

TUESDAY, JUNE 6, 1978



highlights

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Milk Order No. 79]

PART 1079—MILK IN THE IOWA MARKETING AREA

Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends an order provision affecting the regulatory status of milk supply plants. The suspension will allow a cooperative association's direct delivery of milk from producers' farms to its own pool distributing plant to be included as a qualifying shipment for pooling the cooperative association's supply plant. The suspension is for the months of May 1978 through April 1979.

DATE: Effective June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of proposed suspension—issued May 10, 1978, published May 15, 1978 (43 FR 20817).

Correction notice—published May 22, 1978 (43 FR 21915).

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Iowa marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 20817) concerning a proposed suspension of certain provisions of the order. Interested persons had an opportunity to comment on the proposed suspension in writing. Two cooperative associations filed comments support-

ing the suspension. A proprietary handler and two cooperative associations commented in opposition to the suspension.

After considering all relevant material, including the proposal in the notice, the comments received and other available information, it is found and determined that for the months of May 1978 through April 1979 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1079.7(b)(1) the words "pursuant to § 1079.9(c)".

STATEMENT OF CONSIDERATION

The suspension will make inoperative for 1 year some pool supply plant provisions that prevent a cooperative association from earning pool supply plant shipping credit for milk which it causes to be delivered directly from producers' farms to its own pool distributing plant. Presently, only direct deliveries of milk by a cooperative association to the pool distributing plant of another handler are fully creditable as qualifying shipments for the cooperative's supply plant.

The suspension was requested by Land O'Lakes, Inc., Mid-America Dairymen, Inc., and Mississippi Valley Milk Producers Association, Inc. These cooperative associations represent a majority of the producers supplying the Iowa market. The cooperatives claimed that uneconomic shipments of milk are required to maintain pool status for supply plants they operate. This results because direct deliveries from farms to their pool distributing plants do not earn credit toward qualifying the supply plants.

Since the notice of proposed suspension was issued, Land O'Lakes sold its pool distributing plant at Cedar Rapids, Iowa, to Mississippi Valley Milk Producers Association. In its comments, Mississippi Valley stated that the acquisition intensifies the need for suspension because there is sufficient direct shipped milk available for the Cedar Rapids plant. The suspension will assure that unnecessary and costly shipments from the cooperative's supply plant at Dubuque to the Cedar Rapids distributing plant solely to assure pooling for the supply plant will not be needed.

Mississippi Valley Milk Producers Association also operates pool distributing plants at Rock Island, Ill., and

Waterloo, Iowa. At times, in order to make room at the Rock Island distributing plant for qualifying shipments of milk from its supply plant, the cooperative must reload the milk that is normally picked up on farms near Rock Island for direct delivery to pool distributing plants and ship it to another market. These procedures, to assure pooling for the supply plant, entail a substantial amount of uneconomic hauling, and the maintenance of costly reloading facilities.

Mid-America Dairymen operates a pool distributing plant at Iowa City, Iowa, and pool supply plants at Twin Lakes, Minn., and Des Moines and Sully, Iowa. Although it supplies other distributing plants regulated under the Iowa order, the Iowa City distributing plant is the largest single fluid outlet for its member producer milk under the order. If sales to the other fluid outlets decreased, the present order provisions could require shipments from its supply plants to distributing plants for the sole purpose of meeting the supply plant pooling provisions of the order.

The suspension is necessary because it will remove the necessity of supplying milk through a supply plant simply to keep the plant qualified for pooling when milk can be more economically supplied direct from producers' farms. The suspension will provide cooperatives with the flexibility needed to supply milk to all regulated distributing plants in the market and still keep their supply plants that have been regularly associated with the market pooled under the order.

A proprietary handler and two cooperative associations that supply milk to the handler opposed the suspension. They maintained that the suspension would change the pooling provisions of the order in such a way that increased quantities of milk will be associated with the market. In their view, this would decrease the proportion of milk used in class I, and lower blend prices, which would be detrimental to producers supplying the market.

The suspension does not change the performance requirements for pooling supply plants. It would not provide the means of associating greater quantities of milk with the market.

The suspension will relieve cooperative associations that operate distributing plants and supply plants from

having to make unnecessary and costly shipments of milk from their supply plants when milk from producers' farms can be delivered more conveniently and economically direct from the farms to the cooperative's distributing plants.

Proprietary handlers, in similar situations, presently may count direct deliveries of milk from farms to their distributing plants as qualifying shipments from their supply plants. The suspension merely extends this treatment to cooperative associations.

The proprietary handler objected to the suspension without an opportunity for hearing and to the relatively short 7-day period for filing comments. As indicated in the notice of proposed suspension, a longer period of time would not have provided the time needed to complete the required procedures and include the month of May in the period of suspension if the Department found that the suspension was appropriate. Also, it is anticipated that during the period of suspension a general hearing may be held at which proposed amendments to the supply plant provisions may be considered.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that the suspension does not require of persons affected substantial or extensive preparation prior to the effective date. Notice of proposed rule-making was given interested parties, and they were afforded an opportunity to file written comments concerning this suspension.

Therefore, good cause exists for making this order effective June 6.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of May 1978 through April 1979.

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

Effective date: June 6, 1978.

Signed at Washington, D.C., on June 1, 1978.

P. R. "BOBBY" SMITH,
Assistant Secretary.

[FR Doc. 78-15675 Filed 6-5-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0166; Reg. Q]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest Payable

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In its Order dated May 11, 1978 (43 FR 21435, May 18, 1978), the Board announced an amendment to Regulation Q, effective June 1, 1978, that permits member banks to offer to depositors two new categories of time deposits and provided that member banks may pay interest on Individual Retirement Account (IRA) or Keogh (H.R. 10) Plan time deposits under \$100,000 at a rate not in excess of 8 percent. The Board stated that the 8-percent rate could be paid only on new time deposits or additional funds deposited to existing accounts on or after June 1 and that rates paid by member banks on funds currently on deposit in IRA/Keogh time deposits could not be increased prior to the maturity of such funds. After consideration of the operational problems member banks would face as a result of this decision, the Board has determined to permit member banks to pay the new 8 percent rate, effective June 1, 1978, on any outstanding time deposits held in IRA or Keogh Plan accounts.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Gilbert T. Schwartz, Senior Attorney, 202-452-3623, or Anthony F. Cole, Attorney, 202-452-3711, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Effective June 1, 1978, the Board amended § 217.7 of Regulation Q (12 CFR 217.7) to establish two new categories of time deposits. Under the provisions of the first new deposit category, member banks are permitted to pay interest to depositors at a maximum rate of 7½ percent on deposits of \$1,000 or more maturing in 8 years or more. The second new deposit category established by the Board authorizes member banks to pay interest on non-negotiable time deposits of \$10,000 or more with maturities of 26 weeks at a maximum rate equal to the discount rate (auction average) on the most recently issued 6-month U.S. Treasury bills.

In addition, the Board amended, effective June 1, 1978, the existing provisions of Regulation Q that provide that member banks may pay interest on Individual Retirement Account and Keogh (H.R. 10) Plan time deposits of less than \$100,000 with maturities of 3 years or more (12 CFR 217.7(e)) at a rate not in excess of the highest of any of the permissible rates that can be paid on time deposits under \$100,000 by any federally insured commercial bank, mutual savings bank or savings and loan association. The provision was amended to provide that the rate paid on such time deposits shall be at a rate not in excess of the highest of any of the permissible rates that can be paid on time deposits under \$100,000 with maturities in excess of 6 months (26 weeks) by any federally insured commercial bank, mutual savings bank or savings and loan association.

In this connection, the Board stated that since the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation were taking action, effective June 1, to establish a new category of time deposit with a maturity of 8 or more years for federally insured savings and loan associations and mutual savings banks at a ceiling rate of 8 percent, member banks may pay 8 percent on IRA/Keogh time deposits with maturities of 3 or more years. The Board further stated, however, that the new 8-percent rate may be paid only on new time deposits or additional funds deposited to existing accounts, and that rates paid by member banks on funds currently on deposit in IRA/Keogh time deposits may not be increased prior to the maturity of such funds.

The Board has now determined to permit member banks, effective June 1, to increase the rate of interest paid on existing IRA and Keogh Plan time deposit funds with original maturities of 3 years or more. The rate of interest paid on existing IRA and Keogh funds with maturities of less than 3 years may also be increased to 8 percent, effective June 1, if the maturities of such obligations are extended to 3 years or more from the date of the increase in the rate of interest paid.

The Board is taking this action on the basis of comments received which indicate that the Board's earlier determination not to permit an increase in the rates of interest paid on outstanding IRA and Keogh funds would cause substantial and costly operational problems with no offsetting benefit to either banks or consumers. The Board stated, however, that its action should not be regarded as establishing a precedent and that should ceiling rates of interest be changed in the future, the Board may not necessarily permit the ceiling rate of interest payable on existing retirement savings to change.

It is anticipated that this action will alleviate operational problems and will result in substantial public benefits by permitting existing retirement savers to obtain the most advantageous IRA and Keogh programs. In order to facilitate the achievement of these objectives and since this action relieves an existing regulatory restriction, the Board finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to this action would be contrary to the public interest and that good cause exists for making this action effective in less than 30 days. The Board's action is taken at this time, after consultation with the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board, pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. § 371b).

By order of the Board of Governors, May 26, 1978.

Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 78-15573 Filed 6-5-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

Limitation on Use of Certain General Licenses for the Export of Shotguns

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The Office of Munitions Control (OMC), Department of State, has export licensing jurisdiction over military arms and ammunition, including shotguns with a barrel length of less than 18 inches. The Office of Export Administration, Department of Commerce, has licensing jurisdiction over shotguns with a barrel length of 18 inches or over and shotgun shells. The OMC has modified its International Traffic in Arms Regulations (ITAR) to permit the temporary export, for certain purposes, of not more than three non-automatic firearms and not more than 1,000 cartridges therefor without an export license. This revision of the Export Administration Regulations conforms to the change in the ITAR by permitting, under certain conditions, the export under General Licenses Baggage and Crew of not more than three shotguns with a barrel length of 18 inches or over and not more than 1,000 shotgun shells.

EFFECTIVE DATE OF ACTION: June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Accordingly, the Export Administration Regulations (15 CFR Part 371), are revised as follows:

1. Section 371.6 (c) is relettered (d) and a new § 371.6(c) is added to read as follows:

§ 371.6 General license baggage.

(c) *Special provisions—Shotguns and shotgun shells.* (1) A United States citizen or a permanent resident alien leaving the United States may take (export) shotguns with a barrel length of 18 inches or over and shotgun shells under General License Baggage, subject to the following limitations:

(i) Not more than three shotguns and not more than 1,000 shotgun shells may be taken on any one trip;

(ii) The shotguns and shotgun shells must be with the person's baggage, whether accompanied or unaccompanied, but they may not be mailed;

(iii) The shotguns and shotgun shells must be for the person's exclusive use for legitimate hunting or lawful sporting purposes, scientific purposes, or personal protection, and not for resale or other transfer of ownership or control. (Accordingly, shotguns may not be exported permanently under this General License Baggage. All shotguns and unused shotgun shells must be returned to the United States.)

(2) A nonresident alien leaving the United States may take (reexport) under General License Baggage only such shotguns and shotgun shells as he brought into the United States under the provisions of Department of Treasury Regulations (27 CFR 178.115(d)).¹

¹27 CFR 178.115(d) provides for the following.

(d) Firearms and ammunition are not imported into the United States, and the provisions of this subpart shall not apply, when such firearms and ammunition are brought into the United States by:

(1) A nonresident of the United States for legitimate hunting or lawful sporting purposes, and such firearms and such ammunition as remains following such shooting activity are to be taken back out of the territorial limits of the United States by such person upon conclusion of the shooting activity;

(2) Foreign military personnel on official assignment to the United States who bring such firearms or ammunition into the United States for their exclusive use while on official duty in the United States;

(3) Official representatives of foreign governments who are accredited to the U.S.

2. Section 371.11(a)(1) is revised to read as follows:

§ 371.11 General license crew.

(a) * * *

(1) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and other personal effects and their containers. Shotguns of a barrel length of 18 inches or over and shotgun shells as limited by § 371.6(c)(1) may be exported by a U.S. citizen or a permanent resident alien under this General License Crew, but all shotguns and unused shotgun shells must be returned to the United States on each return trip. Crew members who are nonresident aliens may export shotguns and ammunition subject to the provisions of § 371.6(c)(2).

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: May 27, 1978.

Stanley J. Marcuss,
Deputy Assistant Secretary
for Trade Regulation.

[FR Doc. 78-15681 Filed 6-5-78; 8:45 am]

[3510-25]

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Revision of Commodity Control List

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The Office of Export Administration (OEA) has determined that the chemicals listed below do not meet the criteria for validated export licensing controls for shipment to Country Groups Q, W, and Y.¹ Previously, before exporting the chemicals to these destinations, a firm was required to submit an application to OEA and receive specific written au-

Government or are enroute to or from other countries to which accredited;

(4) Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State; and

(5) Foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business.

¹See Supplement No. 1 to Part 370 for countries included in each Country Group.

thorization to make the shipment. This revision removes that requirement and permits shipments to be made under General License G-DEST (See § 371.3).

EFFECTIVE DATE: June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, director,

Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Accordingly, the Commodity Control List, incorporated by reference in 15 CFR Part 399, is revised to add the following commodities to interpretation 24, § 399.2:

Export Control Commodity Number and Commodity Description	Unit	Processing Code	Validated License Required	CLV & Value Limits		
				T	V	O

6799G Chemicals, as follows: -- -- -- MG || SZ || -- || -- || --
Organic coal tar and other cyclic chemical intermediates, as follows:

N-Allyl-morpholine; PTH (PTC-S-Aminoethyl) cysteine; 3-(2-Aminoethyl) indole hydrochloride; N, N-Bis(trimethylsilyl) acetamide; 1-Cyclohexyl-3-(2-morpholinoethyl)-carbodiimide metho-p-toluenesulfonate; Diisopropylbenzene hydroperoxide; Dimethyl adipimide dihydrochloride; and P-[p-Ethoxybenzylidene]-amino] benzonitrile.

Synthetic organic medicinal chemicals, in bulk, except mixtures and compounds, as follows:

p-Nitrophenyl-B-D-glucuronide,

Organic chemical plasticizers, as follows:

Methyl caproate (methyl hexanoate); Monoglycerides; Triglycerides; and 2,2,4-Trimethyl-1,3-pentanediol di-isobutyrate.

Miscellaneous organic industrial and other organic chemicals, excluding cyclic, as follows:

Bis(2-ethylhexyl) peroxydicarbonate; di(sec-Butyl) peroxydicarbonate; 1,4-Bis-2-(5-phenyloxazoly) benzene; Diethylene glycol adipate; Diethylene glycol succinate; Dimethyl aluminum chloride; N,N-Dimethylbenzylamine; 1-Ethyl-2-[3 (1-ethylnaphtho [1,2d] -thiazolin-2-ylidene)-2-methyl-propenyl] naphtho [1,2d] thiazolium bromide; Glycocholic acid (cholyglycine); and Tri-n-octylaluminum.

Other inorganic chemicals n.e.s., as follows:

Antimony pentafluoride; Barium fluoride; and Potassium fluoride.

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: May 27, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

[FR Doc. 78-15682 Filed 6-5-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket Nos. 77P-0016 and 77P-0017]

PART 101—FOOD LABELING

Ingredient Labeling Exemptions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document permits all ingredients that act as leavening agents, yeast nutrients, and dough conditioners in a food to be listed together in the ingredient statement by their specific common or usual names in parentheses following the appropriate collective name. It also permits individual ingredients that act as dough conditioners, yeast nutrients, and leavening agents to be listed in parentheses in other than descending order of predominance; and it provides for the label declaration of dough conditioners, yeast nutrients, and leavening

agents used intermittently in the manufacture of a food even though they may not always be present in the food bearing such labeling. This document follows from a previous proposal. This rule provides a more flexible ingredient labeling format while retaining complete ingredient disclosure to consumers.

EFFECTIVE DATE: June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION:

In the FEDERAL REGISTER of August 26, 1977 (42 FR 43095), the Food and Drug Administration issued a proposal to allow ingredients used as "leavening agents," "yeast nutrients," and "dough conditioners" to be listed parenthetically following the appropriate class name. It was also proposed to allow these ingredients to be listed in other than descending order of predominance and to be listed if they are used intermittently even though they may not always be present in the food bearing the labeling.

Four comments were received in response to the proposal. One comment was from the American Bakers Association (ABA); two comments were from industry (one in Canada); and one comment was from the Government of Quebec.

All the comments agreed with the regulation as proposed. But one comment expressed concern about "information overload" on the label, maintaining that it might be frightening or confusing.

The Commissioner is aware of the increase in the length of ingredient lists that this regulation will permit. But the Commissioner believes that the listing of the specific common or usual names of the ingredients used as dough conditioners, leavening agents, and yeast nutrients in the ingredient statement as allowed by this regulation will supply consumers with additional information and thereby serve to educate them as to the function of some of the "chemicals" used in foods for specific purposes.

The Commissioner believes that this ingredient declaration alternative will provide needed flexibility to manufacturers of bakery goods while maintaining complete ingredient disclosure for consumers. Further, the information that is included in this type of labeling—a declaration of function as well as the common or usual name of the ingredients—is valuable to consumers and may serve as an educational tool for them. Also, the Commissioner is aware that without such flexibility of

labeling available to the baking industry, the cost of maintaining a label inventory necessary to properly label all products produced would be unnecessarily high, and the increase in cost would be passed on to the consumer and might force some small bakers out of business. Therefore, although the permitted ingredient declaration does increase the length of the label statement, the Commissioner has determined that such declaration is in the best interest of both the consumer and the manufacturer.

These labeling provisions apply to all foods using the functional ingredients "leavening," "yeast nutrients," and "dough conditioners." The collective name used is meant to apply to all food ingredients or combination of ingredients incorporated in the food to serve its respective function. If the ingredient has been added for a function other than that of a leavening agent, yeast nutrient, or dough conditioner, it must be listed separately in the ingredient statement.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 101 is amended in § 101.4 by adding new paragraph (b) (16), (17), and (18) to read as follows:

§ 101.4 Food; designation of ingredients.

