy. The applicant intends to make investments to businesses owned by person or persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. In addition, applicant plans to participate in providing both monetary and management resources to Asian groups who have expressed interest in establishing an underwritten title company in San Francisco, California.

Such concerns will engage in the business of preparing title researches,

title examination, title reports, certificates or abstracts of title upon the basis of which a title insurer writes title policies, as defined by California Insurance Code, Section 12340.5. The applicant also plans to devote considerable interest in the manufacturing industry. In particular, construction products manufactured by minority entrepreneurs such as welded studs and safety hooks. In general, the applicant is exploring the manufacturing process of electrical components and parts.

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 Act, 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 operations of the applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, not later than February 8, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 17, 1979.

PETER F. McNEISH,
*Deputy Associate Administrator
for Investment.*

[FR Doc. 79-2452 Filed 1-23-79; 8:45 am]

[8025-01-M]

[Declaration of Disaster Loan Area No.
1552; Amdt. 2]

KENTUCKY

Declaration of Disaster Loan Area

The above numbered Declaration (see 43 FR 59561, December 21, 1978) and Amendment #1 (see 44 FR 2445, January 11, 1979) amended in accordance with the President's Declaration of December 12, 1978, to include John-

son and Pike Counties in the State of Kentucky. The Small Business Administration will accept applications for disaster relief loans from disaster victims in the above named counties and adjacent counties within the State of Kentucky. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business on February 12, 1979, and economic injury until the close of business on September 12, 1979.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: January 4, 1979.

A. VERNON WEAVER,
Administrator.

[FR Doc. 79-2449 Filed 1-23-79; 8:45 am]

[8025-01-M]

[License No. 02/02-0352]

PERCIVAL CAPITAL CORP.

**Issuance of License To Operate as a Small
Business Investment Company**

On September 19, 1978, a Notice of Application for a License as a Small Business Investment Company was published in the FEDERAL REGISTER (43 FR 42053) stating that an Application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR § 107.102 (1979)) for a license as a small business investment company by Percival Capital Corp., 2 West 46th Street, New York, New York 10036.

Interested parties were given until the close of business October 4, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA on January 15, 1979, issued License No. 02/02-0352 to Percival Capital Corp., to operate as a small business investment company.

(Catalogue of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 17, 1979.

PETER F. McNEISH,
*Deputy Associate
Administrator for Investment.*

[FR Doc. 79-2453 Filed 1-23-79; 8:45 am]

[8025-01-M]

[Delegation of Authority No. 30, Rev. 15, Amdt. 26]

PROGRAM ACTIVITIES IN FIELD OFFICES**Delegations of Authority**

Delegation of Authority No. 30, Rev. 15, republished in the FEDERAL REGISTER on November 24, 1978 (43 FR 55220), as amended (44 FR 963), is amended to delegate certain authority for 8(a) contracting to District Directors in the Boise and Spokane District Offices.

Accordingly, Part VI of Delegation of Authority No. 30, Revision 15, is amended as follows:

PART VI—PROCUREMENT ASSISTANCE PROGRAM (PA)

• • • • •

SECTION B—Section 8(a) Contracting Authority (SBAcl).

1. • • •

g. District Directors, all Region IX and all Region X District Offices—\$500,000.

• • • • •

2. • • •

g. District Directors, all Region IX and all Region X District Offices—\$500,000.

• • • • •

3. • • •

g. District Directors, all Region IX and all Region X District Offices—\$500,000.

• • • • •

Effective Date: January 24, 1979.

Date: January 19, 1979.

HAROLD A. THEISTE,
Acting Associate
Administrator for Operation.

[FR Doc. 79-2500 Filed 1-23-79; 8:45 am]

[8025-01-M]**REGION IV ADVISORY COUNCIL****Executive Board Meeting**

The Small Business Administration Region IV Advisory Council Executive Board Meeting will hold a public meeting from 9:00 a.m. to 4:00 p.m. on Wednesday, February 14, 1979, in the Regional Office Conference Room, Room 502, 1375 Peachtree Street, N.E., Atlanta, Georgia, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others attending.

For further information, write or call Wiley S. Messick, Regional Director, U.S. Small Business Administration, 1375 Peachtree Street, N.E., 5th

Floor, Atlanta, Georgia 30309, (404) 257-4999.

Dated: January 18, 1979.

K. DREW,
Deputy Advocate for
Advisory Councils.

[FR Doc. 79-2487 Filed 1-23-79; 8:45 am]

[8025-01-M]

[Application No. 04/04-5159]

SOCIETY 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 Society Capital Corporation (applicant) with the Small Business Administration pursuant to 13 CFR § 107.102 (1978).

The officers and directors are as follows:

Reinaldo Lopez, President & Director, 17235 N.W. 48th Place, Carol City, Florida 33054.

Caridad Seoane, Vice President & Director, 46 N.W. 108th Place, Miami, Florida 33173.

Guillermo J. Moran, Jr., Secretary/Treasurer & Director, 2804 S.W. 79th Avenue, Miami, Florida 33155.

The applicant will maintain its principal place of business at 4157 N.W. 132d Street, Opa Locka, Florida 33054. It will begin operations with \$500,000 of private capital derived from the sale of 1,000 shares to fewer than 25 stockholders, none of whom will own 10 percent or more of the applicant's stock.

The applicant will conduct its operations in the Dade, Broward, Monroe and Palm Beach Counties of Florida which are going through great stress.

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 prof-

itability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than February 8, 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, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Opa Locka, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: January 12, 1979.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc. 79-2454 Filed 1-23-79; 8:45 am]

[1505-01-M]

[Declaration of Disaster Loan area No. 1550]

WASHINGTON /**Declaration of Disaster Loan Area****Correction**

In FR Doc. 78-34848, appearing on page 58692 in the issue of Friday, December 15, 1978, and corrected on page 3599 in the issue of Wednesday, January 17, 1979, the headings should read as above.

[4710-10-M]**DEPARTMENT OF STATE**

[Public Notice CM-8/145]

ADVISORY COMMITTEE CHARTER RENEWALS

In accordance with the provisions of the Federal Advisory Committee Act (P.L. 92-463) the Department of State announces that it has, with the concurrence of the General Services Administration, approved for a two-year period renewed charters for the following Advisory Committees (new charter expiration dates shown in parentheses):

Advisory Committee on International Investment, Technology, and Development (November 27, 1980)

Advisory Committee on International Intellectual Property (December 7, 1980)

Overseas Schools Advisory Council (December 13, 1980)

Fine Arts Committee (December 15, 1980)

Advisory Committee on Historical Diplomatic Documentation (December 17, 1980)

Advisory Committee on Private International Law (December 20, 1980)

NOTICES

Advisory Committee to the United States National Section of the Inter-American Tropical Tuna Commission, (December 21, 1980)

Advisory Committee to the United States Section of the International North Pacific Fisheries Commission (December 21, 1980)

Oceans Affairs Advisory Committee (December 21, 1980)

Shipping Coordinating Committee (December 21, 1980)

Advisory Committee on Law of the Sea (December 21, 1980)

Additionally, the President in Executive Order 12110, dated December 31, 1978, approved a two-year renewal of the charter of the Presidential Advisory Board on Ambassadorial Appointments.

Copies of the charters have been filed with the Senate Foreign Relations Committee, the House International Relations Committee, and the Library of Congress as provided by law.

Dated: January 15, 1979.

SUSAN T. TAIT,
Advisory Committee
Management Officer.

[FR Doc. 79-2358 Filed 1-23-79; 8:45 a.m.]

[4710-07-M]

[Public Notice CM-8/151]

**SHIPPING COORDINATING COMMITTEE
SUBCOMMITTEE ON SAFETY OF LIFE AT SEA**

Notice of Meeting

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 1:30 p.m. on February 15, 1979, in Room 8442 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of the meeting is to prepare position documents for the Twentieth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO) to be held in London on March 26-30, 1979. In particular, the working group will discuss the following topics:

survival craft radio equipment
operational requirements for future
EPIRBs
operational standards for shipboard radio
equipment
maritime distress system

Requests for further information should be directed to Lieutenant R. F. Carlson, U.S. Coast Guard (G-OTM-74), Washington, D.C., telephone (202) 426-1345.

The Chairman will entertain comments from the public as time permits.

Dated: January 12, 1979.

RICHARD K. BANK,
Chairman, Shipping,
Coordinating Committee.

[FR Doc. 79-2356 Filed 1-23-79; 8:45 am]

[4710-07-M]

[Public Notice CM-8/150]

**SHIPPING COORDINATING COMMITTEE,
SUBCOMMITTEE ON SAFETY OF LIFE AT SEA**

Notice of Meeting

The working group on international multimodal transport and containers of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on February 13, 1979 in Room 2230 of the Department of Transportation Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

The purpose of this meeting is to discuss matters germane to multimodal transport and containers. The meeting will be held in two sessions. The following specific issues will be addressed during the morning session (9:30-12:00):

(a) Discussion of U.S. position for the meeting of the Group of Rapporteurs on Container Transport (GRCT) (ECE), to be held February 19-23, 1979, in Geneva including the following items:

- (1) Container Standards
- (2) International Convention for Safe Containers
- (3) Taxation of Containers Operated by Foreign Carriers
- (4) Maritime Bill of Lading
- (5) Convention on International Multimodal Transport

(b) Discussion of U.S. position for the meeting of the 20th Session of the IMCO Subcommittee on containers and Cargoes to be held March 5-9, 1979, in London;

(c) Other business.