(b) * * *

(16) Ingredients that act as leavening agents in food may be declared in the ingredient statement by stating the specific common or usual name of each individual leavening agent in parentheses following the collective name "leavening", e.g., "leavening (baking soda, monocalcium phosphate, and calcium carbonate)". The listing of the common or usual name of each individual leavening agent in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of leavening agents in the product, the listing of individual leavening agents need not be in descending order of predominance. Leavening agents not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", "contains one or more of the following:".

(17) Ingredients that act as yeast nutrients in foods may be declared in the ingredient statement by stating the specific common or usual name of each individual yeast nutrient in parentheses following the collective name "yeast nutrients", e.g., "yeast nutrients (calcium sulfate and ammo-

nium phosphate)". The listing of the common or usual name of each individual yeast nutrient in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of yeast nutrients in the product, the listing of the common or usual names of individual yeast nutrients need not be in descending order of predominance. Yeast nutrients not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", or "contains one or more of the following:".

(18) Ingredients that act as dough conditioners may be declared in the ingredient statement by stating the specific common or usual name of each individual dough conditioner in parentheses following the collective name "dough conditioner", e.g., "dough conditioners (L-cysteine, ammonium sulfate)". The listing of the common or usual name of each dough conditioner in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of dough conditioners in the product, the listing of the common or usual names of individual dough conditioners need not be in descending order of predominance. Dough conditioners not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", or "contains one or more of the following:".

Effective date: This regulation shall become effective June 6, 1978.

(Secs. 201, 403, 701(a), 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)).)

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15572 Filed 6-5-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3429]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Walker, Juniata County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Walker, Juniata County, Pa. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Walker, Juniata County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Walker, Juniata County, Pa., are available for review at the Township Building, R.D. No. 1, Thompsonstown, Pa.

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 final determinations of flood elevations for the township of Walker, Juniata County, Pa.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Juniata River.....	Confluence tributary No. 7.....	423
	Confluence of Doe Run.....	432
	State Route 75/LR45.....	438
Locust Run.....	Johnstown Rd./LR34035.....	452
	Route 322/22/LR31.....	474
	Church Rd.....	498
	Farmer's Rd., downstream.....	544
	Locust Rd.....	629
Tributary No. 7.....	Confluence with Juniata River.....	423
	Amish Rd.....	427
	U.S. Route 22/U.S. 322.....	466
	U.S. 22.....	480
	Township Rd./LR34023.....	530
Doe Run.....	Confluence with Juniata River.....	432
	Farmer's Rd.....	443
	Helltown Rd./LR34006.....	457
Cedar Spring Run.....	Confluence with Doe Run.....	432
	Confluence with tributary No. 1.....	435
	Route 22 and U.S. 322.....	442
	Church Rd.....	444
	Cedar Grove Rd./T-388.....	446
Tributary No. 1.....	Confluence with Cedar Spring Run.....	435
	U.S. Routes 22 and 322.....	435
	Swamp Rd./LR34030.....	445
	U.S. Routes 22 and 322 upstream.....	472

(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, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14397 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3484]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Juno Beach, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Juno Beach, Palm Beach County, Fla. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Juno Beach, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Juno Beach, are available for review at Town Hall, 841 Ocean Drive, Juno Beach, Fla.

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 his final determinations of flood elevations for the town of Juno Beach, Fla.

This final rule is issued 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. 41001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean.....	Shoreline from northern corporate limit to southern corporate limit.	7
	Celestial Way to Galaxy Pl.	7

(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, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14389 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3590]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Bolivar, Alleghany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Bolivar, Alleghany County, N.Y. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Bolivar, Alleghany County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Bolivar, Alleghany County, N.Y., are available for review at the Bolivar Village Hall, 176 North Main Street, Bolivar, N.Y.

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 his final determinations of flood elevations for the village of Bolivar, Alleghany County, N.Y.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Sources of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Genesee Creek	Downstream corporate limits.	1,585
	Pleasant St	1,591
	Salt Rising	1,596
	Deans Flats Rd	1,615
Root Creek	Downstream study limits.	1,620
	Upstream corporate limits.	1,637

(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.)

Issued: April 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14393 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3617]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Clay County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Clay 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for Clay County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Clay County, are available for review at Annex Building, 616 East Mill, Liberty, Mo.

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 his final determinations of flood elevations for Clay County, Mo.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clear Creek	County road	809
	Highway 92	785
	Confluence with Fishing River.	770
Holt Creek	Clay County line	857
	County road, located approximately 16,000 ft upstream of I-35.	845
	I-35	812
	County road, located approximately 3,500 ft downstream of I-35.	808
Dry Fork	Confluence with Clear Creek.	786
	County road	903
	Upstream corporate limits, Excelsior Springs.	790
Fishing River	Highway C	845
	County road	820
	I-35	792
	Burlington Northern RR.	787
	Highway 33	784
	Mosby corporate limits (upstream).	770
East fork, Fishing River.	Confluence with east fork, Fishing River.	744
	Highway N	735
	County road	748
Williams Creek	do	823
	Highway 92	807
Brushy Creek	Highway 69	1,002
	Atchison, Topeka & Santa Fe RR.	1,008
	Clay County line	983
Brushy Creek, tributary I.	Highway 69	1,025
	Confluence with Brushy Creek.	1,012
Brushy Creek, tributary II.	County road	1,047
	Highway D	1,013
	Chicago, Milwaukee, St. Paul & Pacific RR.	1,009
1st and 2d creeks	County road	850
	Highway 92	836
	Upstream Smithville corporate limits.	816
Owens Branch	County road (station location 18,200)*.	920
	County road (station location 12,250)*.	858
Wilkerson Creek	Highway 169	822
	County road	862
	Highway 92	840
Rocky Branch	Upstream Smithville corporate limits.	818
	County road	865
Crockett Creek	Confluence with Wilkerson Creek.	847
	County road (upstream study limits).	810
Holmes Creek	County road	783
	Upstream Mosby corporate limits.	764
	County road	770
Williams Creek	Highway 69	767
	Chicago, Minneapolis and St. Paul RR.	765
Williams Creek tributary.	County road	775
	Highway 69	761
Little Platte River	County road	835
	Clay County line (downstream limit).	811
Missouri River	Upstream Smithville corporate limits.	815
	Confluence with Shoal Creek.	729
	Clay County line	718

* Station location is stream distance in feet above the mouth.

(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, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14392 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3651]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Itasca County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Itasca County, Minn. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Itasca County, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Itasca County, are available for review at Itasca County Courthouse, Grand Rapids, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8827, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Itasca County, Minn.

This final rule is issued 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)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River ...	County State aid	1269
	Highway 63 bridge.	
	Burlington Northern RR bridge.	1278
	County State aid	1278
Pokegama Reservoir.	Highway 62 bridge.	
	Shoreline areas	1278

(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.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14391 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3808]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of East Chicago Heights, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of East Chicago Heights, Cook County, Ill. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the Village of East Chicago Heights, Cook County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of East Chicago Heights, Cook County, Illinois, are available for review at the Village Hall, 1327 Ellis Avenue, East Chicago Heights, Ill.

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 final determinations of flood elevations for the Village of East Chicago Heights, Cook County, Ill.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deer Creek	East Chicago Heights corporate limits upstream.	641
	Lincoln Highway	636
	East Chicago Heights corporate limits downstream.	629

(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.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14390 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3894]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mauldin, Greenville County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Mauldin, Greenville County, S.C. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Mauldin, Greenville County, S.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Mauldin, Greenville County, S.C., are available for review at City Hall, city of Mauldin, S.C.

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 final determinations of flood elevations for the city of Mauldin, Greenville County, S.C.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gilder Creek	Just upstream Butler Rd.	821
	Just upstream Barrett St.	845
	Approximately 100 ft upstream of Cox St. (Miller Rd).	873
Gilder Creek, tributary No. 1.	Just upstream Bethel Rd.	852
Gilder Creek, tributary No. 2.	Approximately 400 ft upstream of Bethel Rd.	838
Gilder Creek, tributary No. 3.	Capewood Ct. (extended).	825
Gilder Creek, tributary No. 3A.	Just upstream Corn St ...	834

(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.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14398 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3900]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Campbell County (Unincorporated Areas), Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Campbell County (unincorporated areas), Va. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Campbell County (unincorporated areas), Va.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the final elevations for Campbell County (unincorporated areas), Va., are available for review at Walter J. Haberer Boulevard, Courthouse Square, Rustburg, Va.

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 his final determinations of flood elevations for Campbell County (unincorporated areas), Va.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream county boundary.	481
	Chessle System (upstream face).	492
	Norfolk & Western RR..	500
	Confluence with Opossum Creek.	505
	Upstream county boundary.	508
Archer Creek	Confluence with James River.	500
	State Route 726 (upstream face).	502
	Norfolk & Western RR. (1st crossing) downstream face.	510
	Norfolk & Western RR. (1st crossing) upstream face.	526
	State Route 609	550
	Private Drive, 2,700 feet upstream of State Route 609.	578
	Norfolk & Western RR. (2d crossing) downstream face.	649
	Norfolk & Western RR. (2d crossing) upstream face.	679
	Abandoned Railroad, downstream face.	756

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Abandoned Railroad, upstream face.	784		Confluence with Bishop Creek.	543		State Route 711	544
	Abandoned Highway.....	784		Confluence with Goose Creek.	552	Lynch Creek	County boundary (Altavista town limits).	607
Beaver Creek	Confluence with James River.	501		Leesville Dam, downstream side.	560		State Route 774, upstream face.	624
	State Route 460, upstream face.	506		Leesville Dam, upstream side.	615		U.S. Route 29, downstream face.	641
	Apeline Crossing.....	549		Upstream county boundary.	616		U.S. Route 29, upstream face.	653
	Norfolk & Western RR. (1st crossing).	570	Falling River.....	Downstream county boundary.	384	Goose Creek.....	Confluence with Roanoke River.	552
	State Route 660, upstream face.	576		State Route 40	393		State Route 630	552
	Confluence with Carters Creek.	615		Confluence with south Fork, Falling River.	457		County boundary	559
	State Route 501, downstream face.	636		State Route 604	494	(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.)		
	State Route 501, upstream face.	647		Upstream county boundary.	514	Issued: May 5, 1978.		
	Confluence with Tussocky Creek.	648	Big Otter River	Confluence with Roanoke River.	528	GLORIA M. JIMENEZ, Federal Insurance Administrator.		
	Norfolk & Western RR. (2d crossing), downstream face.	649		State Route 712	528	(FR Doc. 78-14400 Filed 6-5-78; 8:45 am)		
	Norfolk & Western RR. (2d crossing), upstream face.	660		U.S. Route 29, northbound.	536	[4210-01]		
	State Route 669	723		Confluence with Troublesome Creek.	554	[Docket No. FI-3997]		
Tussocky Creek	Confluence with Beaver Creek.	648		Confluence with Flat Creek.	563	PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW		
	State Route 680, upstream face.	675	Troublesome Creek.	Southern Ry.....	568	Final Flood Elevation Determination for the City of Sharon, Mercer County, Pa.		
	Norfolk & Western RR.. Confluence with	681		State Route 682	571	AGENCY: Federal Insurance Adminis- tration, HUD.		
Unnamed Tributary to Tussocky Creek.	Tussocky Creek.	681		Confluence with Buffalo Creek.	582	ACTION: Final rule.		
Opossum Creek	Confluence with James River.	505		County boundary	583	SUMMARY: Final base (100-year) flood elevations are listed below for se- lected locations in the city of Sharon, Mercer County, Pa. 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).		
	Chessie System, downstream face.	505		Confluence with Big Otter River.	554	EFFECTIVE DATE: The date of issu- ance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sharon, Mercer County, Pa.		
	Chessie System, upstream face.	512	Flat Creek	State Route 696	606	ADDRESSES: Maps and other infor- mation showing the detailed outlines of the flood-prone areas and the final elevations for the city of Sharon, Mercer County, Pa., are available for review at Sharon Boulevard, 50 Chest- nut Street, Sharon, Pa. 16146.		
	State Route 560	512		State Route 692, downstream face.	657	FOR FURTHER INFORMATION CONTACT:		
	State Route 665	592		State Route 692, upstream face.	657	Mr. Richard Krimm, Assistant Ad-		
	Norfolk & Western RR. (1st crossing), upstream face.	598		State Route 692, upstream face.	666			
	State Route 501	638		Confluence with Big Otter River.	563			
	Norfolk & Western RR. (2d crossing).	647		State Route 696, upstream face.	568			
	State Route 669, upstream face.	661		State Route 24, upstream face.	595			
Tomahawk Creek..	State Route 667	759		Private Road, downstream of	674			
	County boundary (Lynchburg city limits).	763		Confluence with Yellow Branch.	687			
	State Route 1557, upstream face.	787	Buffalo Creek	Confluence with Smith Branch.	729			
	Jefferson Rd., downstream face.	816		State Route 622, upstream face.	729			
	Jefferson Rd., upstream face.	831		U.S. Route 29, upstream face.	789			
Dreaming Creek	County boundary (Lynchburg city limits).	832		State Route 738	811			
	State Route 1544	849		Confluence with Big Otter River.	582			
Roanoke River.....	Downstream county boundary.	384		State Route 811	612			
	Norfolk & Western RR.. Confluence with	385		State Route 684	639			
	Whipping Creek.	403		State Route 623, downstream face.	694			
	Confluence with Hill Creek.	452		State Route 623, upstream face.	698			
	State Route 761	463		State Route 623, (2d crossing).	714			
	Confluence with Seneca Creek.	474		State Route 858, downstream face.	773			
	Confluence with Hollow Branch.	509		State Route 858, upstream face.	778			
	Confluence with Cheese Creek.	520		U.S. Route 460	778			
	State Route 640	526		State Route 623 (3d crossing), downstream face.	784			
	Confluence with Big Otter River.	528		State Route 623 (3d crossing), upstream face.	788			
	Confluence with Halls Branch.	532	Halls Branch.....	Confluence with Roanoke River.	532			
	U.S. Route 29 (southbound).	540		Norfolk & Western RR., downstream face.	532			
				Norfolk & Western RR., upstream face.	537			
				U.S. Route 29, downstream face.	537			
				U.S. Route 29, upstream face.	544			

ministrator, 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 his final determinations of flood elevations for the city of Sharon, Mercer County, Pa.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, above mean sea level
Pine Run	Service St.....	984
	Spencer St.....	980
	Wengler St.....	965
	Stambaugh Ave.....	957
	South Sharpsville Ave....	864
Shenango River.....	South Dock St.....	861
	Upstream corporate limit.	861
	Low dam and water works.	855
	Silver St.....	851
	Budd St.....	849
	Downstream corporate limit.	847

(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.)

Issued: May 5, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

(FR Doc. 78-14396 Filed 6-5-78; 8:45 am)

[4210-01]

[Docket No. FI-3998]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Greensburg, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Greensburg, Westmoreland County, Pa. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Greensburg, Westmoreland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Greensburg, Westmoreland County, Pa., are available for review at the Greensburg City Hall, 416 South Main Street, Greensburg, Pa.

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 his final determinations of flood elevations for the city of Greensburg, Westmoreland County, Pa.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jack's Run.....	Mount Pleasant St.....	1,002
	Coulter St.....	1,002
	Brewery St.....	1,004
	Laird St.....	1,004
	East Pittsburgh St.....	1,009
	Corporate limits at 34.17-mi mark.	1,009
	Corporate limits at 35.21-mi mark.	1,017
	Private foot bridge.....	1,018
	Confluence of tributary No. 5.	1,018
	Corporate limits at 36.80-mi mark.	1,018
Zeller's Run	West Newton St.....	1,030
	U.S. Highway 30 by-pass and West Newton St. off ramp.	1,037
	Upstream U.S. Highway 30 by-pass and West Newton St. on ramp.	1,041
	Shearer St.....	1,044
	Adams St.....	1,049
	Corporate limits at 7.72-mi mark.	1,068
	Ludwig St.....	1,073
	Corporate limits at 8.44-mi mark.	1,074
	Confluence of Jack's Run.	1,018
	U.S. Highway 119.....	1,018
Tributary No. 5	Union Cemetery Rd.....	1,018
	Private foot bridge.....	1,018
	Sheffield Dr.....	1,026
	Corporate limits at 2.62-mi mark.	1,027
	Pennsylvania Route 819.	1,065
	Prestwick Dr.....	1,069
	Limit of detailed study at 8.08-mi mark.	1,108

(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.)

Issued: May 5, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14395 Filed 6-5-78; 8:45 am)

[4210-01]

[Docket No. FI-4003]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The County of Ottawa, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the county of Ottawa, Ohio. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the county of Ottawa, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Ottawa, Ohio, are available for review at the Bulletin Board in the County Office, County Commissioner's Office, Port Clinton, Ohio.

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 his final determinations of flood elevations for the county of Ottawa, Ohio.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek.....	Confluence with Cedar Creek.....	594
	Fostoria Rd.....	599
Cedar Creek.....	Curtis Rd.....	588

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Billman Rd.....	594
	Fostoria Rd.....	598
Ayers Creek.....	Confluence with Crane Creek.....	597
	Billman Rd.....	598
	Fostoria Rd.....	602
Crane Creek.....	Norfolk & Western RR.....	593
	State Route 579.....	597
	Walbridge East Rd.....	602
	Billman Rd.....	605
	Fostoria Rd.....	610
Little Crane Creek	Confluence with Crane Creek.....	608
	State Route 51.....	610
	Martin Rd.....	615
	Fostoria Rd.....	616
Crane Creek tributary.	Confluence with Crane Creek.....	599
	Billman Rd.....	601
South branch Turtle Creek.	ConRail.....	596
	Genoa Rd.....	603
	Reiman Rd.....	608
	State Route 51.....	611
South branch Turtle Creek tributary.	Confluence with South branch Turtle Creek.....	597
	Genoa Rd.....	606
	Hellwig Rd.....	608
	State Route 51.....	616
Toussaint Creek....	Lickert Harbor Rd.....	581
	State Route 590.....	585
	Stange Rd.....	587
	Graytown Rd.....	590
	Elliston Trowbridge Rd.....	593
	State Route 163.....	600
	Fulkert Rd.....	602
	Martin Williston Rd.....	608
Toussaint Creek tributary.	Confluence with Toussaint Creek.....	600
	Deno Rd.....	604
	State Route 51.....	606
	Opfer Lentz Rd.....	609
	ConRail.....	615
	Martin-Williston Rd.....	618
Portage River.....	State Route 19.....	579
	State Route 590.....	587
	ConRail.....	599
	Ohio Turnpike.....	604
Little Portage River.	Muddy Creek North Rd.....	
	Woodrick Rd.....	578
	State Route 19.....	582
	Norfolk & Western RR.....	586
Indian Creek.....	Portage River Rd.....	592
	Harris Salem Rd.....	593
	Slennier Rd.....	597
	State Route 590.....	604
Nine Mile Creek....	Portage River Rd.....	592
	Harris Salem Rd.....	594
	Schenider Rd.....	597

(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.)

Issued: May 5, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14394 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-4081]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Proctor, Rutland County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Proctor, Rutland County, Vt. 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Proctor, Rutland County, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Proctor are available for review at the Town Clerk's Office, Town Hall, Main Street, Proctor, Vt.

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 final determinations of flood elevations for the town of Proctor, Rutland County, Vt.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Otter Creek.....	North corporate limits ...	368
	Just downstream of Rutland Dam.	369
	Just upstream of Rutland Dam.	479
	Just downstream of Main St.	481
	Just upstream of Main St.	485
	Just upstream of Vermont Ry. bridge.	487
	South corporate limits ...	488

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14399 Filed 6-5-78; 8:45 am]

[4810-25]

Title 31—Money and Finance:
Treasury

CHAPTER 1—MONETARY OFFICES,
DEPARTMENT OF THE TREASURY

PART 103—FINANCIAL RECORDKEEP-
ING AND REPORTING OF CURREN-
CY AND FOREIGN TRANSACTIONS

Recordkeeping Required

AGENCY: Department of the Treasury.

ACTION: Change in date for enforcement of final rule.

SUMMARY: The Treasury Department announced today that the enforcement of those provisions in the May 9, 1978, amendment to 31 CFR 103.34, which require a financial institution selling or redeeming certificates of deposit to maintain additional records of the transactions beginning June 1, 1978, will not be enforced with respect to transactions completed prior to June 19.

This policy announcement was made in response to requests made on behalf of a number of banks which have indicated that the publication of the amendment in the May 19 FEDERAL REGISTER did not allow them enough time to make necessary procedural changes before June 1. The delay is intended to provide relief for those fi-

nancial institutions, as well as others that have been unable to meet the June 1 effective date.

DATE: The amendments to 31 CFR 103.34 as published in the FEDERAL REGISTER of May 19, 1977 (43 FR 21671) will not be enforced with respect to transactions completed prior to June 19, 1978.

FOR FURTHER INFORMATION
CONTACT:

Robert J. Stankey, Assistant to the Director, Office of Law Enforcement, U.S. Department of the Treasury, Room 1462, Washington, D.C. 20220, 202-566-5630.

Dated: June 1, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc. 78-15770 Filed 6-2-78; 8:45 am]

[6310-02]

Title 32—National Defense

CHAPTER XIX—CENTRAL
INTELLIGENCE AGENCY

PART 1900—PUBLIC ACCESS TO
DOCUMENTS AND RECORDS AND
DECLASSIFICATION REQUESTS

National Foreign Assessment Center
Deputy Director; CIA Information
Review Committee Membership

AGENCY: Central Intelligence Agency.

ACTION: Final rule.

SUMMARY: A merger of the Directorate of Intelligence with the office of the Deputy to the Director of Central Intelligence for National Intelligence Officers has resulted in the establishment of the National Foreign Assessment Center. The Central Intelligence Agency hereby names the Deputy Director of the National Foreign Assessment Center to the Central Intelligence Agency Information Review Committee. The amendment is necessary to reflect procedural changes resulting from the merger.

DATE: This amendment becomes effective upon promulgation in the FEDERAL REGISTER, (June 6, 1978).

FOR FURTHER INFORMATION
CONTACT:

Gene F. Wilson, Chief, Information and Privacy Staff, Central Intelligence Agency, Washington, D.C. 20505; phone: 703-351-7486.

SUPPLEMENTARY INFORMATION: The Central Intelligence Agency Information Review Committee was established pursuant to the Freedom of Information Act and section 7(B)(2) of

Executive Order 11652. The Committee is composed of senior officers and is headed by a Chairman who is appointed by the Director of Central Intelligence. The Committee may, by majority vote, delegate to one or more of its members the authority to act on any appeal and may authorize the Chairman to delegate such authority. With the merger of the Directorate of Intelligence with the office of the Deputy to the Director of Central Intelligence for National Intelligence Officers, there was established the National Foreign Assessment Center. The public was informed of the proposed rule amendment through the FEDERAL REGISTER on December 28, 1977, at vol. 42, No. 249, pg. 64710. From this date of publication to the present, no comments from the general public have been received. Therefore, it is hereby established that the Deputy Director of the National Foreign Assessment Center is a member of the Central Intelligence Agency Information Review Committee; also, representation on the Central Intelligence Agency Information Review Committee by the Deputy Director for Intelligence and the Deputy to the Director of Central Intelligence for National Intelligence Officers is discontinued.

In consideration of the foregoing, 32 CFR part 1900, is amended as follows:

§ 1900.51 [Amended]

In § 1900.51, paragraph (a) is amended by revising the second sentence to read as follows: "The Committee shall be composed of the Deputy Director for Administration, the Deputy Director for Operations, the Deputy Director for Science and Technology, the Deputy to the Director of Central Intelligence for the Intelligence Community and the Deputy Director of the National Foreign Assessment Center."

This amendment is established under the authority of section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 11652, as amended (3 CFR revised as of January 1, 1974, p. 339), the Freedom of Information Act, as amended (5 U.S.C. 552), and the Federal Records Management Amendment of 1976 (sec. 4, Pub. L. 94-575, 90 Stat. 2723).

JOHN F. BLAKE,
Deputy Director for Administration.

[FR Doc. 78-15616 Filed 6-5-78; 8:45 am]

[1505-01]

Title 36—Parks, Forests, and Public Property**CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION****PART 904—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970***Correction*

In FR Doc. 78-14803 appearing at page 22707 in the issue of Friday, May 26, 1978, the following changes should be made:

(1) On page 22709, first column, sixth line of §904.2(a)(2) the word "no" should read, "not".

(2) On page 22712, third column, in the ninth line of §904.25(d)(3) the word, "of" should read, "or" and in the twelfth line the word "of" should read, "to".

[1410-01]

Title 37—Patents, Trademarks, and Copyrights**CHAPTER III—COPYRIGHT ROYALTY TRIBUNAL****PART 302—FILING OF CLAIMS TO CABLE ROYALTY FEES****Final Rule with Respect to Filing of Claims to Cable Royalty Fees**

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal adopts rule prescribing requirements whereby persons claiming to be entitled to compulsory license copyright fees for secondary transmissions by cable systems shall file claims with the Tribunal. The rule prescribes the content and time of filing of such claims. The rule is necessary to implement provisions of the Act for General Revision of the Copyright Law enacted in 1976.

EFFECTIVE DATE: The rule is effective June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brennan, Chairman, Copyright Royalty Tribunal, 202-653-5175.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In the FEDERAL REGISTER of February 14, 1978, (43 FR 6263) the Copyright Royalty Tribunal published an advance notice of proposed rulemaking concerning the filing of claims to royalty fees for secondary transmissions by cable systems pursuant to 17 U.S.C. 111(d)(5)(A). The comments and reply comments received in response to the advance notice were summarized in the FEDERAL REGISTER of May 5, 1978 (43 FR 19423) together with the text of a proposed rule.

THE PROPOSED RULE

The proposed rule requires all copyright owners who wish to share in the distribution of royalty fees for secondary transmissions by cable systems during the first 6 months of 1978 to file claims with the Copyright Royalty Tribunal during the month of July 1978. A failure to file a claim during the month of July would bar a copyright owner from sharing in the distribution of royalty fees for uses during the first 6 months of 1978. The proposed rule requires only a minimal filing of a claim in July 1978, with a requirement that the filing be supplemented in July 1979, after copyright owners have had an opportunity to examine the statements of account filed by cable operators in the Copyright Office. Adoption of the proposed rule would thus preclude any distribution of royalty fees by the Copyright Royalty Tribunal prior to August 1979.

COMMENTS ON THE PROPOSAL

The proposal of May 5, 1978, invited interested persons to submit written comments on or before May 22, 1978. A total of seven comments were received.

The comments filed noted that the proposed rule incorporated a number of suggestions made in response to the advance notice of proposed rulemaking. The comments submitted did not raise any significant issues not presented in the earlier comments pursuant to the advance notice. No comment objected to the adoption of the proposed rule, and each comment generally supported the text of the proposed rule.

The only specific amendments to the proposed rule were advanced by the National Basketball Association and the National Hockey League. Both organizations proposed that the rule be modified to require that a copyright owner claimant be required to identify at least one secondary transmission by a cable system of a copyrighted work of the claimant, which transmission would establish a right to share in the royalty fees paid by cable operators. The leagues submit that the proposed requirement would preclude the participation in Tribunal distribution pro-

ceedings of persons having no legitimate claim.

The leagues also propose that the provision of the proposed rule authorizing claimants to file a joint claim be modified to require that any such joint claim shall include a statement of the authority for the joint filing. The leagues maintain that the proposed amendment is necessary to prevent the filing of "frivolous" joint claims.

TRIBUNAL'S RESPONSE

The Tribunal has reviewed the arguments advanced in behalf of the proposed amendments. The Tribunal has no objection to the amendments, and accordingly sections 302.2 and 303.3 of the proposed rule have been revised to incorporate the recommended changes.

Therefore, under 17 U.S.C. 111(d)(5)(A), 37 CFR chapter III is amended as follows:

By adding a new part 302, to read as follows:

Sec.

302.1 General.

302.2 Filing of claims to cable royalty fees for secondary transmissions during the period January 1 through June 30, 1978.

302.3 Content of claims.

302.4 Forms.

302.5 Supplemental filing.

302.6 Filing of claims to cable royalty fees for secondary transmissions during the period July 1 through December 31, 1978.

302.7 Filing of claims to cable royalty fees for secondary transmissions during calendar year 1979 and subsequent calendar years.

302.8 Compliance with statutory dates.

AUTHORITY: 17 U.S.C. 111(d)(5)(A).

§ 302.1 General.

This regulation prescribes procedures pursuant to 17 U.S.C. 111(d)(5)(A), whereby persons claiming to be entitled to compulsory license fees for secondary transmissions by cable systems shall file claims with the Copyright Royalty Tribunal (CRT).

§ 302.2 Filing of claims to cable royalty fees for secondary transmissions during the period January 1 through June 30, 1978.

Every person claiming to be entitled to compulsory license fees for secondary transmissions by cable systems during the period January 1 through June 30, 1978, shall file in the office of the Copyright Royalty Tribunal a claim to such fees during the calendar month of July 1978. No royalty fees shall be distributed to copyright owners for secondary transmissions during the period January 1 through June 30, 1978, unless such owner has filed a claim to such fees during the calendar month of July 1978. For purposes of this clause claimants may file

claims jointly or as a single claim. A joint claim shall include a concise statement of the authorization for the filing of the joint claim.

§ 302.3 Content of claims.

The claims filed pursuant to § 302.2 shall include the following information:

(a) The full legal name of the person or entity claiming compulsory license fees.

(b) The full address, including a specific number and street name or rural route, of the place of business of the person or entity.

(c) A general statement of the nature of the copyrighted works, whose secondary transmission provides the basis of the claim.

(d) Identification of at least one secondary transmission establishing a basis for the claim.

§ 302.4 Forms.

The Copyright Royalty Tribunal does not provide printed forms for the filing of claims.

§ 302.5 Supplemental filing.

During the month of July 1979 those persons who filed claims pursuant to § 302.2 for secondary transmissions during the period January 1 through June 30, 1978, shall make a supplemental filing, which shall include such information as the Copyright Royalty Tribunal may require.

§ 302.6 Filing of claims to cable royalty fees for secondary transmissions during the period July 1 through December 31, 1978.

During the month of July 1979, every person claiming to be entitled to compulsory license fees for secondary transmission during the period July 1 through December 31, 1978, shall file in the offices of the Copyright Royalty Tribunal a claim to such fees. No royalty fees shall be distributed to copyright owners for secondary transmissions during the period July 1 through December 31, 1978, unless such owner has filed a claim to such fees during the calendar month of July 1979. For purposes of this clause claimants may file claims jointly or as a single claim. Such filing shall include such information as the Copyright Royalty Tribunal may require.

§ 302.7 Filing of claims to cable royalty fees for secondary transmissions during calendar year 1979 and subsequent calendar years.

During the month of July 1980, and in July of each succeeding year, every person claiming to be entitled to compulsory license fees for secondary transmissions during the preceding calendar year shall file a claim to such fees in the office of the Copyright Royalty Tribunal. No royalty fees

shall be distributed to copyright owners for secondary transmissions during the specified period unless such owner has filed a claim to such fees during the following calendar month of July. For purposes of this clause claimants may file claims jointly or as a single claim. Such filing shall include such information as the Copyright Royalty Tribunal may require.

§ 302.8 Compliance with statutory dates.

For purposes of 17 U.S.C. (d)(5)(A), claims required to be filed with the Copyright Royalty Tribunal during the month of July shall be considered as timely filed if: (a) they are addressed to the Copyright Royalty Tribunal, 1111 20th Street NW., Washington, D.C. 20036, and deposited with the U.S. Postal Service with sufficient postage as first class mail prior to the expiration of the statutory period, and (b) they are accompanied by a certificate stating the date of deposit. The persons signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated.

Issued: May 31, 1978.

THOMAS C. BRENNAN,
Chairman,
Copyright Royalty Tribunal.

[FR Doc. 78-15665 Filed 6-5-78; 8:45 am]

[6560-01]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL-890-11]

PART 120—WATER QUALITY STANDARDS

Navigable Waters of the State of Nebraska

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On September 9, 1977 the Environmental Protection Agency proposed a rule that would redesignate the beneficial uses for 35 navigable waters in the State of Nebraska (42 FR 45339). In the interim since that proposal, the Nebraska Environmental Control Council has deleted 5 of the navigable waters from the disapproved portion of the standards because of duplication with other portions of the standards and redesignated 12 navigable waters to their previous classification of full body contact recreation. EPA approves of these actions and therefore does not adopt the proposal for those navigable waters. The Ne-

braska Environmental Control Council submitted justifications for downgrading the designated use for 18 navigable waters. EPA has reviewed those justifications and accepts such justifications for 7 water segments. The EPA herein promulgates a rule which redesignates 8 of the remaining 11 water segments for full body contact recreation and the remaining 3 of the navigable waters for partial body contact recreation and the protection of fish and wildlife.

DATES: This rule become effective (30 days after publication).

FOR FURTHER INFORMATION CONTACT:

Dale B. Parke, Head, Water Quality Standards, Water Division, EPA Region VII, 1735 Baltimore Street, Kansas City, Mo. 64108, telephone 816-374-6391.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 31, 1977, the Acting Regional Administrator, Region VII, EPA, disapproved the Nebraska water quality standards revisions for the 35 navigable waters which were downgraded from full body contact recreational uses to partial body contact recreational uses, or which were completely eliminated by the September 10, 1976, revision of Rule 7 of the Nebraska Water Quality Standards. (Note: The Nebraska standards use terminology different than that used herein. Those standards require that Nebraska waters be suitable for, "full body contact," "partial body contact," and be "fish and wildlife protective." The Nebraska terminology will be used in the promulgated standards to afford consistency. EPA will use the more comprehensive terminology used above in this preamble for the sake of clarity.)

In a March 31, 1977 letter, the Acting Regional Administrator indicated to the Governor of Nebraska that the transcript of the public hearing at which Rule 7 (which downgraded the uses for the 35 water segments at issue herein) was adopted did not satisfy the requirements of 40 CFR 130.17(c)(3). The letter pointed out that the justification for downgrading had not been made on a case-by-case basis. In addition, to satisfy the requirements of 40 CFR 130.17(c)(3), pertinent data should have accompanied the public hearing transcript which would have demonstrated the unattainability of the previously designated beneficial uses and which formed the basis for the rule adopted by the Nebraska Environmental Control Council (hereinafter referred to as the "Council"). Thus, the Acting Regional Administrator disapproved Rule 7 of the revised Nebraska Water Quality Standards.

On September 9, 1977, EPA proposed an amendment to 40 CFR Part 120 that would designate the use of the 35 navigable waters at issue to be, in each case, full body contact recreation, partial body contact recreation and the protection of fish and wildlife (42 FR 45339) (see above note on terminology). To avoid the promulgation of the proposed rule by EPA, Nebraska would have to have met the requirements established by the Regional Administrator in his disapproval letter. That is, Nebraska would have to either designate the water uses to be as they were prior to the 1976 Nebraska amendments, or in the alternative, provide a sufficient justification on a case-by-case basis for the downgraded uses in accordance with 40 CFR 130.17(c)(3).

On September 16, 1977, the Council held a public meeting to consider the designated uses of these 35 navigable waters. Following that meeting the Council re-designated 12 of the water segments for full body contact recreation, partial body contact recreation, and the protection of fish and other aquatic life; and deleted 5 navigable waters from the disapproved section of the standards because of duplication with use designations in other parts of the standard. The Council submitted additional information to EPA in the way of justification for the downgraded uses for the remaining 18 navigable waters. The information submitted consisted principally of verbatim transcripts of the September 16, 1977 public meeting in which each water was discussed by the Council and brief summaries of the physical condition existing in each water segment.

PUBLIC COMMENT ON PROPOSED RULEMAKING

As noted in the September 9, 1977 proposed rulemaking, EPA invited public comment for a 45 day period. No public comments were received.