The following specific issues will be addressed during the afternoon session (1:00-4:30):

(a) Discussion of the U.S. position regarding the 6th UNCTAD Intergovernmental Preparatory Group on International Multimodal Transport to be held February 21-March 9, 1979, in Geneva, in light of what has taken place at previous meetings.

(b) Debriefing of the meeting of the 2nd Session of the UNCTAD ad hoc Intergovernmental Group on Container Standards for International Multimodal Transport held in Geneva, November 20-December 1, 1979;

For further information concerning this meeting contact either Mr. John Lloyd, Department of State, (202)632-0703 or Mr. Charles Hochman, United States Coast Guard, (202) 426-1577.

The Chairman will entertain comments from the public as time permits.

Dated: January 11, 1979.

RICHARD K. BANK,
Chairman, Shipping
Coordinating Committee.

[FR Doc. 79-2357 Filed 1-23-79; 8:45 am]

[4710-07-M]

[Public Notice CM-8/152]

**STUDY GROUP 1 OF THE U.S. ORGANIZATION
FOR THE INTERNATIONAL RADIO CONSUL-
TATIVE COMMITTEE (CCIR)**

Notice of Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on February 21, 1979, in Room B841, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be to review the results of the Special Preparatory Meeting for the 1979 World Administrative Radio Conference, and preparation for the next CCIR Plenary cycle.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Date: January 15, 1979.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee

[FR Doc. 79-2359 Filed 1-23-79; 8:45 am]

[4710-02-M]

Agency for International Development

**BOARD FOR INTERNATIONAL FOOD AND
AGRICULTURAL DEVELOPMENT**

Joint Research Committee Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2) Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twentieth meeting of the Joint Research Committee of the Board for In-

ternational Food and Agricultural Development on February 13 and 14, 1979.

The purpose of the meeting is to: review the proposed revised Guidelines of the Joint Research Committee (JRC) concerning procedures for planning and implementing Collaborative Research Support Programs (CRSPs) with Title XII universities; review progress of CRSPs being planned and implemented; and discuss long-term Title XII research priorities and programs. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on February 13 and 14, 1979. The meeting will be held in the Dynasty Room of the Holiday Inn, 1850 N. Ft. Myer Drive, Arlington, Virginia, 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Mr. William F. Johnson, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9054.

Dated: January 16, 1979.

WILLIAM F. JOHNSON,
A.I.D. Advisory Committee Representative,
Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 79-2316 Filed 1-23-79; 8:45 am]

[4710-02-M]

JOINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development on February 12 and 13, 1979.

The purpose of the meeting is to: Discuss status of the University Strengthening program; discuss Regional Work Group Reports on plans

for country visits; report on the review of Country Development Strategy Statements; discuss Country Programming process and review a paper on that subject; discuss progress on preparation of a source book on education and training; and review JCAD priorities.

The meeting on February 12, 1979, will convene in Regional Work Groups (RWGs): Africa RWG at 9:00 a.m. in Room 3676, New State Department Bldg. (Dr. Carl Ferguson, A.I.D. Federal Designee for this meeting, can be contacted at (703) 235-9054); Asia RWG at 9:00 a.m. in Room 206 Rosslyn Plaza Bldg., 1601 North Kent Street, Rosslyn, Virginia (Dr. Frank Madden, A.I.D. Federal Designee for this meeting, can be contacted at (703) 235-9054); Near East RWG at 9:30 a.m. in Room 6484 New State Department Bldg. (Mr. Russell Olson, A.I.D. Federal Designee for this meeting, can be contacted at (202) 632-9256); and Latin America RWG at 10:30 a.m. in room 2248 New State Department Bldg. (Mr. Vince Cusumano, A.I.D. Federal Designee for this meeting, can be contacted at (202) 632-8279). The meeting on February 13, 1979, will convene from 9:00 a.m. to 5:00 p.m. in the Dynasty Room of the Holiday Inn, 1850 N. Ft. Myer Drive, Arlington, Virginia, 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Carl E. Ferguson, Office of Title XII Coordination, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the February 13 meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703) 235-9054.

Dated: January 16, 1979.

CARL E. FERGUSON,
A.I.D. Advisory Committee Representative,
Joint Committee on Agricultural Development,
Board for International Food and Agricultural Development.

[FR Doc. 79-2443 Filed 1-23-79; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RFA 511-78-1]

COAL LINE PROJECT

Application Amendment; Extension of Comment Periods

The Federal Railroad Administration ("FRA"), Department of Transportation, hereby gives notice that the coal line project application dated August 15, 1978, for loan guarantees under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831, submitted by the Chicago and North Western Transportation Co. ("C&NW") and its wholly owned subsidiary, Western Railroad Properties, Inc. ("WRPI"), has been substantially amended as to scope and dollar amount, and that further revisions will be submitted in subsequent months. A detailed description of the original project was presented in the notice of receipt of the application, (43 FR 41126), (September 14, 1978). The revised application consists of:

(1) A loan guarantee for C&NW's one-half share of construction costs for a new 106 mile rail line to be owned jointly with Burlington Northern Inc., extending from Shawnee, Wyoming to a point slightly north of Atlantic Richfield Company's Coal Creek Mine in the Southern Powder River Basin, Wyoming. C&NW's one-half share of the costs is estimated to be \$51,796,000 plus \$3,750,000 for contingencies; and

(2) A loan guarantee for the construction costs of rehabilitation of approximately 45.5 miles of existing trackage presently owned by the C&NW between Shawnee, Wyoming and mile post 475.7 (approximately 4 miles west of Van Tassell, Wyoming) on the C&NW's main line to Fremont, Nebraska; and

(3) A loan guarantee for the construction of a new rail line, approximately 56 miles in length, connecting the existing C&NW line, at mile post 475.7, with the Union Pacific Railroad Company's North Platte branch line at mile post 163.8, near Joyce, Nebraska, approximately 3 miles southwest of Morrill, Nebraska. The line would cross the Niobrara River and Highway U.S. 20, proceeding south through Niobrara and Goshen Counties roughly paralleling the Wyoming-Nebraska state line. The line would enter Nebraska approximately 2 miles north of Highway U.S. 26. It would then cross U.S. 26, the Burlington Northern single main track, and the North Platte River approximately 2 miles west of Morrill, Nebraska.

The C&NW states that the new line would not pass through any incorporated cities, villages, or concentrations of population, and that there would be one public roadway and two farm crossings at grade. The application also proposes car and locomotive servicing and maintenance facilities and interchange/relay tracks adjacent to the present Union Pacific mainline at Gering, Nebraska.

In light of the significant revisions to the application, the public comment period is hereby extended for 90 days (from January 12, 1979 to April 12, 1979) to afford a fair opportunity for comments on the application. Written comments should be submitted no later than the comment closing date of April 12, 1979.

In a notice of intent to prepare an Environmental Impact Statement ("EIS"), (43 FR 52798), (November 14, 1978), the FRA, after having reviewed the environmental assessments provided by the C&NW, published its conclusion that the proposed project constituted a major Federal action significantly affecting the quality of the human environment and that the preparation and filing of an EIS would be required. After consideration of the proposed revisions of the application received to date, the FRA maintains the conclusion that an EIS is necessary and hereby invites comments for an additional 30 days from all interested parties on the environmental impacts of the project as amended, or alternatives thereto, and especially on the scope and depth of analysis desirable for the draft EIS. Comments received by February 23, 1979 will be taken into consideration by the FRA in preparing the draft EIS. Comments received after February 23, 1979 will be considered to the extent practicable. Commenters will have an additional opportunity to comment on environmental impacts after the draft EIS is prepared.

All written comments may be submitted to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Submissions should indicate the docket number shown on this notice. Formal acknowledgement of the comments will not be provided.

As amendments are received and to the extent permitted by law, the application will be made available for inspection during normal business hours in room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations. The FRA has neither approved nor disapproved this application nor has it passed upon the accuracy

or adequacy of the information contained therein.

(Sec. 51 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended; Sec. 102(2)(c) of the National Environmental Quality Act of 1969, 42 U.S.C. 4332(c); Department of Transportation Order No. 5610.1B (39 FR 35234 (September 30, 1974)); Council on Environmental Quality guidelines, (43 FR 55978 (November 29, 1978)); FRA proposed Procedures for Considering Environmental Impacts (42 FR 5171 (January 27, 1977)).)

Issued in Washington, D.C. on January 10, 1979.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 79-2438 Filed 1-23-79; 8:45 am]

[4810-25-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

PRIVACY ACT OF 1974

Reinstated System of Records

AGENCY: Office of the Secretary, Department of the Treasury.

ACTION: Systems Notice.

SUMMARY: Treasury System of Records OS 00.194, Library Circulation Control Records—Treasury/OS (41 FR 45199), which was previously consolidated into the Administrative Personnel System, Treasury/OS 001 (42 FR 49099), is reinstated as a separate system of records. The description has been updated to include previously approved and published changes. The full text of OS 00.194 published below, does not require a new system report, additional approval of the Congress and OMB, or a public comment period.

DATE: This change is effective immediately.

FOR FURTHER INFORMATION CONTACT:

Anne E. Stewart. (202-566-2069), Chief, Library Division, Room 5010, Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Dated: January 15, 1979.

W. J. McDONALD,
Acting Assistant Secretary
(Administration).

TREASURY/OS 00.194

System name:

Library Circulation Control Records—Treasury/OS

System location:

Department of the Treasury, Office of Administrative Programs, Library

Division, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

Categories of individuals covered by the system:

Library users.

Categories of records in the system:

Individuals who borrow library materials or receive library materials on distribution.

Authority for maintenance of the system:

5 U.S.C. 301.

Routine uses of records maintained in the system:

The information is used by the Library Staff to identify the location of materials withdrawn from the Library collection, to distribute library periodicals in response to a request and to complete pre-exit clearance procedures for employees leaving the Department. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records of publications borrowed from the Library are maintained in a card file. The file is maintained by both name of individual borrower and title of publication.

Retrievability:

Files are maintained by individual name.

Safeguards:

Records are not classified. Located in Main Treasury Building (secure building).

Systems manager and address:

Chief, Library Division, Room 5010, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification procedures:

See Systems Manager.

Record access procedures:

See Systems Manager.

Contesting records procedures:

Submit written requests to the Systems Manager listed above.

Records sources categories:

Library users.

[FR Doc. 79-2458 Filed 1-22-79; 8:45 am]

[7035-01-M]

**INTERSTATE COMMERCE
COMMISSION**

[Notice No. 13]

ASSIGNMENT OF HEARINGS

JANUARY 19, 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 hearing 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.

MCF 13563, Central Transport, Inc.—Purchase (Portion)—C.P.T. Freight, Inc., and MC 19311 (Sub No. 45F), Central Transport, Inc., now assigned for hearing on February 6, 1979, at Chicago, Illinois and will be held in Room 1319, E. M. Dirksen Building.

MC 69397 (Sub-49F), James H. Hartman & Son, Inc., now being assigned March 12, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142559 (Sub-43F), Brooks Transportation, Inc., now being assigned March 1, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 37064, OKC, Corporation V. Missouri-Kansas-Texas Railroad Company, et al., now being assigned for hearing on March 19, 1979 (3 days), at Dallas, Texas, in a hearing room to be later designated.

MC 114632 (Sub-179F), Apple Lines, Inc., now assigned for hearing on February 26, 1979 (1 day), at Minneapolis, Minnesota in Room B-44, Federal Building & U.S. Courthouse, 110 South Fourth Street.

MC 114632 (Sub-171F), Apple Lines, Inc., now assigned for hearing on February 27, 1979 (1 day), at Minneapolis, Minnesota in Room B-44, Federal Building & U.S. Courthouse, 110 South Fourth Street.

MC 113267 (Sub-365), Central & Southern Truck Lines, Inc., & MC 113651 (Sub-282F), Indiana Refrigerator Lines, Inc., & MC 115654 (Sub-99F), Tennessee Cartage Co., Inc., & MC 119789 (Sub-508F), Caravan Refrigerated Cargo, Inc., & MC 123819 (Sub-69F), Ace Freight Line, Inc., & MC 135797 (Sub-134F), J. B. Hunt Transport, Inc., now assigned for prehearing conference February 22, 1979 at Washington, D.C. and will be held at the Offices of the Interstate Commerce Commission.

MC 119619 (Sub-127F), Distributors Service Co., now assigned February 15, 1979 at Boston, Mass., is canceled and application dismissed.

MC 124679 (Sub-95F), C. R. England & Sons now assigned February 26, 1979 for prehearing conference at Washington, D.C. and will be held at the Interstate Commerce Commission.

MC 134922 (Sub-267F), B. J. McAdams, Inc., application dismissed.

MC 99565 (Sub-17F), Fore Way Express, Inc., application dismissed.

MC 25869 (Sub-142F), Nolte Bros. Truck Line, Inc., now assigned for hearing on February 22, 1979, at Chicago, Illinois and will be held in Room 3855-A, 230 South Dearborn Street.

MC 139577 (Sub-23F), Adams Transit, Inc., now assigned for hearing on February 21, 1979, at Chicago, Illinois and will be held in Room 3855-A, 230 South Dearborn Street.

I&SM 27312, Restructured Rates and Charges, Central States Territory, now assigned for hearing on January 19, 1979, at Washington, D.C. is cancelled and re-assigned for Pre-hearing Conference on January 19, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. I&S 22930, Small Shipment Rate Revision—Eastern Central Territory, now being assigned for Pre-hearing Conference on January 19, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2499 Filed 1-23-79; 8:45 am]

[7035-01-M]

[Docket No. AB-19 (Sub-No. 39F)]

BALTIMORE & OHIO RAILROAD CO.

Discontinuance of Operations Over Lines of Baltimore & Ohio Connecting Railroad Co. and Chicago, Rock Island & Pacific Railroad Co.; Baltimore & Ohio Connecting Railroad Co.—Abandonment: All in Chicago, Cook County, Ill.; Notice of Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided January 9, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 I.C.C. 584 (1978), and further that applicants shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment of that portion of the Baltimore & Ohio Connecting Railroad and the discontinuance of operations of the Baltimore & Ohio Railroad Company between milepost 11.78 and milepost 13.27, a distance of approximately 1.49 miles, in Chicago, Cook County, IL. B&O also seeks to discontinue its operations over the Chicago, Rock Island and Pacific Rail-

road Company between milepost 13.27 and milepost 19.52, a distance of approximately 6.25 miles, in Chicago, Cook County, IL. A certificate of public convenience and necessity was issued to the Baltimore & Ohio Railroad Company and the Baltimore & Ohio Connecting Railroad. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 8, 1979. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 12, 1979.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2492 Filed 1-23-79; 8:45 am]

[7035-01-M]

[Docket No. AB-18 (Sub-No. 26F)]

CHESAPEAKE & OHIO RAILWAY CO.

Discontinuance of Operations Over the Baltimore & Ohio Connecting Railroad and Chicago, Rock Island & Pacific Railroad Co. in Chicago, Cook County, Ill.; Notice of Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided January 9, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 I.C.C. 584 (1978), and further that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and ne-

cessity permit the discontinuance of operations of the Chesapeake and Ohio Railway Company over that portion of The Baltimore and Ohio Connecting Railroad between milepost 11.78 and milepost 13.27, a distance of approximately 1.49 miles, in Chicago, Cook County, IL, and over the Chicago, Rock Island and Pacific Railroad Company between milepost 13.27 and milepost 19.52, a distance of approximately 6.25 miles, in Chicago, Cook County, IL. A certificate of public convenience and necessity permitting discontinuance of operations was issued to the Chesapeake and Ohio Railway Company. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 8, 1979. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing discontinuance of operations shall become effective March 12, 1979.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2491 Filed 1-23-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 15 under Service Order No. 1344]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport promptly all traffic offered for movement over its lines between St. Paul, Minnesota, and Tacoma-Seattle, Washington, because of congestion and adverse weather conditions.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, being unable to transport promptly all traffic offered for movement over its lines between St.

Paul, Minnesota, and Tacoma-Seattle, Washington, because of congestion and adverse weather conditions, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which and traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:00 a.m., January 13, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 15, 1979, unless otherwise modified, changed or suspended.

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. A copy of this order shall be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., January 13, 1979.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-2497 Filed 1-23-79; 8:45 am]

[7035-01-M]

[Docket No. AB-1 (Sub-No. 65F)]

**CHICAGO & NORTH WESTERN
TRANSPORTATION CO.**

**Abandonment Near Jolly and Jolly Dump in
Butte County, S. Dak.; Notice of Findings**

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided January 9, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 354 I.C.C. 584 (1978), and further that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad known as Jolly Dump spur extending from railroad milepost 0.0 near Jolly to rail milepost 3.7 near Jolly Dump, a distance of 3.7 miles in Butte County, SD. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 8, 1979. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regula-

tions. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 12, 1979.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2490 Filed 1-23-79; 8:45 am]

[7035-01-M]

[Docket No. AB-1 (Sub-No. 60)]

**CHICAGO & NORTH WESTERN
TRANSPORTATION CO.**

**Abandonment Near Beloit and Evansville, in
Rock County, Wis., Notice of Findings**

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision decided on November 16, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 I.C.C. 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of that portion of its line of railroad, extending from milepost 92.5 near Beloit, WI, to milepost 115.5 near Evansville, WI, a distance of 23 miles located in Rock County, WI. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, February 23, 1979, unless within 30 days from the date of publication (February 23, 1979), the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon noti-

fication to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2494 Filed 1-23-79; 8:45 am]

[7035-01-M]

[Finance Docket No. 26560]

ILLINOIS CENTRAL RAILROAD CO.