EPA'S DECISION ON THE NEBRASKA ENVIRONMENTAL CONTROL COUNCIL ACTION AND ACCOMPANYING JUSTIFICATIONS

For the twelve navigable waters that the Nebraska Environmental Control Council redesignated for full body contact recreation the Agency does not adopt that part of the proposal. These segments are:

1. Arnold SUA.
2. Blue Hole East SUA.
3. Bufflehead SUA.
4. Carter P. Johnson Lake.
5. Coots Shallows SUA.
6. Dead Timber SUA.
7. Stagecoach No. 9 SUA.
8. Union Pacific SWA.
9. Verdon SUA.
10. Walgren Lake SUA.
11. War Axe SWA.
12. Wilson Creek SUA.

Notes:

- (1) SUA is an abbreviation for Special Use Area.
- (2) SRA is an abbreviation for State Recreational Area.
- (3) SWA is an abbreviation for State Wayside Area.

Five navigable waters were identified by the Council as being duplicative of another section of the standards (Rule 6) and thereby being justifiably deleted from the disapproved portion of the standards. EPA approves of this action and therefore does not adopt that part of the proposal for these water segments. These water segments are:

1. Blue Bluff SUA.
2. Champion SRA.
3. Milburn Dam SUA.
4. Ponderosa SUA.
5. Pressy SUA.

For another seven navigable waters, EPA approved of the downgrading of the designated use from full body contact recreation to partial body contact recreation. EPA hereby does not adopt that part of the proposal for these navigable waters.

These waters are:

1. American Game Marsh SUA.
2. Ballards Marsh SUA.
3. Box Elder Canyon SUA.
4. Hansen Memorial Reserve SUA.
5. Sacramento-Wilcox Game Management Area SUA.
6. Teal No. 22A SUA.
7. Wood Duck SUA.

For eight of the remaining eleven navigable waters for which justifications were submitted, EPA has determined that the justifications were insufficient and therefore promulgates as proposed in 42 FR 45339, the designated uses for these waters of full body contact recreation, partial body contact recreation and for the protection of fish and wildlife. These are:

1. Bowman Lake SRA.
2. Crystal Lake SRA.
3. Diamond Lake SUA.
4. Memphis Lake SRA.
5. Pibel Lake SRA.
6. Plattsmouth SUA.
7. Ravenna SRA.
8. Victoria Spring SRA.

For the remaining 3 water segments, the Agency promulgates the designated uses of partial body contact recreation and the protection of fish and wildlife. The designated uses of these navigable waters were proposed so as to include full body contact recreation. For the reasons provided subsequently, the proposal for full body contact recreation is not adopted by EPA. The Agency herein promulgates the designated beneficial uses of partial body contact recreation and the protection of fish and wildlife. These waters are:

1. Pawnee Prairie SUA.
2. Yellowbanks SUA.
3. Limestone Bluffs SUA.

STATEMENT OF BASIS AND PURPOSE

The Agency's regulations governing the requirements for State water quality standards are codified as 40 CFR 130.17. Use downgradings are contained in subsection (c) of that section.

Paragraph (1) of subsection (c) requires a State to establish water quality standards which will achieve the water quality goals established in section 101(a)(2) of the Federal Water Pollution Control Act (FWPCA), wherever attainable. In judging attainability the States may consider environmental, technological, social, economic, and institutional factors.

Paragraph (2) requires the States to maintain those water uses which are currently being attained. Where the existing water quality will support designated uses requiring more stringent standards, States are required to upgrade their standards to reflect uses actually being attained.

Paragraph (3) specifically requires that as a minimum, " * * * the State shall maintain those water uses which are currently designated in water quality standards * * *." The State may designate less restrictive uses than those in the existing water quality standards, " * * * only where the State can demonstrate that:

"(i) The existing designated use is not attainable because of natural background;

"(ii) The existing designated use is not attainable because of irretrievable man-induced conditions; or

"(iii) Application of effluent limitations for existing sources more stringent than those required pursuant to section 301(b)(2) (A) and (B) of the Act * * * would result in substantial and wide-spread adverse economic and social impact."

In addition to subsection (c) of section 130.17, subsection (e) contains the Agency's requirements for a State's antidegradation policy. Within paragraph (2) of subsection (e) is the requirement that, " * * * no degradation shall be allowed in high quality waters which constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance * * *."

In interpreting the above cited regulations the Agency's position has been that 40 CFR 130.17(c)(3) does not allow actual degradation of water quality to occur. Where, at the time of promulgation of the regulations, the water quality in a segment would not support the then existing designated use(s), and the reason for the degraded condition was affirmatively demonstrated by the State to be within one or more of the three listed justifications, then a less restrictive use could be established. Thus, the degraded condition of water quality must have

occurred first and the changed use designation proposed as a consequence thereof but only for one or more of the reasons provided in the regulations.

Nebraska in its justifications has raised the issue of interpreting 40 CFR 130.17(c)(3)(i) to include a downgraded use designation predominantly on the basis of physical factors and not solely on the basis of water quality. The argument can be made that the term "natural background" in EPA's regulations would include such non-water quality factors as intermittent flow or presence of water, shallowness of the water, or excessive water velocity. Any of these factors may cause a local regulatory authority to prohibit swimming in fact even though the water quality per se would be satisfactory for total body contact recreation. The gravamen of the above stated argument therefore is that a water use designation in a water quality sense should bear a reasonable relationship to actual water use.

The Agency agrees with parts of this argument. However that argument must be placed in the proper context. It should be remembered that in the navigable waters at issue between the Agency and Nebraska, no point source discharges are involved. With only one exception, each area also constitutes a State-designated special use area, special recreational area, or State wayside area. Such designations connote suitability for recreation. Furthermore, the Agency is constrained by the goals of the FWPCA which are to achieve fishable and swimmable waters, wherever attainable. This Congressional directive is interpreted in the sense that the achievement of fishable and swimmable waters shall not be precluded because of the provision of insufficient waste treatment. The Agency believes that the fishable-swimmable goals were not meant by the Congress to be achieved in only small areas whose uses are specifically so-designated by State authorities. Rather it was intended that all waters achieve and maintain a quality to sustain fish and aquatic life and support full body contact recreation. However, the Agency realizes that some flexibility must exist to classify the uses of water based on factors other than solely water quality. The Agency therefore accepted the downgraded use designation where the State's justification demonstrated that full body contact recreation was not reasonably attainable because of either insufficient water depth or where the absence of water during the recreation season frequently occurred. However, the Agency does not expect that water quality will be degraded in these waters because of Nebraska's antidegradation policy and because of the absence of waste discharges into these

waters in the proximity of the use areas.

For the three navigable waters for which the State withdrew all designated water uses, the Agency promulgates the uses of partial body contact recreation and fish and wildlife protection. The Agency proposed to include the use of full body contact recreation for these waters in its September 9, 1977 proposed rulemaking. The Agency's judgment in these cases is based on the insufficiency of the State's justification to demonstrate that no beneficial use exists in these State-designated special use areas so as to justify the deletion of any designated use. The State's justification is premised on the intermittent occurrence of water in these areas. While such a justification has been accepted by EPA as partial support for the non-designation of these waters for full body contact recreation, it is insufficient to justify the non-designation of the areas for the uses of partial body contact recreation and the protection of fish and wildlife. These uses, which require less stringent water quality than full body contact recreation, can be exercised even when insufficient water depth for full body contact recreational use is present during the recreation season.

ECONOMIC IMPACT

EPA is not aware of any substantial economic impact associated with the promulgation of those water quality standards. There currently are no discharges subject to regulation under the National Pollutant Discharge Elimination System permit program to any of the water segments for which standards are promulgated herein. Therefore no additional capital or operating costs will accrue to point source waste discharges.

Furthermore, none of the information presented by the Nebraska Environmental Control Council provided any basis for estimating costs which might accrue from any best management practice that might be required to control non-point pollutional loads. EPA has concluded therefore that the preparation of an inflation impact statement is not required.

(Sec. 303(c) of the Federal Water Pollution Control Act, as amended, Pub. L. 92-500 (33 U.S.C. 1313(c)).)

Dated: May 30, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 120 Chapter I, Title 40 of the Code of Federal Regulations is amended by adding a new section 120.37 to read as follows:

Section 120.37 Nebraska.

(a) The water quality standards applicable to the surface waters of the State of Nebraska, adopted by the Nebraska Environmental Control Council

on May 14, 1976, with subsequent revisions adopted on September 10, 1976, and December 10, 1976, are amended as follows:

(1) The designated beneficial uses adopted in Rule 7 by the State of Nebraska on September 10, 1976, for the following navigable waters are amended, in each case, to be: full body contact, partial body contact, and fish and wildlife protective. The criteria necessary to support the designated beneficial uses for these water segments are those in Rule 2 and Rule 7 of the Nebraska Water Quality Standards:

- (i) Bowman Lake State Recreational Area.
- (ii) Crystal Lake State Recreational Area.
- (iii) Diamond Lake Special Use Area.
- (iv) Memphis Lake State Recreational Area.
- (v) Pibel Lake State Recreational Area.
- (vi) Plattsmouth Special Use Area.
- (vii) Ravenna State Recreational Area.
- (viii) Victoria Spring State Recreational Area.

(2) The designated uses deleted from Rule 7 by the State of Nebraska on September 10, 1976, for the following navigable waters are redesignated, in each case, to be: partial body contact and fish and wildlife protective. The criteria necessary to support the designated beneficial uses for these water segments are those in Rule 2 and Rule 7 of the Nebraska Water Quality Standards:

- (i) Pawnee Prairie Special Use Area.
- (ii) Yellowbanks Special Use Area.
- (iii) Limestone Bluffs Special Use Area.

[FR Doc. 78-15683 Filed 6-5-78; 8:45 am]

[8320-01]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-3—PROCUREMENT BY NEGOTIATION

PART 8-52—CONTRACT ADMINISTRATION

PART 8-74—SPECIAL PROCUREMENT CONTROLS

Miscellaneous Changes

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The proposed revisions are intended to require the contracting officer's title to appear on certain contract documents; to authorize spec-

ified contracting officers to negotiate certain contracts; to clarify the duration of a prescribed designation; and to update the name of a publication. The revisions will increase administrative and technical efficiency.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Chris A. Figg, Policy and Inter-agency Staff, Supply Service, Veterans Administration, Washington, D.C. 20420, 202-389-2334.

SUPPLEMENTARY INFORMATION:

Section 8-3.207 is revised in several respects. First, a requirement is added that the contracting officer's title will be referenced on contract documents and correspondence with the contractors. This requirement will allow the contractor or other interested parties to verify that the contracting officer has the necessary authority to negotiate contracts pursuant to this section. Secondly, the Chief, Marketing Division for Medical-Dental-Scientific Supplies is designated authority to negotiate contracts in excess of \$10,000. This designation is considered necessary for administrative efficiency and to bring the position to parity with the other VA Marketing Center Division Chiefs.

Finally, those contracting officers authorized to negotiate multiple award VA decentralized contract schedules are specified. Section 8-52.106 has been construed to require a separate designation for each inspection. This was not intended. Consequently, the section is revised to specify that the designation is to remain in effect unless revoked or pending the termination or reassignment of either the designator or the designee. Section 8-74.112-6 is revised to update the title of a Department of Commerce publication. "Guide to Federally Inspected Fishery Products" has been changed to "Approved List of Sanitarily Inspected Fish Establishments."

Since the proposed changes revise internal administrative procedures and make editorial modifications, compliance with the provisions of 38 CFR 1.12 relating to regulatory development is considered unnecessary.

Approved: May 26, 1978.

By direction of the Administrator,
RUFUS H. WILSON,
Deputy Administrator.

1. Section 8-3.207 is revised to read as follows:

§ 8-3.207 Medicines or medical supplies.

(a) (1) Except as provided in this § 8-3.207 or when specific prior approval has been granted by the Director, Supply Service, to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under

authority of FPR 1-3.207, when the estimated cost of the item(s) required, singly or collectively, is in excess of \$10,000 for a single transaction.

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8-3.207, that individual is authorized to consummate contracts in excess of \$10,000 in the same manner as the incumbent of the position. The contracting officer's title will be indicated on the contract documents and official correspondence with the contractor, and on the applicable determinations and findings. This will verify to the contractor that the contracting officer possesses the necessary contracting authority.

(b) Except as specified in paragraph (c) of this section, the following contracting officers are authorized to negotiate contracts in excess of \$10,000 for medicines or medical items:

- (1) Director, supply service.
- (2) Chief, procurement division.
- (3) Director, Veterans Administration marketing center.
- (4) Chief of each of the following marketing divisions:

- (i) Medical-dental scientific supplies;
- (ii) Medical equipment;
- (iii) Administrative medical supplies and equipment (limited to prosthetic appliances defined as wheelchairs, hearing aids and batteries, artificial limbs, canes, and stump socks);
- (iv) Drugs and chemicals;
- (v) Radiological and nuclear equipment and supplies.

(5) One senior contracting officer for each marketing division when so designated by the marketing division chief.

(c) The following contracting officers are authorized to negotiate multiple award Veterans Administration decentralized contract schedules in excess of \$10,000:

- (1) Director, supply service.
- (2) Chief, procurement division.
- (3) Director, Veterans Administration marketing center.

2. In § 8-52.106, paragraph (e) is revised to read as follows:

§ 8-52.106 Representatives of contracting officers; receipt of equipment, supplies, and nonpersonal services.

(e) The chief of each service and reclamation division may designate one or more employees of his/her division to represent him/her and authority is hereby delegated to such designees to perform the inspection functions set forth in paragraph (d) of this section. (Designations shall be in writing with a copy furnished to the Director, Veterans Administration Marketing Center, Hines, Ill. Designations will remain in effect unless revoked. The

reassignment or termination of either the designee or the chief, service and reclamation division, issuing the designation will serve as an automatic rescission of the designation.)

3. Section 8-52.108 is revised to read as follows:

§ 8-52.108 Contract provision.

Whenever it is considered necessary to authorize a representative under § 8-52.105(b) (i.e., research and development, in process manufacturing), the clause incorporated in § 8-7.150-10 will be observed.

4. In § 8-74.112-6, paragraph (b) is revised to read as follows:

§ 8-74.112-6 Frozen processed food products.

(b) All frozen processed food products procured, which contain fish or fish products, will be processed or prepared in plants operated under the supervision of the USDC (U.S. Department of Commerce). The products listed in USDC publication titled "Approved List of Sanitarily Inspected Fish Establishments" are processed in plants under Federal inspection of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The inspected products packed under various labels bearing the brand names are produced in accordance with current U.S. Grade Standards or official product specifications, packed under optimum hygienic conditions, and must meet Federal, State and city sanitation and health regulations. Such brand label or USDC seal, affixed to a container, indicating compliance with USDC regulations will be accepted as evidence of compliance. In lieu thereof, the shipment may be lot inspected by the USDC and containers stamped to indicate acceptance or a certification of inspection issued to accompany the shipment. The product must bear a label complying with the Federal Food, Drug, and Cosmetic Act which requires that all ingredients be listed according to the order of their predominance.

[FR Doc. 78-15615 Filed 6-5-78; 8:45 am]

[6820-24]

**CHAPTER 101—FEDERAL PROPERTY
MANAGEMENT REGULATIONS**

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-222]

**PART 101-26—PROCUREMENT
SOURCES AND PROGRAMS**

**PART 101-30—FEDERAL CATALOG
SYSTEM**

**Federal Supply Schedules and GSA
Supply Catalog**

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides changes in references to reflect deletion of Federal Supply Schedule information from the GSA Supply Catalog and issuance of the GSA publication entitled "Federal Supply Schedule Program Guide"; illustrates the May 1977 edition of GSA Form 2891, Instructions to Users of Federal Supply Schedules; and lists the titles of the five volumes of the new GSA Supply Catalog. This regulation is intended to provide updated information for users of Federal Supply Schedules and the GSA Supply Catalog.

EFFECTIVE DATE: June 6, 1978.

**FOR FURTHER INFORMATION
CONTACT:**

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

**PART 101-26—PROCUREMENT
SOURCES AND PROGRAMS**

The table of contents for Part 101-26 is amended to add the following section:

Sec.
101-26.4902-2891 GSA Form 2891, Instructions to Users of Federal Supply Schedules.

**Subpart 101-26.4—Purchase of Items
From Federal Supply Schedule Con-
tracts**

1. Section 101-26.401 is amended to revise paragraph (b) and delete paragraph (c) as follows:

§ 101-26.401 Applicability.

(b) The GSA publication entitled "Federal Supply Schedule Program Guide" is a comprehensive source of information on Federal Supply Schedules.

(c) [Deleted.]

2. Section 101-26.402-4 is revised as follows:

§ 101-26.402-4 Schedule identification.

The GSA publication entitled "Federal Supply Schedule Program Guide" includes a listing of schedules and information pertinent thereto with the distribution code number for each schedule and related catalog. Accordingly, agency offices should consult the latest edition of the "Federal Supply Schedule Program Guide" before submitting requests for schedules and catalogs as provided in § 101-26.402-3.

3. Section 101-26.402-5(b) is revised as follows:

§ 101-26.402-5 Contract provisions.

(b) Standard Form 32, General Provisions (Supply Contract) (illustrated at § 1-16.901-32), and GSA Form 1424, GSA Supplemental Provisions (illustrated at § 101-26.4902-1424), are incorporated by reference in Federal Supply Schedule contracts. GSA Form 2891, Instructions to Users of Federal Supply Schedules (illustrated at § 101-26.4902-2891), is incorporated by reference in Federal Supply Schedules and summarizes certain contract provisions and provides ordering information. Special provisions pertinent to a particular schedule and any necessary exceptions to the general provisions are printed in the schedule.

**Subpart 101-26.49—Illustrations of
Forms**

Section 101-26.4902-2891 is added as follows:

Sec.
101-26.4902-2891 GSA Form 2891, Instructions to Users of Federal Supply Schedules.

**Subpart 101-30.6—GSA Section of
the Federal Supply Catalog**

1. Section 101-30.603 is revised as follows:

§ 101-30.603 GSA Supply Catalog.

(a) The GSA Supply Catalog is an illustrated series of publications which serve as the primary source for identifying items and services available from GSA supply sources.

(b) The GSA Supply Catalog is organized by commodity and is composed of the following five volumes:

- (1) Furniture;
- (2) Industrial Products;
- (3) Office Products;
- (4) Tools; and
- (5) GSA Supply Catalog Guide.

(c) Changes to the GSA Supply Catalog are effected by periodical pub-

lications. The publications serve as the media for notifying agencies of additions, deletions, prices, and other pertinent changes.

(d) Special notices will be issued on a nonscheduled basis to inform agencies of program changes; general information; or additions, deletions, and other pertinent changes to the GSA Supply Catalog.

2. Section 101-30.604 is revised as follows:

§ 101-30.604 Availability.

Agencies that require current copies of and desire to be placed on distribution lists to receive Federal supply catalogs and related publications shall complete GSA Form 457, FSS Publications Mailing List Application (illustrated at § 101-26.4902-457), and forward the completed GSA Form 457 to General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225. Copies of GSA Form 457 may also be obtained from the above address. From time to time, Centralized Mailing Lists Services will request information from agency offices for use in maintaining up-to-date distribution lists.

NOTE.—The form illustrated in § 101-26.4902-2891 is filed as part of the original document and does not appear in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Dated: May 25, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-15543 Filed 6-5-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

**CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION**

[BC Docket No. 78-18; RM-2928]

**PART 73—RADIO BROADCAST
SERVICES**

Television Broadcast Station in Opelika, Ala.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first UHF television channel to Opelika, Ala. The channel assignment would provide for a station which could render a first local television service to the community.

EFFECTIVE DATE: July 11, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 26, 1978.

Released: May 31, 1978.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Opelika, Ala.) (BC Docket 78-18; RM-2928) Report and order (proceeding terminated).

1. The Commission has before it the Notice of Proposed Rule Making, adopted January 13, 1978, 43 FR 3402, in response to a petition filed by Wardian, Inc. ("petitioner"), requesting the assignment of television Channel 66 to Opelika, Ala. Supporting comments were filed by petitioner in which it reaffirmed its intention to file an application for the proposed channel, if assigned. No oppositions to the proposal were received.

2. Opelika (pop. 19,207) seat of Lee County (pop. 66,100),¹ is located in the central eastern part of Alabama, approximately 24 kilometers (15 miles) west of the border between Alabama and Georgia.

3. The Notice indicated that the proposed assignment meets the distance separation requirements and other technical criteria and could be assigned without affecting any existing assignments in the Table. In support of its proposal, petitioner submitted information with respect to Opelika and its need for a first television channel assignment.

4. In view of the foregoing, we conclude that it would be in the public interest to make the requested assignment so as to provide for a first local television service to Opelika.

5. Accordingly, *it is ordered*, That effective July 11, 1978, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with regard to the city listed below:

City and Channel No.

Opelika, Ala., 66.

6. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15624 Filed 6-5-78; 8:45 am]

¹Population figures are taken from the 1970 U.S. Census.

[6712-01]

[BC Docket No. 78-54; RM-2981]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Rexburg, Idaho; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a class A FM channel to Rexburg, Idaho, as that community's second FM assignment. The assigned channel will provide a third full-time commercial local aural broadcast service to Rexburg.

EFFECTIVE DATE: July 10, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Rexburg, Idaho) (BC Docket No. 78-54, RM-2981) Report and order (proceeding terminated).

Adopted: May 25, 1978.

Released: May 31, 1978.

By the Chief, Broadcast Bureau:

1. On February 10, 1978, the Commission adopted a Notice of Proposed Rule Making, 43 FR 7329, proposing the assignment of Channel 252A to Rexburg, Idaho, as its second Class A FM assignment. The petition was filed on behalf of Don Ellis ("petitioner"), licensee of full-time AM Station KRXX, Rexburg, Idaho. Petitioner filed supporting comments in which he reaffirmed his intention to promptly apply for a permit to build an FM station if the channel is assigned. No oppositions to the proposal were received.

2. Rexburg (pop. 8,272), seat of Madison County (pop. 13,452),¹ is located approximately 116 kilometers (72 miles) northeast of Pocatello, Idaho. Rexburg presently receives local service from full-time AM Station KRXX which is licensed to petitioner, and from Station KADQ (Channel 232A).

3. Petitioner states that although the 1970 U.S. Census lists the Rexburg population at 8,272, it is presently estimated at 9,200. He asserts that Ricks

¹Population figures are taken from the 1970 U.S. Census.

College, which is located in the community, has approximately 6,000 students in residence for more than eight months of the year. Petitioner claims that during the summer, retired couples occupy the student apartments with nearly 1,000 couples anticipated in 1978.

4. Preclusion would occur on Channels 249A, 252A, 253 and 254. Five communities,² with populations greater than 2,000, are located in the precluded areas. Of the five communities, two (Idaho Falls and Jackson) have an AM and FM station. One (St. Anthony) has an AM station and the remaining two communities (Shelby and Rigby) have no local aural broadcast service. Petitioner shows that alternate FM channels are available for assignment to the latter two communities in the precluded areas.

5. We have given careful consideration to the proposal in this proceeding and believe Channel 252A should be assigned to Rexburg, Idaho. Under our population criteria, Rexburg qualifies for a second FM assignment. A demand has been shown for its use, and it would provide Rexburg with an opportunity to develop a second local FM broadcast service.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. In view of the foregoing, *it is ordered*, That effective July 10, 1978, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments is amended as it pertains to the community listed below:

City and Channel No.: Rexburg, Idaho; 232A, 252A.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15625 Filed 6-5-78; 8:45 am]

[6712-01]

[BC Docket No. 78-19; RM-2953]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station in Savannah, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

²Idaho: St. Anthony (pop. 2,877), Shelby (2,614), Rigby (2,293), Idaho Falls (35,776) and Jackson (2,101).

ACTION: Report and order.

SUMMARY: Action taken herein assigns a fourth commercial television channel to Savannah, Ga. The proposed assignment would provide for a station which could render a first local independent (non-network) television program service to Savannah.

EFFECTIVE DATE: July 10, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Savannah, Ga.) (BC Docket No. 78-19, RM-2953) Report and order (proceeding terminated).

Adopted: May 25, 1978.

Released: May 31, 1978.

By the Chief, Broadcast Bureau:

1. The Commission herein considers the *Notice of Proposed rulemaking*, adopted January 13, 1978, 43 FR 3597, inviting comments on a petition filed by WALH, Inc. ("petitioner"), proposing the assignment of UHF television Channel 28 to Savannah, Georgia, for commercial use. The only comments received were from the petitioner in support of its proposal.

2. Savannah (pop. 118,349), in Chatham County (pop. 187,816),¹ is located in eastern Georgia where the Savannah River, the boundary between Georgia and South Carolina, flows into the Atlantic Ocean. Savannah has three commercial television stations (WSAV-TV, Channel 3; WTOG-TV, Channel 11; and WJCL, Channel 22). It also has assigned to it Channel *9, which is used by Station WVAN-TV, an educational station.

3. Petitioner states that Savannah has experienced strong economic growth since 1970. We are told that the most important factor in the Savannah area's economy is the city's port which is among the largest on the eastern coast of the United States. It has submitted statistics collected by the Savannah area Chamber of Commerce indicating that the volume of trade at the port has increased substantially in recent years and that port facilities are presently being expanded. Petitioner claims that its study of the area, its economy, and the television viewing patterns in the market indicate that an independent television station could become a viable economic entity within a short time after commencement of oper-

ation. It asserts that the proposed station would provide the Savannah area with its first such independent television program service in competition with the programming now provided by the three network affiliated stations in the market.

4. We believe the public interest would be served by assigning television Channel 28 to Savannah. The station on the proposed channel would provide the Savannah area with a fourth commercial television service and first non-network local service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, *it is ordered*, That effective July 10, 1978, the Television Table of Assignments (Section 73.606(b) of the Commission's Rules) is amended as follows for the community listed below:

City and Channel No.: Savannah, Ga.; 3, *9-, 11, 22, 28-

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15626 Filed 6-5-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 1 to Service Order No. 1285]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co., Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (amendment No. 1 to service order No. 1285).

SUMMARY: To facilitate highway reconstruction and to avoid the necessity of building a duplicate railroad bridge over an intersecting highway the Chicago & North Western and the Chicago, Milwaukee, St. Paul & Pacific RR. have agreed to joint use of the 1.35 miles of the latter company's line between Rothschild, Wisconsin, and Schofield, Wis. Service order No. 1285

authorizes the Chicago & North Western to operate over these line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Service order No. 1285 is printed in full in FEDERAL REGISTER, volume 42, at page 59278. Amendment No. 1 extends this order for an additional 6-month period.

DATES: Effective 11:59 p.m., May 31, 1978. Expires 11:59 p.m., November 30, 1978.

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:

The order is printed in full below.

Upon further consideration of service order No. 1285 (42 FR 59278), and good cause appearing therefor:

It is ordered,

§ 1033.1285 Chicago & North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

Service order No. 1285 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1978 unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as the 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 summary with the Director, Office of the Federal Register.

Decided May 30, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15549 Filed 6-5-78; 8:45 am]

¹Population figures are taken from the 1970 U.S. Census.

[7035-01]

[Second Revised Service Order No. 1309]

PART 1033—CAR SERVICE**Railroad Operating Regulations for Freight Car Movement**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (second revised service order No. 1309).

SUMMARY: Second revised service order No. 1309 requires railroads to place, remove, forward, clean, weigh, and give light repairs to certain cars within 24 hours. The order has been amended to apply to empty system cars except as to forwarding. Empty system cars for which there is no immediate need may be stored after any needed weighing, cleaning or light repairs have been completed.

DATES: Effective 12:01 a.m., June 1, 1978. Expires 11:59 p.m., July 31, 1978.

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: The order is printed in full below.

There are acute shortages of freight cars throughout the country resulting in failures of carriers to furnish an adequate supply of freight cars to shippers located on their lines. These shortages of freight cars are impeding both the domestic and export movements of agricultural, mineral, forest, and manufactured products, and other commodities. The existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds 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 30 days' notice.

It is ordered,

§ 1033.1309 Railroad operating regulations for freight car movement.

(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. 407, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1167-1169 under the headings: "Class 'X'—Box Car Type," "Class 'G'—Gondola Car Type," "Class 'H'—Hopper Car Type," "Class 'F'—Flat Car Type," and those special type cars described under the heading "Class 'L'—Special Car Type" which bear mechanical designations "LC"—Boxcar with roof hatches, "LO"—Covered Hopper Car, and "LU"—Boxcar with doors running substantially the length of the car, including cars bearing mechanical designations modified in the manner described in the various notes thereto.

(iii) *Exception:* Empty cars owned by The Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(iv) *Exception:* Empty cars of private ownership reported and awaiting instructions from the car owner, are exempt from the provisions of this order.

(v) *Exception:* To alleviate hardships or inequities, including, but not limited to those caused by extreme weather disruptions, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(vi) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public-delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(vii) Holidays shall be those listed in item 525 of Agent D. M. Rogers' Tariff 4-K, ICC H-74, General Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

(viii) *Definitions:* System cars are cars bearing the registered reporting marks of the railroad holding the cars.

*Revision. Order now applies to empty system cars.

Foreign cars are cars bearing the registered reporting marks of a railroad other than the one holding the car. Private cars are cars bearing the registered reporting marks of a company or person other than a railroad.

(2) *Placing of cars:* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays, following arrival at destination, or after arrival at the yard from which cars are dispatched for actual placement.

(ii) Empty foreign and private cars which after placement will be subject to demurrage, storage, or detention rules applicable to cars for loading, or which are subject to storage rules and charges applicable to assigned cars held empty awaiting placement for loading by the assignee, shall be actually placed or appropriate notice as required by applicable tariffs issued within 48 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(v) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars:* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty foreign or private cars not ordered for loading at point where

*Revision. Order now applies to empty system cars.

made empty must be forwarded or set aside to be cleaned, repaired, or weighed, if to be weighed at that point, within 24 hours following removal of empty cars. Empty system cars not required for loading may be held on carrier tracks at any point on the lines of the car owner, after completion of any light repairs, cleaning, or weighing that may be required. (See part (5) of this section.)

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipper instructions covering the cars. Such cars must be forwarded, weighed, if to be weighed at that point, or set aside for repairs within 24 hours following release and removal.

(iii) Cars subject to parts (i) and (ii) of this section, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(iv) Cars shall not be removed from point of unloading or from industrial interchange tracks, nor released from demurrage or detention status, until all bracing, blocking, dunnage, paper, residue of lading, debris, and other foreign matter directly related to the inbound load have been removed from the car in accordance with the requirements of rules 14 and 27 of the Uniform Freight Classification, ICC 8, issued by J. D. Sherson, supplements thereto, or reissues thereof.

Exception: Dunnage being returned to shipper under provisions of the applicable tariffs may be left in cars released as empty, provided that proper shipper instructions are received by the carrier prior to 5 p.m., of the first day, which is not a Saturday, Sunday, or holiday, immediately following release of the car.

**(4) Forwarding of cars:* (i) Loaded cars and empty foreign or private cars shall be forwarded within 24 hours, except cars described in parts (ii), (iii), or (iv) of this section, or cars described in part (ii) of section (2).

(ii) *Exception:* Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) *Exception:* Cars held for repairs, weighing, or cleaning. (See section (5).)

(iv) *Exception:* Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for repairs, weighing, or cleaning:* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays and holidays, after placement on repair or cleaning tracks; except

that when necessary to order material from car owner to make the repairs to foreign or private cars held awaiting such material, repairs shall be completed within 24 hours, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(iii) Cars which must be weighed shall be weighed and restencilled, if required, within 24 hours, exclusive of Sundays and holidays, after arrival at the point at which weighing is to be accomplished, or after request for weight is received, if weights are requested by shipper or by car owner.

(iv) Cars which have been repaired, cleaned or weighed shall become subject to Sections 2, 3, or 4, as applicable, from the date such repairs, cleaning, or weighing have been accomplished.

(6) *Movement of freight cars:* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(7) *Force majeure defence protected.* Nothing in this order shall deny any carrier its defence of force majeure as construed by the courts.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., June 1, 1978.

(d) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1 (10-17).)

A copy of this order 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 it with the Director, Office of the Federal Register.

Decided May 30, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15550 Filed 6-5-78; 8:45 am]

[7035-01]

[Service Order No. 1328]

PART 1033—CAR SERVICE

Regulations for Return of Trailers

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1328).

SUMMARY: Because of heavy seasonal demands there is a shortage of insulated-ventilated trailers for shipments of watermelons, potatoes and other perishable freight originating at stations on the Seaboard Coast Line Railroad in Florida for movement in trailer-on-flat-car service. Service Order No. 1328 requires the return to the Seaboard Coast Line of all such trailers owned or leased by that line or by its affiliates the Clinchfield, Georgia, and Louisville & Nashville Railroads.

DATES: Effective 12:01 a.m., June 1, 1978. Expires 11:59 p.m., June 30, 1978.

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: The Order is printed in full below. An acute shortage of insulated trailers equipped with ventilating devices exists on certain railroads in the southeast for transporting melons, potatoes, and other perishable products requiring protection from heat. Shippers are being deprived of the insulated and ventilated trailers required to transport such perishable freight, thus creating spoilage of produce and great economic loss. Many insulated, ventilated trailers, after being unloaded are being retained and appropriated for

other services which do not result in their return to the major origin areas for perishable freight. Present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of insulated, ventilated trailers are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds 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,

§ 1033.1328 Regulations for return of trailers.

(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) Remove from general distribution and deliver by rail, on flat cars, insulated trailers described in paragraph (i) herein to any of the following railroads:

Louisville & Nashville Railroad Co. (L&N).
Richmond, Fredericksburg & Potomac Railroad Co. (RFP).
Seaboard Coast Line Railroad Co. (SCL).

(i) Insulated trailers subject to this order are identified as follows:

Reporting Marks: RCLZ, RCRZ, RGRZ, RLNZ, RSBZ or RSCC 200417-200451, 700000-709999 and 786250-791024; and SBD, SBDZ or SCLZ 2002-2024, 30104-30901, and 702002-703150.

(2) Trailers described in part (1) of this section, located on railroads other than the L&N, RFP, or SCL, may be loaded with freight requiring protection from heat to any destination to which loading is authorized by Rule 2 of the Code of Trailer Service Rules, published on page 195 of the Official Intermodal Equipment Register, ICC-OIER No. 33, issued by W. J. Trezise, or reissues thereof; or, such trailers may be loaded with any type of freight to any station on the lines of the L&N, RFP, or SCL.

(3) Trailers described in part (1) of this section located on the L&N or RFP for which no suitable loading, as defined in part (4) of this section is available, shall be delivered empty, on cars, to the SCL.

(4) Trailers described in part (1) of this section, located on the L&N, RFP, or SCL, may be used only for transporting traffic requiring protection from heat.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may

be authorized by the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded trailer, described in this order contrary to the provisions of the directive.

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

(e) *Effective date.* This order shall become effective 12:01 a.m., June 1, 1978.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

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

Decided May 31, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15551 Filed 6-5-78; 8:45 am]

[7035-01]

[Amtd. No. 1 to Service Order No. 1310]

PART 1033—CAR SERVICE

Certain Railroads Authorized to Transport Multiple-Car Grain Shipments of 270 Net Tons

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1310).

SUMMARY: Because of a severe shortage of jumbo covered hopper cars, eleven midwestern railroads are unable to supply at one time sufficient such cars to enable shippers to fulfill minimum weight requirements of 1,000 net tons of grain or soybeans re-shipped from storage-in-transit points. Service Order No. 1310 authorizes re-shipment from these points subject to minimum weight of 270 tons requiring the use at one time of only three cars. Amendment No. 1 to Service Order

No. 1310 extends this order for an additional period of one month. Service Order No. 1310 is printed in full at 43 FR 13063, March 29, 1978.

DATES: Effective 11:59 p.m., May 31, 1978. Expires 11:59 p.m., June 30, 1978.