**Abandonment Between Foster and Fayette,
Miss., Notice of Findings**

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on November 9, 1978, the Commission reopened the proceeding to modify the prior decision, served February 27, 1978, for the limited purpose of imposing employee protective conditions. By decision served February 27, 1978, as modified, a finding, which is administratively final, was made by the Commission, stating that, subject to the condition to the approval of this application the employee protective provisions will be those finally adopted in Docket No. AB-36 (Sub-No. 2), *Oregon Short Line R. Co.—Abandonment Goshen*, the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Company of its line of railroad from Foster to Fayette, MS (the Natchez District Line). A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment, February 23, 1979, unless within 30 days from the date of publication (February 23, 1979), the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2488 Filed 1-23-79; 8:45 am]

[7035-01-M]

[Docket No. AB-43 (Sub-No. 27)]

ILLINOIS CENTRAL GULF RAILROAD CO.

**Abandonment Between Seely and Mande in
Williamson County, Ill.; Notice of Findings**

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision decided on March 20, 1978, and the decision of the Commission, Division 1, served October 13, 1978, as modified, adopted the decision of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment*

¹This proceeding is pending review in the United States Court of Appeals for the Seventh Circuit, entitled *People of the State of Illinois, Illinois Commerce Commission, John W. McGinness and Winston C. Harbicht v. Interstate Commerce Commission and United States of America*, No. 79-1005.

Goshen, 354 I.C.C. 584 (1978), and to the condition that any responsible Federal or state agency or local government, or other responsible organization, be given the opportunity, for a period of 120 days from the date of service of a certificate and decision issued in this proceeding, to negotiate the purchase of all or any portion of the right-of-way of the line to be abandoned for public use at a purchase price on such terms as the parties may agree is just and reasonable, the present and future public convenience and necessity permit abandonment by applicant of its branch line of railroad between milepost 93.5 near Seely, IL, to milepost 99.47 at Ordill, IL, a distance of 5.97 miles.

A certificate of abandonment will not be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment until final determination of the proceeding by the United States Court of Appeals. During the interim, however, the procedures specified in Section 1a (6) and (7) of the Act will otherwise be followed. Thus, the Commission will be in a position to issue a certificate of abandonment, February 23, 1979, unless within 30 days from the date of publication (February 23, 1979), the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment), to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect.

However, as previously indicated no such certificate will be issued until the pending court proceeding has been finally resolved. Information and procedures regarding the financial assist-

ance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2489 Filed 1-23-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 16 under Service Order No. 1344]

RAILROADS OPERATING IN THE CHICAGO SWITCHING DISTRICT

Rerouting of Traffic

In the opinion of Joel E. Burns, Agent, many of the railroads operating in the Chicago switching district are unable to interchange traffic routed via Chicago because of heavy snow in the Chicago terminals.

It is ordered,

(a) *Rerouting traffic.* Any railroad operating in the Chicago switching district which is unable to interchange traffic routed via Chicago because of interference with the operations of the delivering, intermediate, or receiving line due to heavy snow, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving road to be obtained.* The railroad rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The railroad rerouting cars in accordance with this order shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:00 a.m., January 15, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 19, 1979, unless otherwise modified, changed or suspended.

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. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 15, 1979.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-2498 Filed 1-23-79; 8:45 am]

[7035-01-M]

[Exception under Section (a), paragraph (1), Part (v) Second Revised Service Order No. 1332; Exception No. 12]

RAILROADS SERVING THE CHICAGO SWITCHING DISTRICT

Exception to Service Order

JANUARY 15, 1979.

By the Board.

Because of excessive snow in the Chicago, Illinois, area, railroads serving the Chicago switching district are unable to place, remove, forward, interchange or repair cars within 60 hours as required by Second Revised Service Order No. 1332.

It is ordered, Pursuant to the authority vested in the Railroad Service Board by Section (a)(1)(v) of Second Revised Service Order No. 1332:

(a) The operation of Second Revised Service Order No. 1332 is suspended at all points within the Chicago, Illinois, switching district.

(b) The operation of Section (a)(4) of Second Revised Service Order No. 1332 is suspended with respect to cars

destined to points within the Chicago, Illinois, switching district, or routed via interchange facilities located within the Chicago, Illinois, switching district. Carriers holding cars outside the Chicago switching district under the suspension authorized in this paragraph shall maintain lists of the cars so-held containing the name of the point where held, the initial and number of each car held, the date and time each car was stored and the date and time each car was released. These lists shall be kept at the station or terminal at which records of cars set-off at such points normally are kept. A copy of such lists, bearing reference to this exception, shall be sent to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., 20423.

(c) *Chicago switching district defined.* The terms Chicago Switching District means all points in Illinois and Indiana listed in or within the boundaries of that district as described in the applicable switching tariff of each railroad.

Effective January 15, 1979.
Expires January 26, 1979.

JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 79-2495 Filed 1-23-79; 8:45 am]

[7035-01-M]

[Docket No. AB-55 (Sub-No. 16)]

SEABOARD COAST LINE RAILROAD CO.

Abandonment Near McCormick and Calhoun Falls, in McCormick and Abbeville Counties, S.C.; Notice of Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision decided November 21, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 354 I.C.C. 584 (1978), and subject to the condition that, subsequent to abandonment, the Seaboard Coast Line Railroad Company will continue to base its rates on pulpwood and wood chips on mileages existing prior to the abandonment for a period of five years or until the Brunswick Pulp and Paper Company moves its woodyard from Hester, SC, whichever first occurs, and subject further to the condition that applicant shall not sell, lease, exchange or otherwise dispose of the right-of-way underlying the track, including all bridges and all culverts on the line, for a period of 120 days following issuance of the certifi-

cate to permit any state and/or local government agency or other responsible persons to negotiate the acquisition of all or any portion of the property for public use, the present and future public convenience and necessity permit the abandonment by the Seaboard Coast Line Railroad Company of a portion of its Anderson Subdivision, extending from railroad milepost AKH-503.63 near McCormick, SC, to milepost AKH-527.86 near Calhoun Falls, SC, a distance of 24.65 miles, in McCormick and Abbeville Counties, SC. A certificate of abandonment will be issued to the Seaboard Coast Line Railroad Company based on the above-described finding of abandonment, February 23, 1979, unless within 30 days from the date of publication (February 23, 1979), the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the *FEDERAL REGISTER* on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well

as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2493 Filed 1-23-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 17 Under Service Order No. 1344]

THE ATCHISON, TOPEKA & SANTA FE RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Rerouting Traffic

The Atchison, Topeka and Santa Fe Railway Company and the Missouri Pacific Railroad Company are unable to transport all of the traffic routed via their lines for interchange between them at Kansas City, Missouri-Kansas, because of congestion at Kansas City caused by excessive snow. These lines have agreed to interchange such traffic via a connection between their lines at Sweetwater, Texas.

It is ordered,

(a) *Rerouting traffic.* The Atchison, Topeka and Santa Fe Railway Company (ATSF) and the Missouri Pacific Railroad Company (MP), being unable to transport all of the traffic routed via their lines for interchange at Kansas City, Missouri-Kansas, because of congestion at Kansas City caused by excessive snow, these railroads are authorized to divert or reroute such traffic over any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Acceptance of rerouted cars required.* Any railroad named in the original routing is required to accept and transport cars rerouted or diverted by the ATSF or MP in accordance with the requirements of this order.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common

NOTICES

carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:45 a.m., January 15, 1979.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 19, 1979, unless otherwise modified, changed or suspended.

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. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 15, 1979.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 79-2496 Filed 1-23-79; 8:45 am]

[1505-01-M]

[Decisions Volume No. 17]

DECISION-NOTICE

Correction

In FR Doc. 78-21099, appearing at page 33861, in the issue of Tuesday, August 1, 1978, on page 33870 in the middle column, the second full paragraph, in the seventh line up from the end of the paragraph, insert the following words behind the comma and before the word "to":

"(2) *materials, equipment, and supplies* used in manufacture of new furniture, from points in the United States (except AK and HI),"

At the end of the document, the file line was inadvertently omitted and should be corrected to read as follows:

[FR Doc. 79-21099 Filed 7-31-78; 8:45 am]

[1505-01-M]

[Decisions Volume No. 13]

DECISION-NOTICE

Correction

In FR Doc. 78-19931 appearing at page 31258 in the issue for Thursday, July 20, 1978, make the following correction: on page 31262, in the middle column, in the paragraph pertaining to MC 118159 (Sub-267F), in the 1st line, "Scrap rugs" should read "Scrap rags".

[1505-01-M]

[Vol. No. 105]

MOTOR CARRIER, BROKER, WATER CARRIER
AND FREIGHT FORWARDER OPERATING
RIGHTS APPLICATIONS*Correction*

In FR Doc. 78-20685 appearing at page 32494 in the issue for Thursday, July 27, 1978, make the following correction: On page 32497, in the middle column, in the paragraph pertaining to MC 117815 (Sub-289F), in the 13th line, insert "MI" between "IA" and "MN".

[7035-01-M]

[Notice No. 7]

MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS

JANUARY 11, 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-349TA), filed December 4, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408-R, Jacksonville, FL 32203. Representative: John Carter (same address as applicant). *Chemicals* from facilities of Dow Chemical Company at or near Ludington, Michigan, to points in IL, IN, OH, MO, PA, and WI, restricted to the transportation of shipments originating at the named origin and destined to points in named states, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Dow Chemical U.S.A.—Central Division, South Madison St., Ludington, MI 49431. SEND PROTESTS TO: G. H. Fauss, Jr., I.C.C., Box 35008, 400 West Bay St., Jacksonville, FL 32202.