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:

The order is printed in full below. Upon further consideration of Service Order No. 1310 (43 FR 13063), and good cause appearing therefor:

It is ordered, Revised Service Order No. 1310 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1310 Certain railroads authorized to transport multiple-car grain shipments of 270 net tons.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978

(49 U.S.C. 1(10-17).)

A copy of 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 summary with the Director, Office of the Federal Register.

Decided May 31, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15552 Filed 6-5-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Service Order No. 1288]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at De Kalb, Ill.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1288).

SUMMARY: The line of the Chicago, Milwaukee, St. Paul and Pacific Railroad (MILW) serving De Kalb, Ill., is unserviceable because of deteriorated track, leaving numerous shippers served by this railroad at De Kalb without essential railroad service. Service Order No. 1288 authorizes the Chicago and North Western Transportation Co. (CNW) to operate over tracks of the MILW in De Kalb for the purpose of providing continued rail service to those shippers. Amendment No. 1 extends this order for an additional six-month period. Service Order No. 1288 is printed in full in volume 42 of the FEDERAL REGISTER at page 62925.

DATES: Effective 11:59 p.m., May 31, 1978; expires 11:59 p.m., November 30, 1978.

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: The Order is printed in full below.

Upon further consideration of Service Order No. 1288 (42 FR 62925), and good cause appearing therefor:

It is ordered, Service Order No. 1288 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1288 Chicago and North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at De Kalb, Ill.

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

November 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978.

(49 U.S.C. 1(10-17).)

A copy of 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 summary with the Director, Office of the Federal Register.

Decided: May 31, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15553 Filed 6-5-78; 8:45 am]

[7035-01]

[Amdt. No 1 to Revised Service Order No. 1315]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Revised Service Order No. 1315).

SUMMARY: 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. The order is printed in full in the FEDERAL REGISTER dated May 3, 1978, at page 19050. Amendment No. 1 extends this order

for an additional period of two months.

DATES: Effective 6:59 a.m., June 1, 1978; expires 6:59 a.m., August 1, 1978.

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: The Order is printed in full below.

Upon further consideration of revised Service Order No. 1315 (43 FR 19050), and good cause appearing therefor:

It is ordered, Revised Service Order No. 1315 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1315 Demurrage and free time on freight cars.

(e) *Expiration date.* The provisions of this order shall expire at 6:59 a.m., August 1, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., June 1, 1978.

(49 U.S.C. 1(10-17).)

A copy of 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 it with the Director, Office of the Federal Register.

Decided: May 26, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15554 Filed 6-5-78; 8:45 am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1062]

[Docket No. AO-10-A53]

MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

Hearing on Proposed Amendments to
Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing
Service, USDA.

ACTION: Public hearing on proposed
rulemaking.

SUMMARY: This hearing is being held to consider changes in the order that have been proposed by a milk distributor and a dairy farmer cooperative. The proposals would modify the performance requirements for pool plants, tie the funding rate for the advertising and promotion program to the level of producers' pay prices, revise the diversion limitations on producer milk, change the pricing points on milk diverted to certain nonpool plants, and increase the maximum allowable rate for administrative expense assessments. Proponents contend that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: June 21, 1978.

ADDRESS: Holiday Inn (St. Louis-West), I-270 at St. Charles Rock Road, Bridgeton, Mo. 63044.

FOR FURTHER INFORMATION
CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4831.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Holiday Inn (St. Louis-West), I-270 at St. Charles Rock Road, Bridgeton, Mo., beginning at 9:30 a.m. on June 21, 1978, with respect to 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 is called pursuant to the provisions of the Agricultural Mar-

keting Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY MID-AMERICA DAIRYMEN,
INC.

PROPOSAL NO. 1

Revise §1062.7(a)(1) by adding the following proviso at the end of the paragraph:

Provided, that if a distributing plant qualifies for pooling under this and one or more other orders, and it was a pool plant under this order in each of the past 12 months, it shall continue to be pooled under this order unless it has had over 50 percent of its route disposition of fluid milk products in another order for three consecutive months.

PROPOSAL NO. 2

Modify the funding rate for the advertising and promotion program by changing the current 5-cent funding rate to a rate determined yearly by multiplying the average of the "weighted average prices" for the last quarter of the calendar year by .75 percent. The specific order changes to accomplish this are described below.

(1) In §1062.61, delete paragraph (d) and revise paragraphs (f) and (g) as follows:

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

(f)(1) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price."

(2) Subtract from the total resulting after paragraph (c) of this section, an amount calculated by multiplying the total hundredweight of producer milk by the rate determined in §1062.121(e).

(3) Divide the remaining amount by the total hundredweight of producer milk and the total hundredweight for

which a value is computed pursuant to §1062.60(f) and (g). The result shall be the "uniform price" for milk received from producers except for the months specified below.

(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 (c) and (f)(2) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price.

(2) In §§1062.71(a)(2)(ii) and 1062.75(b), delete the words "plus 5 cents."

(3) In §1062.121 revise paragraphs (b)(2) and (b)(3) and add two new paragraphs (e) and (f) to read as follows:

§1062.121 Duties of the market administrator.

(b)***

(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 withholding rate in effect during the period in question on the volume of milk pooled by any such producer for which deductions were made pursuant to §1062.61(f)(2).

(3) After the end of each calendar quarter, make a refund to each producer who had made application for such refund pursuant to §1061.120. Such refund shall be computed at the same rate as the deduction computed per §1062.121(e) on each hundredweight of such producer's milk pooled for which deductions were made pursuant to §1062.61(f)(2) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

(e) Compute the rate of withholding each January by multiplying the simple average "weighted average price" of the last quarter of the preceding calendar year by 0.75 percent. This rate, rounded to the nearest whole cent, will become effective on

April 1 and will remain in effect for the following year when the above procedure shall be repeated.

(f) Notify all producers currently on the market, plus any new producers that may enter the market, of the withholding rate. This notification must be repeated yearly when the rate is calculated.

PROPOSED BY KRAFT, INC.

PROPOSAL NO. 3

Amend §1062.7(b) by:

(i) Adding a subparagraph (b)(1), as follows:

• • • • •
(b)(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to Section 1062.9(c):

• • • • •
(ii) Adding a subparagraph (b)(2), as follows:

• • • • •
(b)(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to Section 1062.13(a)(2) to pool distributing plants:

PROPOSAL NO. 4

Amend §1062.13 by striking the present language therein and replacing it with the following:

§1062.13 Producer milk.

"Producer milk" means milk produced by producers which is received and accounted for as follows:

(a) By the operator of a pool plant (including a cooperative association) with respect to milk:

(1) Received at the pool plant from producers or from a handler described in §1062.9(c); and

(2) Diverted by the operator of the pool plant, subject to the conditions of paragraph (c) of this section;

(b) By a cooperative association with respect to milk:

(1) Which it received from producers as a handler described in §1062.9(b), subject to the conditions of paragraph (c) of this section; and

(2) Which it received from producers as a handler described in §1062.9(c) and which:

(i) Is delivered to a pool plant of another handler; or

(ii) Is not so delivered and constitutes shrinkage pursuant to §1062.41(c) or Class I shrinkage; and

(c) Diverted from the pool plant of a proprietary handler 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 of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant;

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

(3) The operator of a pool plant (other than a cooperative association) may divert for his account any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(2) of this section. The total quantity so diverted during the month may not exceed 50 percent in the months of September through February, of the milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator;

(4) Any milk diverted 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) (i) For pricing purposes, milk diverted pursuant to paragraph (c)(2) of this section to a plant located more than 120 miles from the city hall in St. Louis or the city hall in Springfield, Mo., whichever is nearer (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), or milk diverted pursuant to paragraph (c)(1) of this section shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

(ii) For pricing purposes, milk diverted pursuant to paragraph (c) (2) or (3) of this section to a plant located 120 miles or less from the city hall in St. Louis or the city hall in Springfield, Mo., whichever is nearer (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be deemed to be received at the location of the plant from which diverted.

Provided, that milk diverted to a nonpool plant located within the mar-

keting area will be priced at the Zone price for the Zone in which such plant is located, and that milk diverted to a nonpool plant located within Carroll County, Ark., will be priced at the location of said plant under section 75."

PROPOSAL NO. 5

Amend §1062.52 by redesignating paragraph (e) as (f), paragraph (f) as (g), and paragraph (g) as (h), and by adding a new paragraph (e) as follows:

• • • • •
(e) In Carroll county, Ark., shall be the Zone III price.

PROPOSAL NO. 6

Amend the resulting paragraph (f) by replacing the present phrase "outside the marketing area" with the phrase "outside the marketing area and outside Carroll County, Ark."

PROPOSAL NO. 7

Amend the present §1062.52(g) by replacing the phrase therein, "(a) through (e)," with the phrase "(a) through (f)."

PROPOSAL NO. 8

Amend §1062.75(a) by striking the present words "and (e)" and replacing with the words "(e) and (f)."

Amend §1062.75(b) by replacing the present phrase "Section 1062.52 (b), (c), and (e)," with the phrase "Section 1062.52 (b), (c), (e), and (f)."

PROPOSED BY THE DAIRY DIVISION,
AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 9

Increase the maximum assessment for order administration contained in §1062.85 from 2½ cents per hundredweight to 4 cents per hundredweight.

PROPOSAL NO. 10

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 1485, Maryland Heights, MO. 63043 or from the Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural
Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing
Service (Washington office only).
Office of the Market Administrator, St.
Louis-Ozarks Marketing Area.

Procedural matters are not subject
to the above prohibition and may be
discussed at any time.

Signed at Washington, D.C., on May
31, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.
[FR Doc. 78-15674 Filed 6-5-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 371]

[Docket No. 32242]

Oral Argument

MAY 24, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Oral Argument.

SUMMARY: On March 17, 1978, the Board issued a Notice (EDR-348, SPDR-64, 43 FR 11215) proposing to replace most of the existing charter forms with a simplified form known as a "Public Charter." Comments were requested by April 26, 1978, with replying comments due May 16, 1978. Because of the scope of the proposed changes and their importance to the air transportation industry, the Board decided to hold an oral argument on the issues set forth in that proposal.

DATES: Oral argument is tentatively scheduled for June 30, 1978. A final notice will be issued at least 14 days before the argument.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Civil Aeronautics Board, Office of the General Counsel, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5444.

SUPPLEMENTARY INFORMATION: The argument will be structured to facilitate give and take among the participants, and between participants and Board Members. Participants will be organized into panels, so that after presentation of brief opening statements they will be conveniently situated to ask and answer questions.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15529 Filed 6-5-78; 8:45 am]

[4110-07]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 410]

[Regulations No. 10]

FEDERAL COAL MINE HEALTH AND SAFETY
ACT OF 1969, TITLE IV, BLACK LUNG BENEFITS

Review of Denied and Pending Claims Under
the Black Lung Benefits Reform of Act 1977

AGENCY: Social Security Administration, HEW.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements recent legislation which (1) broadens the definitions of "miner" and "pneumoconiosis" for purposes of establishing entitlement to black lung benefits, (2) modifies the evidentiary requirements necessary to establish entitlement to Black Lung benefits, (3) requires that each claimant whose claim has been denied or is pending at the time of enactment be given the opportunity to have the claim reviewed under the revised evidentiary requirements; and (4) makes certain other substantive changes in the Federal Coal Mine Health and Safety Act of 1969, as amended. These rules explain the revised statutory and evidentiary provisions of the law and the role of the Social Security Administration (SSA) in the review of the denied and pending Part B claims.

DATES: Comments must be received on or before July 6, 1978.

ADDRESSES: Send comments to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203. Copies of all comments received in response to these regulations will be available for public inspection during regular business hours at the Washington Inquires Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Philip Berge, Legal Assistant, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7452.

SUPPLEMENTARY INFORMATION: The Black Lung Benefits Reform Act (BLBRA) of 1977 (1) broadens the definition of "miner" and "pneumoconiosis" for purposes of establishing entitlement to black lung benefits, (2) modifies the standards used to determine whether a miner is or was totally disabled due to pneumoconiosis or

whether the miner's death was due to pneumoconiosis, (3) requires that each claimant whose claim has been denied or is pending be given the opportunity to have the claim reviewed under the revised statutory and evidentiary requirements; and (4) makes certain other substantive changes in the Federal Coal Mine Health and Safety Act of 1969, as amended. The Department of Health, Education, and Welfare, Social Security Administration, and the Department of Labor (DOL), Office of Workers' Compensation Programs (OWCP) are responsible for the review of pending and denied claims under the new law. The Social Security Administration may consider only the evidence on file as of March 1, 1978. Evidence on file is evidence actually in the black lung claims file and includes the individual's earnings record. The OWCP may accept the evidence in the claims file, and any additional evidence if the evidence on file is not sufficient for approval of the claim.

The Social Security Administration will notify each claimant, whose Part B claim has been denied by or is pending in SSA or the courts that upon request the claim will be reviewed under the new law, but only at the request of the claimant. The claimant will be given the opportunity to select either SSA or OWCP to review the claim. If entitlement to benefits can be established under the new law, benefits may be paid back to January 1, 1974.

Part B claims pending before the Social Security Administration or the courts will continue to be processed under the old law at the same time that the claims are being reviewed by the Social Security Administration, at the claimant's request, under the BLBRA of 1977. Claimants would then have two separate and independent claims pending for benefits. Where claims for benefits are reviewed, upon request, under the BLBRA of 1977 and are approved as establishing entitlement to benefits under the new law, benefits may be paid back to January 1, 1974.

Where pending Part B claims continue to be processed under the old law, and it is determined that the claimant is entitled to black lung benefits under the old law, then benefits may be paid for periods prior to January 1, 1974. Election by claimants to have their pending claims reviewed by the Social Security Administration under the BLBRA of 1977 for payment of benefits back to January 1, 1974, will not affect the processing of their pending Part B claims under the old law for payment of benefits prior to January 1, 1974.

Claimants selecting review by SSA will be notified by SSA of the initial decision. If SSA can approve the claim, the claim will be forwarded to

OWCP. The OWCP will be responsible for assigning liability for payment of benefits. If the claimant disagrees with any part of SSA's initial decision of approval and wishes to have it reviewed, the claimant must request review by OWCP. If SSA cannot approve the claim, the claim will automatically be forwarded to OWCP. OWCP will review the claim, and will provide opportunity for the claimant to submit additional evidence if the evidence is insufficient to approve the claim.

The proposed regulations:

1. Explain the role and procedure of the SSA in the claims review process.

2. Provide that the claimant will have six months from the date of notification to exercise the option for review unless good reason can be established for not responding within this time period.

3. Redefine the term "miner" to include self-employed miners and certain persons engaged in the processing and transportation of coal and in coal mine construction.

4. Redefine pneumoconiosis to include its sequelae, including pulmonary and respiratory impairments.

5. Prohibit the rereading of an X-ray submitted by the claimant provided such X-ray was taken by a radiologist or qualified technician and interpreted by a board certified or board eligible radiologist, and there is other evidence of a pulmonary or respiratory impairment unless there is evidence of fraud or the X-ray is not of good enough quality to demonstrate the presence of pneumoconiosis.

6. Provide that autopsy reports shall be accepted for the purpose of determining pneumoconiosis unless there is evidence of fraud or inaccuracy in the report.

7. Provide that, in the case of a deceased miner where there is no medical or other relevant evidence, affidavits will suffice to establish total disability or death due to pneumoconiosis.

8. Provide that coal mine employment at the time of death of a deceased miner shall not be used as conclusive evidence that the miner was not totally disabled.

9. Provide that if the work conditions of a living miner indicate a reduced ability to do the miner's usual work, his or her coal mine employment shall not be used as conclusive evidence that the miner is not totally disabled.

10. Provide that no miner who is engaged in coal mine employment (except those with complicated pneumoconiosis) shall be entitled to any benefits while so employed. Any miner who has been determined to be eligible for benefits because of a claim filed while such miner was engaged in coal mine employment shall be entitled to

such benefits if his or her employment terminates within one year after the date the determination becomes final.

11. Provide that State workmen's compensation payments will be cause for reducing a miner's black lung benefits only where the State payments are payable based on pneumoconiosis.

12. Provide that survivors of miners who died on or before March 1, 1978, can receive benefits if the miner had 25 years or more of employment in a coal mine prior to June 30, 1971, unless it can be proved that the miner was not partially or totally disabled due to pneumoconiosis at the time of death.

13. Provide that the Social Security Act (title II) procedures for permitting survivors to negotiate jointly payable checks may be used in the Black Lung Benefits program.

14. Provide penalties for fraud.

15. Provide that Part B claims pending before SSA or the courts may continue to be processed under the old law for payment of benefits prior to January 1, 1974, at the same time the claims are being reviewed by SSA, at the claimant's request, under the BLBRA of 1977 for payment of benefits back to January 1, 1974.

16. Provide that all previously denied and pending Part B claims reviewed by SSA become the responsibility of the DOL for purposes of appealing SSA's determination.

17. Provide that SSA will notify miners entitled to benefits under Part B of title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, of their potential eligibility to medical services and supplies under Part C of title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended.

The DOL will also be issuing final regulations implementing the Black Lung Benefits Reform Act of 1977. The DOL issued a Notice of Proposed Rule Making at 43 FR 17722-17773, April 25, 1978. Claimants who have Part B claims which are pending or have been denied and who request review of these claims under the BLBRA of 1977 may need to refer to both SSA and DOL regulations. For their convenience, final SSA regulations will refer, whenever possible, to the specific DOL regulations which may have some bearing on the reviewed Part B claims. However, it is not possible to refer to specific sections of the DOL regulations at this time.

The Federal Coal Mine Health and Safety Act of 1969, as amended, requires that final regulations be published in the FEDERAL REGISTER by the end of the fourth month following the date of enactment of the amendments. The BLBRA of 1977 was enacted on March 1, 1978. Accordingly, final regulations must be published by July 31,

1978. In order to comply with this requirement of the law, we are requesting that comments on this Notice of Proposed Rule Making be submitted on or before July 6, 1978.

AUTHORITY: The proposed amendments are to be issued under the authority of section 411, 83 Stat. 793, and 30 U.S.C. 902.

(Catalog of Federal Domestic Assistance Program No. 13.806—Special Benefits for Disabled Coal Miners.)

NOTE.—The Social Security Administration 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: May 5, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Approved: May 26, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education,
and Welfare.

Part 410 of Chapter III of title 20 is amended as follows:

1. Section 410.505 is revised to read as follows:

§ 410.505 Payees.

(a) *General.* Benefits may be paid as appropriate, to a beneficiary (see § 410.110(r)), to a qualified dependent (see § 410.511), or to a representative payee on behalf of a beneficiary or dependent (see § 410.581ff). Also where an amount is payable under Part B of title IV of the Act for any month to two or more individuals who are members of the same family, the Social Security Administration may, in its discretion, certify to any two or more of such individuals joint payment of the total benefits payable to them for such month.

(b) *Joint payee dies before cashing check.* Where a check has been issued for joint payment to an individual and spouse residing in the same household and one of them dies before the check is cashed, the Social Security Administration may give the survivor permission to cash the check. The permission is carried out by stamping the face of the check. An official of the Social Security Administration or the Treasury Disbursing Office must sign and name the survivor as the payee of the check (see 31 CFR 360.8). Where the uncashed check is for benefits for a month after the month of death, authority to cash the check will not be given to the surviving payee unless the funds are needed to meet the ordinary and necessary living expenses of the surviving payee.

(c) *Adjustment or recovery of overpayment.* Where a check representing payment of benefits to an individual and spouse residing in the same household is negotiated by the surviving

payee in accordance with the authorization in paragraph (b) of this section and where the amount of the check exceeds the amount to which the surviving payee is entitled, appropriate adjustment or recovery with respect to such excess amount shall be made in accordance with section 204(a) of the Act (see Subpart F of part 404).

2. In § 410.515 paragraph (a)(3) is revised to read as follows:

§ 410.515 Modification of benefit amounts. General.

(a) * * * (3) The receipt by a beneficiary of payments made because of the disability of the miner due to pneumoconiosis under State laws relating to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance (see § 410.520).

3. In § 410.520 paragraph (a) is revised to read as follows:

§ 410.520 Reductions; receipt of State benefit.

(a) As used in this section, the term "State benefit" means a payment to a beneficiary made because of the disability of the miner due to pneumoconiosis under State laws relating to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance.

4. A new § 410.591 is added to read as follows:

§ 410.591 Eligibility for services and supplies under Part C of title IV of the Act.

The Social Security Administration will notify each miner entitled to benefits on the basis of a claim filed under Part B of title IV of the Act of his or her possible eligibility for medical services and supplies under Part C of title IV of the Act. The DOL regulations covering the time period in which the miner must file with DOL for these benefits are published at — FR — date.

5. A new section, 410.699a is added to read follows:

§ 410.699a Penalties for fraud.

The penalty for any person found guilty of willfully making any false or misleading statement or representation for the purpose of obtaining any benefit or statement or payment under this Part shall be:

- (1) A fine of up to \$1,000, or
- (2) Imprisonment for not more than 1 year, or

(3) Both (1) and (2).

6. Subpart G is added to read as follows:

Subpart G—Rules for the Review of Denied and Pending Claims Under the Black Lung Benefits Reform Act (BLBRA) of 1977

Sec.

410.700 Background.

410.701 Jurisdiction for determining entitlement under Part B.

410.702 Definitions and terms.

410.703 Adjudicatory rules for determining entitlement to benefits.

410.704 Review procedures.

410.705 Duplicate claims.

410.706 Effect of SSA determination of entitlement.

410.707 Hearings and appeals.

AUTHORITY: (Sec. 411, Stat. 793, and 30 U.S.C. 902).

Subpart G—Rules for the Review of Denied and Pending Claims Under the Black Lung Reform Act (BLBRA) of 1977

§ 410.700 Background.

(a) The Black Lung Benefits Reform Act of 1977 broadens the definitions of "miner" and "pneumoconiosis" and modifies the evidentiary requirements necessary to establish entitlement to black lung benefits. Section 435 of the Black Lung Benefits Reform Act of 1977 requires that each claimant whose claim has been denied or is pending be given the opportunity to have the claim reviewed under this Act. The purpose of this Subpart G is to explain the changes and the procedures, and rules which are applicable with regard to the Social Security Administration's review of Part B claims in light of the BLBRA of 1977.

(b) Two government agencies are responsible for the review of claims. The Department of Health, Education and Welfare, Social Security Administration, upon the request of the claimant, is responsible for the review of claims filed with the Social Security Administration under Part B of title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, except those claims filed under section 415 of the Act. The Department of Labor, Office of Workers' Compensation Programs is responsible for the review of the following claims:

(1) Claims filed under Part C of title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended;

(2) Part B claims filed under section 415 of the Act; and

(3) Those Part B claims for which the claimant elects review by DOL. The Department of Labor regulations explaining the review procedures for these claims are published at — FR — date.

§ 410.701 Jurisdiction for determining entitlement under Part B.

In order for the Social Security Administration to approve a claim under

this Subpart G, the evidence on file must show, in a living miner's claim, that the miner was totally disabled due to pneumoconiosis prior to July 1, 1973, and in a survivor's claim, that the deceased miner was either totally disabled due to pneumoconiosis at the time of death, or that death was due to pneumoconiosis, and that death occurred prior to January 1, 1974.

§ 410.702 Definitions and terms.

The following definitions shall apply with regard to review under this Subpart G.

(a) "*Denied Claim*" defined. Denied claim means: (1) Any claim that was filed with the Social Security Administration under Part B of title IV of the Act; and

(2) Entitlement to benefits was not established; and

(3) The time limit for any further appeal has expired.

(b) "*Pending Claim*" defined. Pending claim means: (1) Any claim that was filed with the Social Security Administration under Part B of title IV of the Act; and

(2) Entitlement to benefits has not been established; and

(3) The time limit for any appeal has not expired or action is still pending on an appeal which was requested timely, or on which an extension of time to request appeal has been granted.

(c) "*Withdrawn Claim*" defined. Withdrawn claim means: Any claim that was filed with the Social Security Administration under Part B of title IV of the Act which has been previously withdrawn at the request of the claimant. This claim shall not be considered a pending or denied claim.

(d) "*Pneumoconiosis*" defined. In addition to the definition of pneumoconiosis contained in §§ 410.110(o) and 410.401(b), pneumoconiosis means a chronic dust disease of the lung and its sequelae, including respiratory and pulmonary impairments, arising out of coal mine employment.

(e) "*Evidence on File*" defined. Evidence on file is evidence in the black lung claims file as of March 1, 1978, and includes the individual's earnings record.

(f) "*Determining total disability—the working miner*". A miner shall be considered totally disabled when pneumoconiosis prevents the miner from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he or she previously engaged with some regularity and over a substantial period of time.

(1) In the case of a living miner if there are changed circumstances of employment indicative of reduced ability to perform the miner's usual coal mine work, such miner's employment in a mine shall not be used as conclu-

sive evidence that the miner is not totally disabled.

(2) A deceased miner's employment in a mine at the time of death shall not be used as conclusive evidence that the miner was not totally disabled.

(3) Any miner not totally disabled by complicated pneumoconiosis who has been determined to be eligible for benefits as a result of a claim filed while the miner is engaged in coal mine employment shall be entitled to such benefits if his or her employment terminates within one year after the date the determination becomes final.

(g) *Survivor entitlement for deceased miner—25 years or more coal mine employment.* If a miner died on or before March 1, 1978, and had worked for 25 years or more in one or more coal mines before June 30, 1971, the eligible survivors of the miner shall be entitled to the payment of benefits at the same rate as that under section 412(a)(2) of the Act, unless it is established that at the time of the miner's death the miner was not partially or totally disabled due to pneumoconiosis.

(h) *"Miner" defined.* A miner is any person who works or has worked in or around coal mine or coal preparation facility in the extraction, preparation or transportation of coal, and any person who works or has worked in coal mine construction or maintenance in or around a coal mine or coal preparation facility. A coal mine construction or transportation worker shall be considered a miner to the extent such individual is or was exposed to coal just as a result of his or her employment in or around a coal mine or preparation facility. In the case of an individual employed in coal transportation or coal mine construction, there shall be a rebuttable presumption that such individual was exposed to coal dust during all periods of such employment occurring in or around a coal mine or coal preparation facility for purposes of determining whether such individual is or was a miner. The presumption may be rebutted by evidence which demonstrates that the individual was not regularly exposed to coal dust during his or her employment in or around a coal mine or preparation facility or that the individual was not regularly employed in or around a coal mine or coal preparation facility. An individual employed by a coal mine operator, regardless of the nature of such individual's employment, shall be considered a miner unless such individual was not employed in or around a coal mine or coal preparation facility. A person who is or was a self-employed miner, independent contractor, or coal mine worker, as described in this paragraph, shall be considered a miner for the purposes of this subpart.

(i) *X-ray rereading prohibition.* Where there is other evidence, such as

the kind in § 410.414(c), that a miner has a pulmonary or respiratory impairment, a board certified or board eligible radiologist's interpretation of a chest X-ray taken by a radiologist or qualified technician will be accepted if: (1) it is of a quality sufficient to demonstrate the presence of pneumoconiosis (2) it was submitted in support of a claim unless it is established that the claim has been fraudulently represented.

(j) *Acceptance of autopsy reports.* Unless there is reason to believe that an autopsy report is not accurate, or that the condition of the miner is being fraudulently misrepresented, an autopsy report concerning the presence of pneumoconiosis and the stage of advancement of the disease will be accepted if it is already on file.

(k) *Acceptance of affidavits—miner deceased.* Where there is no medical evidence or other relevant evidence (see § 410.454) to establish total disability or death due to pneumoconiosis of a deceased miner, affidavits from the spouse and other individuals having knowledge of the deceased miner's physical condition will be sufficient to establish total disability or death due to pneumoconiosis if they are already on file.

§ 410.703 Adjudicatory rules for determining entitlement to benefits.

(a) *General.* Section 402(f)(2) of the Act provides that the criteria and standards to be applied to a claim reviewed under Section 435 of the Act, for determining whether a miner is or was totally disabled due to pneumoconiosis or died due to pneumoconiosis, shall be no more restrictive than the criteria applicable to a claim filed with the Social Security Administration on or before June 30, 1973, under Part B of Title IV of the Act. In keeping with this provision, the interim evidentiary rules and disability criteria contained in § 410.490 will be applicable for this review.

(b) *Payment provisions.* The DOL has sole responsibility for assigning liability for payment purposes. The DOL regulations relating to the amount of benefits payable, the manner of payment and all other provisions published at FR date, shall be applicable to a claim approved under this subpart.

(c) *Date from which benefits are payable.* Benefits for claims reviewed under this Subpart G for which entitlement to benefits is established under the BLBRA of 1977 are payable on a retroactive basis for a period which begins no earlier than January 1, 1974.

§ 410.704 Review procedures.

(a) *Notification.* Each claimant who has filed a claim for benefits under Part B of title IV of the Act, and

whose claim is either pending before the Social Security Administration or the courts or has been denied on or before March 1, 1978, will be mailed a notice advising that, upon the request of the claimant, the claim shall be:

(1) Reviewed by the DHEW, the Social Security Administration or DOL, Office of Workers' Compensation Programs to see whether entitlement to benefits may be established under the BLBRA of 1977; and

(2) If review by the Social Security Administration is requested, the review will be made on the basis of the evidence on file as of March 1, 1978; and

(3) If review by the Office of Workers' Compensation Programs is requested, the Office of Workers' Compensation Programs will provide an opportunity for additional evidence to be submitted for consideration prior to a determination.

(b) *Effect of review of a pending Part B claim under the BLBRA of 1977 on the pending claim.* Part B claims pending before the Social Security Administration or the courts will continue to be processed under the old law at the same time that these claims are being reviewed by the Social Security Administration, at the claimant's request, under the BLBRA of 1977. Claimants would then have two separate and independent claims for benefits pending. Where claims for benefits are reviewed, upon request, under this Subpart G and it is determined that entitlement to benefits is established under the BLBRA of 1977, benefits may be paid back to January 1, 1974. Where pending Part B claims continue to be processed under the old law and it is determined that the claimant is entitled to black lung benefits under the old law, benefits may be paid for periods prior to January 1, 1974. Election by claimants to have their pending claims reviewed under the BLBRA of 1977 for payment of benefits back to January 1, 1974, will not affect the processing of their pending Part B claims under the old law for payment of benefits prior to January 1, 1974.

(c) *Response to notification.* A request for review by the Social Security Administration or the Office of Workers' Compensation Programs, must be received by the Social Security Administration within 6 months from the date on which the notice is mailed. Upon receipt, the request will be dated and made a part of the claims file. If a request for review by the Social Security Administration or the Office of Workers' Compensation Program is not received by the Social Security Administration with 6 months from the date the notice is mailed, the claimant shall be considered to have waived the right of review afforded by this Subpart G unless "good cause" can be established for not responding within

this time period. "Good cause" may be established in the following situations:

(1) Circumstances beyond the individual's control, such as extended illness, mental or physical incapacity, or communication difficulties; or

(2) Incorrect or incomplete information furnished the individual by the Social Security Administration; or

(3) Unusual or unavoidable circumstances, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to respond within this time period.

"Good cause" for failure to respond timely does not exist when there is evidence of record that the individual was informed that he or she should respond timely and the individual failed to do so because of negligence or intent not to respond.

(d) *Changing election.* After a claimant has elected review by the Social Security Administrator, he or she may change the election any time prior to the date an initial determination is made. If a claimant has elected review by the Office of Workers' Compensation Programs, the claimant may change the election if the Social Security Administration has not yet forwarded the file to the Office of Workers' Compensation Programs. Once the file is forwarded to the Office of Workers' Compensation Programs, a claimant's right to change the election from the Office of Workers' Compensation Programs to the Social Security Administration is governed by the regulations of DOL.

(e) *Social Security Administration review elected.* (1) If review by the Social Security Administration is requested, a complete review of the evidence on file will be made to see if the file establishes entitlement to benefits under the BLBRA of 1977. Evidence on file is evidence in the black lung claims file as of March 1, 1978, and includes the individual's earnings record. In the case of a pending claim which is being appealed, this review will not be delayed because of the pending claim. If it is determined that eligibility to benefits can be established, the claims file, including all evidence and other pertinent material in the claims file, will be transferred to the Office of Workers' Compensation Programs for processing and assignment of liability in accordance with regulations published by DOL at FR date. The decision of the Social Security Administration approving the claim will be binding upon the Office of Workers' Compensation Programs as an initial determination of the claim. The Social Security Administration will notify the claimant of its approval. If the claimant disagrees with any part of the Social Security Administration's determination of approval, the claimant may request review of this

determination by the Office of Workers' Compensation Programs. The Social Security Administration has no authority under BLBRA of 1977 to process an appeal of any determination made by it in reviewing these denied and pending Part B claims.

(2) If it is determined that the evidence on file is insufficient to support an award of benefits, the claims file, including all pertinent evidence in the claims file, will be transferred to the Office of Workers' Compensation Programs for further review in accordance with regulations published at FR date. The Social Security Administration will notify the claimant of this action.

(f) *DOL, Office of Workers' Compensation Programs review elected.* If review by the Office of Workers' Compensation Programs is requested, the claims file and all pertinent material will be forwarded to the Office of Workers' Compensation Programs, without review by the Social Security Administration, for processing by the Office of Workers' Compensation Programs in accordance with regulations published at FR date.

§ 410.705 Duplicate claims.

(a) *Approved by the Social Security Administration—denied or pending with the Office of Workers' Compensation Programs.* A person whose Part B claim for benefits was approved by the Social Security Administration and who also filed a Part C claim with the Office of Workers' Compensation Programs which is pending or has been denied shall be entitled to a review of the Part C claim by the Office of Workers' Compensation Programs.

(b) *Denied or pending with the Social Security Administration—approved by the Office of Workers' Compensation Programs.* A person who has filed a Part B claim with the Social Security Administration which is pending or has been denied and who has also filed a Part C claim with the Office of Workers' Compensation Programs, which has been approved, shall be entitled, upon request, to a review of the pending or denied Part B claim in light of the BLBRA of 1977 by either the Social Security Administration or the Office of Workers' Compensation Programs, in accordance with this subpart.

(c) *Pending or denied by the Social Security Administration and the Office of Workers' Compensation Programs.* A person who has filed a claim both with the Social Security Administration and the Office of Workers' Compensation Programs and whose claims are either pending with or have been denied by both agencies shall have the claim reviewed under the BLBRA of 1977 by the Social Security Administration if such review is requested by the claimant. If the claim

is not approved by the Social Security Administration it shall be forwarded to the Office of Workers' Compensation Programs for further review as provided in § 410.704(d)(2). During the pendency of review proceedings by the Social Security Administration, if any, no action shall be taken by the Secretary of Labor with respect to the Part C claim which is pending or has been denied by DOL. If the claimant does not respond to notification of his or her right to review by the Social Security Administration within 6 months of the notice (see 410.704(d)) unless the period is enlarged for good cause shown, the Office of Workers' Compensation Programs shall proceed under part of DOL's regulations to review the claim originally filed with the Secretary of Labor. If the claimant, upon notification by the Social Security Administration of his or her right to review (see § 410.704(a)) requests that the claim originally filed with the Social Security Administration be forwarded to the Office of Workers' Compensation Programs for review, or if more than one claim has been filed with the Secretary of Labor by the same claimant, such claims shall be merged and processed with the first claim filed with the Office of Workers' Compensation Programs.

§ 410.706 Effect of the Social Security Administration determination of entitlement.

Under section 435 of the BLBRA of 1977 a determination of entitlement made by the Social Security Administration under this Subpart G is binding on the Office of Workers' Compensation Programs as an initial determination of eligibility.

§ 410.707 Hearings and appeals.