MC 48948 (Sub-12TA), filed December 4, 1978. Applicant: THE HOCKING CARTAGE COMPANY, R. R. 2 Box 373, Logan, OH 43138. Representative: Rober W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. (1) *Clay products and materials and supplies* used in the installation of clay products, from New Lexington and Junction City, OH to those points in the United States in and east of ND, SD, NE, KS, OK and TX, and (2) *Materials* (except in bulk) used in the manufacture of clay products, from the destinations named in (1) above, to New Lexington and Junction City, OH, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Ludowici-Celadon Co. Div. of C.S.C. Inc., P.O. Box 69, New Lexington, OH 43764. SEND PROTESTS TO: Frank L. Calvary, I.C.C., 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd., Columbus, OH 43215.

MC 85934 (Sub-88 TA), filed December 4, 1978. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Ave., P.O. Box 248,

Dearborn, MI 48120. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Liquified petroleum gas, in bulk, in tank vehicles, from Milford, IN, to points in MI and OH, for 180 days.* An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Great Plains Gas Company, 1101 Second Avenue, S.E., Cedar Rapids, IA 52406 (Gerald Pohlman, Product Control). SEND PROTESTS TO: Tim Quinn, I.C.C., 604 Federal Bldg. & U. S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 106074 (Sub-78 TA), filed December 6, 1978. Applicant: B AND P MOTOR LINES, INC., Oakland Rd., & US Highway No. 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd, NE, Atlanta, GA 30342. *Frozen foods, from the facilities of Ore-Ida Foods, Inc. at Greenville, MI to all points in NC, SC, TN, and VA, for 180 days.* An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83700. SEND PROTESTS TO: Terrell Price, I.C.C., 800 Briar Greek Rd., Rm. CC516, Mart Office Bldg., Charlotte, NC 28205.

MC 108859 (Sub-66 TA), filed December 5, 1978. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, MI 49829. Representative: John L. Bruemer, 121 West Doty Street, Madison, WI 53703. *Paper and paper products, from the United States-Canada border at or near Sault Ste. Marie, Michigan to points in the Minneapolis-St. Paul commercial zone, including Burnsville and Plymouth, Minnesota, in foreign commerce, for 180 days.* An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Toronto Dominion Centre, Toronto, Ontario, Canada M5K 1B3. SEND PROTESTS TO: C. R. Flemming, I.C.C., Rm. 225, Federal Bldg., Lansing, MI 48933.

MC 109154 (Sub-15TA), filed December 8, 1978. Applicant: BAYLOR TRUCKING, INC., Rural Route 1, Milan, Indiana 47031. Representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Indiana 46204. *Printed matter, from Detroit, MI, to points in DE, DC, IL, IN, KY, MD, NJ, NY, OH, PA, VT, and VA, for 180 days.* Supporting shipper: Printing Service, Inc., 1451 E. Lincoln, Madison Heights, MI 48071. Send Protests to: Beverly Williams, ICC, Federal Building & U. S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 109324 (Sub-39TA), filed December 6, 1978. Applicant: GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, AR 72601. Representative: Jay C. Miner (same address as ap-

plicant). 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, livestock, commodities in bulk and those requiring special equipment), between Vilonia, AR and Van Buren, AR and points within their commercial zones, serving all intermediate points and points within their respective commercial zones; from Vilonia over U.S. Highway 64 to Van Buren and return over the same route. Applicant intends to tack its existing authority with MC-109324 and various subs thereunder for 180 days. There are approximately (75) 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: William H. Land, Jr., I.C.C., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, AR 72201.

MC 109708 (Sub-93TA), filed December 7, 1978. Applicant: INDIAN RIVER TRANSPORT, INC., P.O. Box AG, Dundee, FL 33838. Representative: Marshall D. Becker, STERN & BECKER, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Apple cider vinegar, in bulk, in tank vehicles, from Sterling, MA to West Columbia, SC, for 180 days.* Applicant has filed underlying ETA for 30 days of operating authority. SUPPORTING SHIPPER: Figgie Park Enterprises, Inc., P.O. Box 847, West Columbia, SC. SEND PROTESTS TO: George M. Parker, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 32202.

MC 111201 (Sub-37TA), filed December 5, 1978. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, 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 DC, (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. SUPPORTING SHIPPER(S): Sewell Plastics, Inc., 5111 Phillip Lee Dr., Atlanta, GA 30336. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 112766 (Sub-4TA), filed December 6, 1978. Applicant: JOHN F. COYNE, d.b.a. COYNE TUCKING CO., Scotland Lane, P.O. Box 549, New Castle, Pa. 16103. Representative: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. (1) *Plumbing goods, (2) bathroom vanities and accessories for bathroom vanities, and (3) equipment, materials and supplies used in the manufacture and distribution of the commodities name in (1) and (2) above, between the facilities of Universal Rundle Corp. at New Castle, PA, Salem, OH, and Crawfordsville and Rensselaer, IN, on the one hand, and, on the other, points in DE, IN, KY, MD, MI, NJ, NY, OH, PA, VA, WV and DC, for 180 days.* SUPPORTING SHIPPER: Universal Rundle Corp., 217 North Mill Street, New Castle, PA 16103. SEND PROTESTS TO: John England, District Supervisor, I.C.C., 2111 New Federal Building, Pittsburgh, PA 15222.

MC 113666 (Sub-144TA), filed December 4, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: Daniel R. Smetanick (same as above). *Precast and prestressed concrete units, from Monongahela, PA to Cumberland, MD and Bridgeport, WV, for 180 days.* An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): The Pittsburgh Flexicore Co., Inc., Fourth and Railroad Sts., Monongahela, PA 15063. SEND PROTESTS TO: John J. England, trans. Specialist, I.C.C., 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 115092 (Sub-74TA), filed December 1, 1978. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, VT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Plastic foam articles less than 2 pounds per cubic foot in packages, from Biola, CA to Paonia, Delta, Grand Junction and Denver, CO and salt Lake City, UT for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER: Southwest Interpak, Inc., 2010 W. Dartmouth, Englewood, CO 80110. SEND PROTESTS TO: Lyle Helfer, I.C.C., 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115242 (Sub-15TA), filed December 8, 1978. Applicant: DONALD MOORE, 601 North Prairie Street, Prairie du Chien, Wisconsin 53821.

Representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wisconsin 53703. *Lumber*, from Prairie du Chien, WI, to points in MN, ND, and SD, for 180 days. SUPPORTING SHIPPER: Quality Wood Treating Co., Inc., P.O. Box 367, Prairie du Chien, WI 53821. SEND PROTEST TO: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. & Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 115917 (Sub-33TA), filed December 6, 1978. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Salt*, in bulk, from Asheville, NC to Glade Springs, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER: International Salt Company, Suite 133, 1600 Tullie Circle, Atlanta, GA 30329. SEND PROTESTS TO: Mr. Terrell Price, I.C.C., 800 Briar Creek Rd., Rm. CC516, Mart Office Bldg., Charlotte, NC 28205.

MC 115955 (Sub-28TA), filed December 3, 1978. Applicant: SCAR'S DELIVERY SERVICE, INC., Arnold Ave. & Skeet Rd., Greater Wilmington Airport, New Castle, DE 19720. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *General commodities*, having a prior or subsequent movement by rail in trailer on flatcar-service (except motor vehicles, commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities which because of size or weight require the use of special equipment), between Alexandria, VA and Downingtown, PA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Sonoco Products Co., 300 S. Brandywine Ave., Downingtown, PA 19335. SEND PROTESTS TO: T. M. Esposito, Trans. Asst., 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 117370 (Sub-34TA), filed December 7, 1978. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wisconsin 53705. *Sand*, in bulk, from LaSalle County, IL and Berrien County, MI to points in the United States in and east of ND, SD, NE, KS, OK and TX, (except D.C.) for 180 days. SUPPORTING SHIPPER: Manley Bros., P.O. Box 538, Chesterton, Indiana 46304. SEND PROTESTS TO: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. & Court-

house, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 117589 (Sub-57TA), filed December 8, 1978. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, WA 98108. Representative: Michael D. Duppen-thaler, 211 South Washington Street, Seattle, WA 98104. (1) *Frozen Fruits, Frozen Vegetables and Frozen Berries*, for Kennewick and Grandview, WA to points in CO and NM. (2) *Frozen Potatoes, Frozen Potato Products and Juice* from points in OR and WA to points in CO and NM. (3) *Commodities, the transportation of which would otherwise be exempt from regulation, when moving in mixed loads with the commodities listed in 1 and 2 above*, from points in OR and WA to points in CO and NM, for 180 days. There are approximately (8) statement 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: Shirley M. Holmes, Trans. Asst., I.C.C., 858 Federal Bldg., Seattle, WA 98174.

MC 118142 (Sub-199TA), filed December 12, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202. *Pizza and pizza ingredients and supplies used in the manufacture or distribution of pizza and pizza ingredients*, from facilities of Tony's Pizza Service at or near Salina, KS, on the one hand, and on the other points in the U.S. (except AK, HI, & KS). Restricted to the transportation of traffic moving in vehicles equipped with refrigeration, and further restricted to traffic originating at or destined to the facilities of Tony's Pizza Service at or near Salina, KS, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Tony's Pizza Service, a wholly owned subsidiary of Schwan Sales Enterprises, Inc., 115 West College, Marshall, MN 56258. SEND PROTESTS TO: M. E. Taylor, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 118318 (Sub-37TA), Filed December 5, 1978. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Box Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Such merchandise as is dell in by grocery and food business houses*, (1) from the facilities of (a) Colgate Palmolive, (b) White King, Inc., (c) Lever Brothers Company located in CA to points in WA; and (2) from the facilities of Colgate Palmolive in CA to points in the Utah Counties of Box Elder, Cache, Davis,

Morgan, Salt Lake, Tooele, Utah and Weber, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority SUPPORTING SHIPPERS: White King, Inc., 617 East First Street, Los Angeles, CA 90012; Lever Brothers Company, 6300 East Sheila, Los Angeles, CA 90022; Colgate Palmolive, 2700 7th Street, Berkeley, CA 94710. SEND PROTESTS TO: Barney L. Hardin, I.C.C., Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 118318 (Sub-38TA), filed December 7, 1978. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M Nampa, ID 83651. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Such merchandise as is dell in by grocery and food business houses*, from the facilities of Proctor & Gamble Company located in CA to points in WA, and those points in Box Elder, Cache, Davis, Morgan, Salt Lake, Tooele, Utah and Weber Counties, UT, for 180 days. The applicant has filed an underlying ETA seeking up to 90 days. SUPPORTING SHIPPER(S): The Proctor & Gamble Distributing Co., P.O. Box 599, Cincinnati, OH 45201, SEND PROTESTS TO: Barney L. Hardin, I.C.C., Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 124078 (Sub-907TA), filed December 6, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevet, P.O. Box 1601, Milwaukee, WI 53201. *Fly Ash*, in bulk, from Gentry, AR to points in IL, KS, LA, MS, MO, OK, TN, and TX for 180 days. SUPPORTING SHIPPER: GIFFORD HILL & CO., INC., P.O. Box 47127, Dallas, TX 75247. SEND PROTESTS TO: Gail Daugherty, I.C.C., U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue Room 619, Milwaukee, WI 53202.

MC 124078 (Sub-908TA), filed December 6, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevet (Same address as applicant). *Monochloroacetic Acid*, in bulk, in tank vehicles, from Hopewell, VA to the facilities of Fallek-Lankron Corporation, at or near Tuscaloosa, AL for 180 days. Supporting shipper: FALLEK-LANKRO CORPORATION, P.O. Box H, Tuscaloosa, AL 35401. Send protests to: Gail Daugherty, ICC, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 124078 (Sub-909TA), filed December 7, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevet

(Same address as applicant). *Cement*, in bulk, in bags from the facilities of Hercules Cement Co. at Stockertown, PA to points in CT, MD, MA, NJ, NY and VA for 180 days. Supporting shipper: Hercules Cement Company, Stockertown, PA 18083, Robert H. McKinley, Mgr. of Distribution. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. & Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124947 (Sub-122TA), filed December 5, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, 1945 South Redwood Road, Salt Lake City, UT 84104. *Batteries* from (1) Dunmore, PA to Phoenix, AZ; City of Industry, CA; Salem, OR and Dallas, TX and (2) from Shreveport, LA to Phoenix, AZ; City of Industry, CA and Salem, OR, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Gould, Inc., P. O. Box 3140, St. Paul, MN 55165 (T. A. Bentley, Manager of Physical Distribution). SEND PROTESTS TO: L. D. Helfer, I.C.C., 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125335 (Sub-40TA), filed December 5, 1978. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pennsylvania 17405. Representative: Gaillyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebraska 68501. *Meats, meat products, meat by products, and articles deistributed by meat packinghouses*, from the facilities of Dubuque Packing Co. at or near Denison, IA to points in CT, MD, MA, NJ, NY, and PA, for 180 days. Supporting shipper: Dubuque Packing Co., Tim Hopkins, Traffic Manager, P. O. Box 257, Denison, IA 51442. Send protests to: Charles Myers, Trans. Specialist, I.C.C., P.O. Box 869, Federal Square Station, 228 Walnut St., Harrisburg, PA 17108.

MC 128133 (Sub-23TA), filed December 11, 1978. Applicant: H. H. OMPS, INC.; Route 7, Box 295, Winchester, VA 22601. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW, Washington, DC 20005. *Rock salt*, from Baltimore, MD to points in Caroline, Spotsylvania, Louisa, Fluvanna, Albemarle, Greene, Culpepper, Orange, Rappahannock, Fauquier, Fairfax, Arlington, Prince William, Loudoun, Hanover, and Madison Counties, VA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Morton Salt Co., 110 N. Wacker Drive, Chicago, IL 60606. SEND PROTESTS TO: T. M. Esposito, ICC, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 128246 (Sub-35TA), filed December 4, 1978. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincoln Rd., Alexandria, Va 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business (except in bulk)*, from the facilities of Safeway Stores, Incorporated, at or near Dallas and Denison, TX to the facilities of Safeway Stores, Incorporated at or near Denver, DO and Salt Lake City, UT, under a continuing contract or contracts with Safeway Stores, Incorporated, of Oakland, CA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Safeway Stores, Incorporated, 5725 E. 14th Street, Oakland, CA 94660. Send protests to: Michael M. Butler, I.C.C., 211 Main-Suite 500, San Francisco, CA 94105.

MC 128273 (Sub-325 TA), filed: December 6, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Paper boxes* (1) from Fort Wayne, IN, to Salt Lake City, UT, and Emeryville, Fresno, Lemon Grove, Los Angeles, Modesto, Oakland, Ontario, Pomona, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, Santa Ana, Santa Clara, South Gate, and Watsonville, CA, and (2) from Sikeston, MO, to Ontario, CA. RESTRICTED to traffic originating at the facilities owned or utilized by Potlatch Corporation at the origins listed in Part (1) and (2) above, and terminating at the destination points. Further restricted against the transportation of commodities in bulk in tank vehicles. Applicant has also filed a corresponding ETA seeking up to 90 days of operating authority. Supporting shipper: Potlatch Corporation, P.O. Box 1016, Lewiston, ID 83501. Send protests to: M. E. Taylor, ICC, 101A Litwin Bldg., 110 North Market, Wichita, KS 67202.

MC 133391 (Sub-4TA), filed December 5, 1978. Applicant: SCHWERMAN TRUCKING CO. OF VA., INC., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (Same address as applicant). *Aplite Rock*, in bulk from Piney River, VA to Bridgeton, NJ for 180 days. Supporting shipper: OWENS-ILLINOIS, INC., 405 Madison Avenue, Toledo, OH 43666, Donald R. Krause, Supvr., Raw Materials. Send protests to: Gail

Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. & Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 135797 (Sub-168TA), filed December 11, 1978. Applicant: J.B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 200, Lowell, AR 72745. *Box or crate material, wood and wire combined, knocked down*, from Magnolia, MS, to points in AL, AR, CA, FL, KY, LA, NY, OH, OK, SC, TN, TX and WI. RESTRICTION: Restricted to traffic originating at the facilities of Great Southern Wirebound Box Co., Inc., for 180 days. SUPPORTING SHIPPER(S): Great Southern Wirebound Box Co., Inc., P.O. Box 271, Magnolia, MS 39652. SEND PROTESTS TO: William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, AR 72201

MC 136077 (Sub-10TA), filed December 11, 1978. Applicant: REBER CORP., 2216 Old Arch Road, Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Building, 100 S. Broad Street, Philadelphia, PA 19110. *Lime, limestone and products thereof*, in bags and in bulk, from Plymouth Meeting, PA to points in NJ, North of NJ Hwy. 33; NY, VA and WV, for 180 days. SUPPORTING SHIPPER(S): G. & W. H. Corson, Inc., Plymouth Meeting, PA. SEND PROTESTS TO: T. M. Esposito, ICC, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 138104 (Sub-61TA), filed December 5, 1978. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. (1) *Building and construction materials*, (except commodities in bulk), and (2) *materials and supplies* used in the manufacture of and/or distribution of commodities named in (1) above (except commodities in bulk), (1) from the facilities of the Celotex Corporation, located at or near Marrero, LA to points in AR, CO, OK, NM, and TX and (2) from points in AR, CO, OK, NM and TX to the facilities of the Celotex Corporation located at or near Marrero, LA, for 180 days. SUPPORTING SHIPPER(S): The Celotex Corporation, 1500 North Dale Mabry, Tampa, FL 33607. SEND PROTESTS TO: Martha A. Powell, Trans. Asst., I.C.C., Rm. 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 139006 (Sub-5TA), filed December 4, 1978. Applicant: RAPIER SMITH, Rural Route 5, Loretto Road, Bardstown, KY 40004. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. (1) *Malt beverages and related advertising material*

and display racks, (except in bulk), from Columbus and Cincinnati, OH to Bardstown, Ky., and its commercial zone, and (2) Returned empty malt beverage containers, from Bardstown, KY., and its commercial zone to Columbus and Cincinnati, OH., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): B. L. Smith, Sr., President, Smith Bros. Distributing Co., Inc., Louisville Rd., Drawer H, Bardstown, KY 40004. SEND PROTESTS TO: Mrs. Linda H. Sypher DS, ICC, 426 Post Office Building, Louisville, Ky. 40205.

MC 139495 (Sub-400TA), filed December 6, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Cookies from the facilities of Interbake Foods, Inc. at or near Richmond, VA to points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, points in PA on and west of U.S. Hwy 15, SD, TX, and WI; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: INTERBAKE FOODS, INC., P.O. Box 27487, Richmond, VA 23261. Send protests to: M. E. Taylor DS, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 140768 (Sub-26TA), filed December 11, 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. (1) Molded wood pulp products, from the plant site of Packaging Corporation of America, at or near Macon, GA to Hope, AR; Moorpark, CA; North Franklin, CT; Griffith, Indianapolis, North Manchester, North Vernon and Wabash, IN; Philpot, KY; Hammond and Sibley, LA; Lawrence, MA; Coldwater, MI; Jackson, MO; Farmingdale and Woodstown, NJ; Woodbourne, NY; Vale, NC; Fort Recovery, OH; Carlisle, Doylestown, Ephrata, Manheim, New Wilmington, and Shoemakersville, PA; Bethune, SC; and Abingdon, VA; and (2) materials and supplies used in the manufacture, packaging and distribution of molded pulp products (except in bulk), from points in AL, FL, KY, MS, NC, SC, TN, and VA to the plant site specified in (1) above for 180 days. Supporting shipper: Packaging Corporation of America, 7670 Airport Drive, Macon, GA 31201. Send protests to: Robert E. Johnston, I.C.C., 9 Clinton St., Newark NJ 07102.

MC 140829 (Sub-155TA), filed December 6, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: William J.

Hanlon, 55 Madison Ave., Morristown, NJ 07960. Frozen Foods, from the facilities of Pet, Incorporated, Frozen Foods Division at Benton Harbor, Frankfort and Hart, MI, to points in AR, IA, KS, MO, NE, OK and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pet Incorporated, Frozen Food Division, P.O. Box 392, St. Louis, MO 63166. Send protests to Carroll Russell, ICC, Suite 620, 10 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-156TA), filed December 7, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Drugs, medicines, cosmetics, plastic boxes, weed killing compounds, and animal or poultry feed supplements, and materials and supplies used in the manufacture and production of, and rejected and/or damaged shipments of the commodities named above (except commodities in bulk), between the facilities utilized by Eli Lilly and Company, located at or near Clinton, Indianapolis, and Lafayette, IN; Omaha, NE, on the one hand, and, on the other, points in IA, MN, NE (interstate), ND and SD. Also, between Mendota, IL, and IN, IA, MN, NE, ND and SD, restricted to traffic originating at the named origins and destined to points in the named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eli Lilly and Company, 1555 South Kentucky Avenue, Indianapolis, IN 46206. Send protests to: Carroll Russell, ICC, Suite 620, 10 North 14th Street, Omaha, NE 68102.

MC 141804 (Sub-158TA), filed December 1, 1978. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. Such merchandise as is dealt in by wholesale, retail and chain department and hardware stores, catalogue show room stores, and home center stores, (except commodities in bulk and food stuffs) from the facilities of Pacific Freight Supply, Inc., its divisions and subsidiaries located at Los Angeles County, CA, to points in and east of MN, IA, MO, AR, and LA. Restricted to traffic originating at the facilities of Pacific Freight Supply, Inc., division and subsidiaries, for 180 days. SUPPORTING SHIPPER(S): Pacific Freight Supply, Inc., 12551 Staticoy St., South North Hollywood, CA 91605. SEND PROTESTS TO: Irene Carlos, Trans. Asst., I.C.C., Rm.

1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.

MC 141871 (Sub-12TA), filed December 4, 1978. Applicant: WNI, INC., 8700 S.W. Elligsen Road, Wilsonville, OR 97070. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Authority sought to operate as a common carrier, by motor vehicle, over regular routes transporting: Sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing compounds (except commodities in bulk and except soda ash) from points in Sweetwater County, WY to Clackamas, Milwaukie, Portland, Salem, Sherwood, Pendleton, Albany, Eugene, Malin, and Wheeler, OR; Bellevue Kent, Seattle, Spokane, Tacoma, and Ellensburg, WA; and Billings, Butte, and Great Falls, MT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: Church & Dwight Company, Inc., P. O. Box 369, Piscataway, NJ 08854 (John A. Coneys). Send Protests to: A. E. Odoms, I.C.C., 114 Pioneer Court-house, Portland, OR 97204.

MC 142059 (Sub-55TA), filed December 8, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road Joliet, Illinois 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, Illinois 60436. Aluminum and aluminum articles, from the facilities of Kaiser Aluminum to Chemical Corporation at or near Ravenswood, WV to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI and DC, for 180 days. Supporting shipper, Kaiser Aluminum & Chemical Corporation, P. O. Box 98, Ravenswood, WV 26164. Send protests to Lois Stahl, Trans. Asst., I.C.C., Rm. 1386, 219 South Dearborn St., Chicago, IL 60604.

MC 144513 (Sub-7TA), filed December 4, 1978. Applicant: CONDOR CONTRACT CARRIER, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P. O. Box 82028, Lincoln, NE 68501. Brick, from the facilities of May Brik Co. at Los Angeles, CA, to points in and east of MN, IA, MO, OK and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: May Brik Co., 4545 Brazil Street, Los Angeles, CA 90039. Send protests to: Mary Wehner, Trans. Specialist, I.C.C., 731 Federal Bldg., 1240 East Ninth St., Cleveland, OH 44199.

MC 145125 (Sub-6TA), filed December 5, 1978. Applicant: LAUREL MOUNTAIN OVERLAND EXPRESS, INC., P.O. Box 327, Milroy, PA 17063. Representative: Eugene M. Malkin,

Suite 6193, 5 World Trade Center, New York, NY 10048. (1) *Rock crushers, rock crusher parts, and accessories and tools therefor*, and patterns, from Carlisle, PA to points in AZ, CA, CO, ID, NV, NM, OR, TX, UT, WA, and WY; and (2) *scrap steel, wooden patterns and used, damaged or defective rock crushers and parts thereof*, from points in AZ, CA, CO, ID, NV, NM, OR, TX, UT, WA, and WY, to Carlisle, PA for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): The Frog, Switch & Manufacturing Company, P.O. Box 70, Carlisle, PA 17013. SEND PROTESTS TO: Charles F. Myers, Trans. Specialist, I.C.C., P.O. Box 869 Federal Square Station, 228 Walnut St., Harrisburg, PA 17108.

MC 145399 (Sub-4TA), filed December 4, 1978. Applicant: SHAY DISTRIBUTING CO., INC., P.O. Box 3465, Orange, CA 92665. Representative: Mr. Paul M. Daniell, WATKINS & DANIELL, P.C., Suite 1200, Gas Light Tower, 235 Peachtree Street, N.E., Atlanta, GA 30303. (1) *Commercial laundry tumblers, dryers and drying equipment* from Louisville, KY to points in AZ, CA, NV, NM, OR, UT, and WA; (2) *washing and cleaning compounds* (except in bulk) from Cincinnati, OH to points in AZ, CA, NV, NM, OR, UT, and WA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers Fabritec International, Inc. and W. M. Cissell Manufacturing Co., P.O. Box 32270, Louisville, KY 40232. Send protests to: Irene Carlos, Trans. Asst., I.C.C., Rm. 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.

MC 145593 (Sub-1TA), filed December 6, 1978. Applicant: HAROLD SHULL TRUCKING, INC., P.O. Box 1533, Hickory, NC 28601. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, D.C. 20036. *Furniture and furniture parts*, (1) from points in Catawba, Iredell, Caldwell, Wilkes, Burke, Rutherford, Cleveland, Alexander, and Lincoln Counties, NC to points in MI and OH, (2) from Hickory, NC to Clarksburg, Charleston, Huntington, and Wheeling, WV, for 180 days. An underlying ETA seeks 90 days authority. There are approximately (16) 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: Terrell Price, I.C.C., 800 Briar Creek Road, Rm. CC516, Mart Office Bldg., Charlotte, NC 28205.

MC 145673 (Sub-1TA), filed November 16, 1978. Applicant: ROAD RAIL SERVICES, INC., 860 Skokie High-

way, Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. *Auto parts, supplies, and accessories*, from Bedford Park, and Hinsdale, IL to points in the Indianapolis, IN Commercial Zone; Cincinnati, Columbus and Cleveland, OH Commercial Zones; and the Detroit, MI Commercial Zone, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Nissan Motor Corp., Dave Miller Distribution Manager, 18501 South Figueroa, Carson, CA 90240. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145673 (Sub-2TA), filed November 16, 1978. Applicant: ROAD RAIL SERVICES, INC., 860 Skokie Highway, Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. *Hospital supplies and drugs; and materials, equipment and supplies* used in the manufacture, distribution and sale of hospital supplies and drugs, between North Chicago, IL., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), restricted to shipments moving in mechanically refrigerated trailers and originating at the facilities of Abbott Laboratories, Inc., for 180 days. SUPPORTING SHIPPER(S): Ernest Tracy Manager of Rate Development, Abbott Laboratories, Inc., North Chicago, IL. SEND PROTESTS TO: Lois M. Stahl trans., Asst., ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145759TA, filed December 4, 1978. Applicant: CHARLES A. DALBEY and DAVID H. MURPHY, d/b/a MONTEREY PENINSULA MOVERS, 666 Redwood Avenue, Seaside, California 93955. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. *Used Household Goods* between points in Monterey, Santa Cruz, San Benito and San Luis Obispo Counties, California, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. SUPPORTING SHIPPER(S): Delcher Intercontinental Moving Service, Inc., 4219 Central Ave., St. Petersburg, FL 33733. SEND PROTESTS TO: Michael M. Butler, ICC, 211 Main—Suit 500, San Francisco, CA 94105.

MC 145760 (Sub-1TA), filed December 5, 1978. Applicant: JOHNSON TRANSPORTATION CO., 1327 High-

way 13 North, Columbia MS 39439. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Plastic pipe and plastic pipe fittings, and materials used in the installation of plastic pipe* from the facilities of Ethyl Corporation, Pipe Products Division, at or near Columbia, MS to points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MO, NC, OH, OK, SC, TN, TX, VA and WV, for 180 days. SUPPORTING SHIPPER(S): Ethyl Corporation, Pipe Products Division, 451 Florida, Baton Rouge, LA 70801. SEND PROTESTS TO: Alan C. Tarrant, I.C.C., Rm. 212, 145 East Amite Bldg., Jackson, MS 39201.

MC 145837TA, filed December 4, 1978. Applicant: WIRT TRANSPORT CO., 400 Martin Street, Bay City, Michigan, 48706. Representative: Edwin M. Snyder, Esquire, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a contract carrier, over irregular routes, by motor vehicle, transporting: *Animal feed ingredients and sunflower seeds in dump vehicles*, from points in Michigan to the facilities of the Overseas Blending and transfer Company located at Essexville, Michigan, under a continuing contract with I.S. Joseph Company, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): I.S. Joseph Company, 789 Grain Exchange Bldg., Minneapolis, MN 55415. SEND PROTESTS TO: C. R. Flemming, I.C.C., 225 Federal Bldg., Lansing MI 48933.

MC 145838TA, filed December 4, 1978. Applicant: OHIO CONTAINER SERVICE, INC., 2701 Lakeside Avenue, Cleveland, Ohio 44114. Representative: Lewis S. Witherspoon, Suite 1940, 88 East Broad Street, Columbus, Ohio 43215. (1) *General commodities* (except those of unusual value, classes A & B explosives, commodities in bulk, automobiles, and those requiring special equipment because of size or weight) in cargo containers or trailers, between points on Ohio, on the one hand, and, on the other Cleveland, OH rail facilities, and the ports of Cleveland, OH; NY; NJ; and Baltimore, MD; restricted to the transportation of shipments having a prior or subsequent movement by water, and (2) of empty cargo containers or trailers between the points in the places named in (1) above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately twelve (12) statements of support attached to this application which may be examined at the Field office named below. Send protests to: Mary Wehner, Trans. Asst., I.C.C., 731 Federal Office Bldg., 1240 East Ninth Street, Cleveland, OH 44199.

NOTICES

MC 145874TA, filed December 8, 1978. Applicant: KENNETH L. PETITT, dba PETITT TRUCKING, 1659 S. Route 22 N.E., P.O. Box 492, Washington Court House, OH 43160. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced plywood and equipment, materials, and supplies* used in the manufacture, sale and distribution of fiberglass reinforced plywood (except commodities in bulk) between the facilities of Cor-Tec, Inc., at or near Washington Court House, OH, on the one hand, and, on the other, points in FL, IA, IL, IN, MD, NC, NJ, NY, PA and TN, under a continuing contract or contracts with Cor-Tec, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Cor-Tec, Inc., 2351 Kensill Avenue, Washington Court House, OH 43160. SEND PROTESTS TO: Frank L. Calvary, ICC, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-2313 Filed 1-23-79; 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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[6355-01-M]

1

CONSUMER PRODUCT SAFETY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 4553.

PREVIOUSLY ANNOUNCED DATE AND TIME: January 24, 1979, 9:30 a.m.

CHANGES IN THE MEETING: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

REVISED AGENDA'

OPEN TO THE PUBLIC

1. *Briefing on Children's Sleepwear Enforcement Policy:* The staff will brief the Commission on issues related to a possible CPSC policy on what children's garments are considered sleepwear subject to the Standards for the Flammability of Children's Sleepwear.

2. *Briefing on Coal and Wood-Burning Stoves Petition (AP 77-2):* The staff will brief the Commission on a petition in which Adam Paul Banner, of Midland Michigan, asks the Commission to issue a labeling rule for coal- and wood-burning appliances, stoves and free-standing fireplaces. The labels would show the minimum clearances from "combustibles," and the type of chimney required for installation. The Commission previously considered, and deferred action on this petition in February 1978. (Decision scheduled for February 8.)

[S-153-79 Filed 1-22-79; 12:28 pm]

[6355-01-M]

2

CONSUMER PRODUCT SAFETY COMMISSION.

'Agenda approved January 12, 1979. Agenda revised January 19, with deletions of previous Item No. 2 (Section 15 procedures), which will be held February 7, and Item No. 2 (TRIS Enforcement); and with the addition of current Item No. 3 (Stoves Petition).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 4553.

PREVIOUSLY ANNOUNCED DATE AND TIME: January 25, 1979, 9:30 a.m.

CHANGES IN THE MEETING: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

REVISED AGENDA'

OPEN TO THE PUBLIC

1. *Possible Substantial Product Hazard: Chance Manufacturing Co., Yo-Yo Amusement Ride ID 78-4:* The staff has recommended that the Commission accept the corrective action plan which Chance has implemented, and close this matter.

2. *Power Lawn Mowers:* The Commission will consider possible actions on a final safety standard for power lawn mowers. The staff briefed the Commission on power mowers at the January 17 briefing. The Commission proposed a standard for mowers in May 1977.

CLOSED TO THE PUBLIC

3. *Architectural Glazing Case (OS No. 633):* The Commission will consider staff recommendations on a possible enforcement case under the Consumer Product Safety Act involving architectural glazing. (Closed under exemption 10: Possible adjudication.)

[S-154-79 Filed 1-22-79; 12:28 pm]

[6355-01-M]

3

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: Commission meeting, Wednesday, January 31, and Thursday, February 1, 1979, 9:30 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MID-YEAR REPORT

The staff will present its mid-fiscal year report on CPSC priorities and activities, as set forth in the Commission's fiscal year 1979 operating plan.

FOR INFORMATION CONTACT:

Sheldon Butts, Assistant Secretary, suite 300, 1111 18th Street NW., Washington, D.C. 20207, (202) 634-

'Agenda approved January 12, 1979; Agenda revised January 19, with deletion of former Item No. 2, petition on coal- and wood-burning stoves, now scheduled for the January 24 briefing.

7700.

Agenda approved January 19, 1979. [S-155-79 Filed 1-22-79; 12:28 pm]

[6714-01-M]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 2:25 p.m. on Friday, January 19, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to issue a temporary cease-and-desist order and to institute cease-and-desist proceedings, in accordance with sections 8(b) and 8(c) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b), 1818(c)), against an insured State nonmember bank.

In calling the meeting, the Board determined, on motion of Director William M. Isaac (Appointive), seconded by Acting Chairman John G. Heilmann, that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; and that the meeting could be closed to public observation to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)), since the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: January 19, 1979.

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

[S-159-79 Filed 1-22-79; 2:43 pm]

[6730-01-M]

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: January 18, 1979, 44 F.R. 3840.

SUNSHINE ACT MEETINGS

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., January 24, 1979.

CHANGE IN THE MEETING: Deletion of the following item from the open session:

2. Agreement No. 10012-3: Application for extension of the intermodal authority of the Australia-Pacific Coast Rate Agreement.

[S-152-79 Filed 1-22-79; 10:05 am]

[6730-01-M]

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10:30 a.m., January 29, 1979

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED: (1) Docket No. 78-56: Actions to adjust or meet conditions unfavorable to shipping in the United States Atlantic and Gulf/European trades.

[S-156-78 Filed 1-22-79; 1:30 pm]

[6210-01-M]

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR. 4093, January 19, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, January 24, 1979.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such open item was added:

Proposal to implement Title VI of the Financial Institutions Regulatory and Interest Rate Control Act. (This matter was originally announced for a meeting on Wednesday, January 17, 1979).

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: January 22, 1979.

[S-158-79 Filed 1-22-79; 2:15 pm]

[7600-01-M]

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m., February 8, 1979.

PLACE: Room 640, National Labor Relations Board, 1717 Pennsylvania Avenue NW., Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED: The subject matter will be the consideration of testimony to be presented concerning the Commission's proposed revision of certain of its Rules of Procedure, as well as the adoption of certain additional rules.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Patricia Bausell, 202-634-4015.

Date: January 19, 1979.

[S-157-79 Filed 1-22-79; 1:53 pm]