The review of any determination made by the Social Security Administration of a claim under this subpart will be made by the Office of Workers' Compensation Programs. If the Social Security Administration does not approve the claim following its review under this subpart, the claim will be referred to the Office of Workers' Compensation Programs, and the Office of Workers' Compensation Programs will automatically review the claim. The Office of Workers' Compensation Programs will provide an opportunity for the claimant to submit additional evidence if it is needed to approve the claim. See 410.704(d)(2) of this subpart. If the Social Security Administration approves the claim but the claimant disagrees with part of the Social Security Administration's determination, he or she may request the Office of Workers' Compensation Programs to review the Social Security Administration's determination. See 410.704(d)(1) of this subpart.

[FR Doc. 78-15393 Filed 6-5-78; 8:45 am]

[4110-03]

Food and Drug Administration

[21 CFR Part 146]

[Docket No. 78N-0039]

**LEMON JUICE; STANDARDS OF IDENTITY AND
FILL OF CONTAINER****Extension of Comment Period**

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the comment period for establishment of standards of identity and fill of container for lemon juice. The extension is based on a request from the industry in order to provide additional time to submit information and comments.

DATE: Comments by August 7, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

**FOR FURTHER INFORMATION
CONTACT:**

Benjamin M. Gutterman, Bureau of Foods (HFF-402), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1231.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration, in the FEDERAL REGISTER of April 7, 1978 (43 FR 14678), issued proposed standards of identity and fill of container for lemon juice. The proposed standards of identity would: (1) Provide for the use of concentrated lemon juice, with appropriate labeling, as a source of juice ingredient; (2) allow for the use of safe and suitable preservatives as a method of preservation, in addition to physical methods of preservation including heat sterilization, freezing, and refrigeration; (3) standardize "lemon juice from concentrate" at a minimum soluble solids content of 6 percent by weight and a minimum acidity of 4.5 percent by weight, calculated as anhydrous citric acid; (4) permit the addition of lemon oil and lemon essence derived from lemons in accordance with good manufacturing practice; (5) establish a standard of fill of container based upon a minimum of 90 percent of the total capacity of the container; and (6) employ a statistical sampling plan for determining compliance with fill of container requirements. Comments were to be submitted by June 6, 1978.

The Commissioner of Food and Drugs has received a letter from Borden, Inc. (on file with the Hearing Clerk, address given above), requesting an extension of the comment period.

In its letter, Borden states that additional time is necessary to assemble and summarize data and requests a 60-day extension of time until August 7, 1978.

The Commissioner finds this request reasonable and extends the comment period to August 7, 1978.

Interested persons may, on or before August 7, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 1, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-15692 Filed 6-2-78; 9:48 am]

[4710-06]

DEPARTMENT OF STATE**Office of the Secretary**

[22 CFR Part 42]

[Docket No. SD-122; Public Notice 611]

INELIGIBLE CLASSES OF IMMIGRANTS**Withdrawal OF Proposed Rulemaking**

AGENCY: Department of State.

ACTION: Withdrawal of proposed rule-making notice (Docket No. SD-122; 41 FR 37591, September 7, 1976).

SUMMARY: This notice withdraws a proposed amendment to the public charge regulations (§ 42.91(a)(15)(v)) applicable to aliens applying for immigrant visas. It has been determined that the proposal should be withdrawn because of the pending recommendation of the General Accounting Office that the Congress enact legislation making the affidavit of support legally binding on the sponsor.

**FOR FURTHER INFORMATION
CONTACT:**

Gerald M. Brown, Bureau of Consular Affairs, Visa Office, Department of State, 515 22nd Street NW., Washington, D.C. 20520, phone 202-632-1983.

SUPPLEMENTARY INFORMATION: On September 7, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 37591) proposing an amendment to the regulations relative to the processing of immigrant visas for aliens relying on as-

surances of financial support by others to establish their eligibility for a visa under section 212(a)(15) of the Immigration and Nationality Act of 1952, as amended. It was essentially proposed that an alien in these circumstances would need to obtain sponsorship by a person who had signed a contractual agreement which would legally bind the sponsor to repay to any Federal, State, or local governmental agency any governmental assistance money provided to the sponsored alien, other than payments made to the alien under a program supplementary in nature, within five years after the alien's entry into the United States as an immigrant. The original closing date for comments was October 15, 1976, but in response to several requests, a Notice published on October 15, 1976 (41 FR 45571) extended the closing date for comments to December 1, 1976.

All comments received relative to this docket are available for public inspection in Room 819 of the Visa Office, SA-2, 515 22nd Street NW., Washington, D.C. Of the 67 comments received, 15 were in support of the proposal.

The comments in opposition to the proposal can be grouped into three main categories: First, twenty-seven persons responding in opposition to the proposal expressed the view that its adoption would have a severe adverse impact on the family reunification concepts inherent in the immigration laws because only families of substantial wealth would be able to sponsor an alien member of the family in such an open-ended manner; Second, eighteen writers commented that the proposal was objectionable because it would impose unlimited obligations on a sponsor in some situations involving unforeseen circumstances developing after the alien's arrival in the United States; and, Third, nine letters in opposition to the proposal contained assertions that the Department had no statutory authority to require such contractually binding agreements of a sponsor as a condition precedent to the issuance of an immigrant visa. Several of the writers within this third category urged that the limit of the legislative intent in this area was expressed through the enactment of section 213 of the Immigration and Nationality Act which provides that an alien excludable because he is likely to become a public charge may nevertheless be admitted in the discretion of the Attorney General upon the giving of a suitable and proper bond or undertaking.

A modification of the proposal might have been possible with regard to the objections within the first two categories. A recent reevaluation has been made of the objections within the third category in the light of a

General Accounting Office Final Report: "Number of Newly Arrived Aliens Who Receive Supplemental Security Income Needs to be Reduced" HRD-78-50, dated February 22, 1978. Included within that Report is a recommendation to the Congress that legislation be enacted to make the affidavit of support, now used to sponsor an alien for immigration, legally binding on the sponsor. This recommendation is consistent with the arguments made by opponents of the proposal within the third category, i.e., that the Department has not authority to impose contractual requirements on sponsors of immigrating aliens by regulation.

For the reasons stated, the September 7, 1976 notice of proposed rule-making is withdrawn.

(Sec. 104 of the Act of June 27, 1952, as amended (66 Stat. 174, 8 U.S.C. 1104).)

Dated: May 3, 1978.

For the Secretary of State.

BARBARA M. WATSON,
Assistant Secretary for
Consular Affairs.

[FR Doc. 78-15627 Filed 6-5-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4183]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Solomon, Dickinson County, Kans.

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 Solomon, Dickinson County, Kans. 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.

ADDRESSES: 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 Of-

fices, Solomon, Kans. Send comments to: The Hon. Cris Ladner, Mayor, city of Solomon, City Offices, Solomon, Kans. 67480.

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 Solomon, 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
Smoky Hill River ..	At southeastern corner of corporate limit.	1,167
	At County Highway	1,168
Solomon River	At intersection of Poplar and 1st Sts. near southern corporate limits.	1,171
Solomon River tributary.	At confluence of Solomon River.	1,171
	200 ft downstream of Union Pacific RR. bridge.	1,171
	Upstream side of Union Pacific RR. bridge.	1,174
	275 ft upstream of 6th St.	1,175
	7th St. and northern corporate limit.	1,177

(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

delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14370 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4184]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the Town of Norton, Bristol County, Mass.

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 Norton, Bristol County, Mass. 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).

DATES: 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.

ADDRESSES: 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 Offices, Norton, Mass. Send comments to: Mr. Paul G. Rich, Chairman, Board of Selectmen, Town Offices, 10 Taunton Avenue, Norton, Mass. 02766.

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 Norton, 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 re-

quired 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
Wading River.....	At confluence with Rumfold River.	61
	350 ft upstream of Route 140.	68
	1,200 ft upstream of Route 140.	70
	3,850 ft upstream of Route 140.	72
	3,350 ft downstream of Barrows St.	82
	Just upstream of Barrows St.	86
	Just upstream of Dam No. 1 (650 ft upstream of Barrows St.).	92
	2,200 ft downstream of West Main St.	93
	Just upstream of West Main St.	97
	Just upstream of Walker St.	104
	2,100 ft downstream of Richardson St.	105
	Just upstream of Richardson St.	110
Rumfold River	2,900 ft upstream of confluence with Wading River.	63
	2,250 ft downstream of Pine St.	67
	Just upstream of Pine St.	73
	Just upstream of Route 123.	74
	Just upstream of Cross St.	84
	Just upstream of dam (250 ft upstream of Cross St.).	89
	Downstream of Reservoir Ave.	93
Canoe River	900 ft upstream of Winnecunnet Pond.	67
	At Plain St.....	69
	3,500 ft upstream of Plain St.	70
	Just upstream of Route 123.	77
	3,000 ft upstream of Route 123.	83
	7,500 ft upstream of Ropute 123.	85

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14371 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4185]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of West Newbury, Essex County, Mass.

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 West Newbury, Essex County, Mass. 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).

DATES: The period for comments will be ninety (90) days following the second publication of this proposed rule in newspaper of local circulation in the aboved-named community.

ADDRESSES: 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 Selectmen's Office, West Newbury Town Hall, 419 Main Street, West Newbury, Mass. Send comments to: Mr. Stephen Burke, Chairman, Board of Selectmen, Town of West Newbury, Town Hall, 419 Main Street, West Newbury, Mass. 01985.

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 800-425-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of West Newbury, 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
Artichoke River Reservoir.	Confluence with Merrimack River.	13
	Rogers St.....	14
North Tributary Brook.	At confluence with Artichoke River Reservoir.	14
	Upstream of Pikes' Bridge Rd.	21
	30 ft upstream of Garden St.	36
	270 ft upstream of Garden St.	43
Beaver Brook.....	3,225 ft upstream of Garden St.	50
	5,865 ft upstream of Garden St.	50
	At Middle St.....	70
	Confluence with Beaver Brook Tributary.	70
	Upstream of Georgetown Rd.	79
Merrimack River	3,220 ft upstream of Tewksbury Rd.	87
	4,250 ft upstream of Tewksbury Rd.	94
	Confluence with Artichoke River.	13
	At Rocks Bridge.....	16
	At south corporate limit of upstream end.	18

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14372 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4186]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Wilbraham, Hampden County, Mass.

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 Wilbraham, Hampden County, Mass. 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).

DATES: 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.

ADDRESSES: 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 Hall, Wilbraham, Mass. Send comments to: Mr. William E. Leonard, Chairman, Board of Selectmen, Town of Wilbraham, Town Hall, 240 Springfield Street, Wilbraham, Mass. 01905.

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 Wilbraham, 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
Chicopee River.....	Just downstream of Western Massachusetts Electric Co. Dam.	194
	Just upstream of Western Massachusetts Electric Co. Dam.	214
	Penn Central RR. bridge.	216
	Greene Town Bridge.....	225
	Route 1-90	235
	Red Bridge Rd	241
	Just downstream of Red Bridge Dam.	244
	Just upstream of Red Bridge Dam.	284
	North Branch Mill River.	223
	Springfield St. Bridge.....	231
South Branch Mill River.	Stony Hill Rd. Bridge.....	238
	Springfield St. Culvert...	248
	0.25 mile downstream of North Main St. Culvert.	260
	North Main St. Culvert..	277
Sawmill Brook	Footbridge, 600 ft downstream of Stony Hill Rd.	229
	Stony Hill Rd. Bridge.....	231
	Oakland St. Bridge.....	234
Tributary A.....	1500 ft upstream of confluence with South Branch Mill River.	233
	Soule Rd. Culvert.....	246
Tributary B.....	Penn Central RR. Culvert.	224
	Route 20 Culvert	235
Ninemile Pond.....	Entire length.....	246
	Confluence with North Branch Mill River.	239
Tributary C.....	2600 ft upstream of confluence with North Branch Mill River.	252
	At Culvert 0.9 mile upstream of confluence with North Branch Mill River.	269
	At footbridge, 1.4 mile upstream of confluence with North Branch Mill River.	275

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14373 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI 4187]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Cardwell, Dunklin 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 Cardwell, Dunklin 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).

DATES: 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.

ADDRESSES: 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, Cardwell, Mo. Send comments to: Mr. Gover Stewart, Building Inspector, City of Cardwell, Box 101, Cardwell, Mo. 63829.

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 Cardwell, 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 regu-

lations, 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	Elevations in feet, national geodetic vertical datum
Kinnemore Slough Ditch.	65 ft North of Route 25..	245
	Just North of Pool St.....	245
	Just North of St. Louis Southwestern Ry.	246
	At northern corporate limits.	246

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14388 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI 4188]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Bedford, Hillsborough County, N.H.

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, Hillsborough County, N.H. 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 Building Inspector's Office, Bedford, N.H. Send comments to: Mr. Aubrey Robinson, Chairman, Board of Selectmen, Town Office, Bedford, N.H. 03842.

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, 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
Merrimack River...	At south corporate limits with Merrimack.	125
	Just upstream of Boston & Maine RR.	127
	Confluence of Bowman Brook.	129
	Just downstream of north corporate limit with Manchester.	133
Baboosic Brook	Just upstream of Parkhurst and Woodward Rd.	218
	1,625 ft upstream of Parkhurst and Woodward Rd.	219

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pointer Club Brook.	At south corporate limit with Merrimack.	223
	At corporate limit with Merrimack (just upstream of dam).	233
	475 ft upstream of Pulpit Brook.	233
	750 ft upstream of Pulpit Brook.	234
	At corporate limit with Amherst.	235
	Confluence with Merrimack River.	125
	240 ft upstream of Boston & Maine RR.	125
	1,140 ft upstream of Boston & Maine RR.	142
	Just downstream of South river Rd.	150
	Just upstream of South River Rd.	155
	Just downstream of U.S. Route 3.	156
	Just upstream of U.S. Route 3.	161
	740 ft upstream of U.S. Route 3.	161
	1,270 ft upstream of U.S. Route 3.	169
	2,620 ft upstream of U.S. Route 3.	187
Tioga River	1,110 ft downstream of Back River Rd.	200
	100 ft downstream of Back River Rd.	208
	Just downstream of Back River Rd.	214
	At confluence with Merrimack River.	128
	200 ft upstream of the confluence with Merrimack River.	128
	570 ft upstream of the confluence with Merrimack River.	145
	1,690 ft upstream of the confluence with Merrimack River.	148
	2,133 ft upstream of the confluence with Merrimack River.	156
	Just downstream of dirt road (500 ft downstream of Everett Turnpike).	159
	Just downstream of Everett Turnpike.	161
	Just upstream of Everett Turnpike.	169
	1,055 ft downstream of State Route 3 bridge.	177
	105 ft upstream of State Route 3 bridge.	198
	1,055 ft upstream of State Route 3 bridge.	198
Bowman Brook.....	Just upstream of the foot bridge at golf course (1,370 ft downstream from Patten Rd.).	203
	Just upstream of a dirt road (765 ft downstream from Patten Rd.).	206
	Just downstream of Patten Rd.	206
	Just upstream of Patten Rd.	211
	Just downstream of John Goffe Rd.	211
	Just upstream of John Goffe Rd.	216
	At confluence with Merrimack River.	129
	475 ft upstream of Everett Turnpike.	129

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of dam, 440 ft upstream of covered footbridge.	135
	Just downstream of Sheraton Wayfarer Bldg.	145
	Just upstream of South River Rd.	150
	Just upstream of dam, upstream of South River Rd.	157
	Just downstream of State Route 101 (south crossing).	163
	1,325 ft upstream of State Route 101 (south crossing).	175
	Just downstream of State Route 101 and Boynton St. Culvert.	195
	Just upstream of St 101 and Boynton St. Culvert.	207
	Just downstream of Old Bedford Rd.	219
	Just upstream of Old Bedford Rd.	230
	900 ft upstream of Old Bedford Rd.	230
	105 ft downstream of Donald St.	235
	Just upstream of Donald St.	248
	Just downstream of State Route 114.	249
	Just upstream of State Route 114.	250
Riddle Brook	At south corporate limit with Merrimack.	178
	Just downstream of Meadow Rd.	183
	Just upstream of abandoned railroad bridge (downstream of Nashua Rd.).	184
	1,637 ft downstream of Nashua Rd.	185
	Just downstream of Nashua Rd.	202
	Just upstream of Nashua Rd.	211
	2,900 ft upstream of Nashua Rd.	214
	Just downstream of county road west.	226
	130 ft upstream of county road west.	229
	Just upstream of Bedford Center Rd.	235
	Just upstream of Wallace Rd.	251
	Just upstream of Amherst Rd.	264
	2,000 ft upstream of Amherst Rd.	266
McQuade Brook	At south corporate limit with Merrimack.	179
	800 ft downstream of Jenkins Rd.	182
	700 ft downstream of Jenkins Rd.	187
	340 ft downstream of Jenkins Rd.	189
	Just upstream of Jenkins Rd.	217
	4,860 ft upstream of Jenkins Rd.	217
	1,450 ft downstream of Beal Rd.	223
	975 ft downstream of Beal Rd.	241
	Just downstream of Beal Rd.	255
	Just upstream of Beal Rd.	258
	80 ft downstream of State Route 101.	271

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of State Route 101.	278
	900 ft downstream of North Amherst Rd.	278
	105 ft downstream of North Amherst Rd.	281
	Just upstream of North Amherst Rd.	290
Pulpit Brook	At confluence with Baboosic Brook.	233
	2,112 ft upstream of confluence with Baboosic Brook.	236
	Just downstream of State Route 101.	238
	Just upstream of State Route 101.	244
	At West corporate limit.	245

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14374 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI 4189]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
Town of Hollis, Hillsborough County, N.H.

AGENCY: Federal Insurance Adminis-
tration, 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 Hollis, Hillsborough County, N. H. 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).

DATES: 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.

ADDRESSES: 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 Board of Selectmen's Office, Hollis, N.H. Send comments to: Mr. Frank Whitte-

more, Chairman, Board of Selectmen, P.O. Box 402, Hollis, N.H. 03049.

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 Hollis, 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
Nashua River	At eastern corporate limit.	167
	Just downstream of Runnels Rd.	173
	Just upstream of Runnels Rd.	175
	At southern corporate limit.	177
Nissittis River	do.....	209
	Just downstream of Brookline Rd.	215
	At western corporate limit.	219
Witches Brook	At corporate limit with Merrimack.	191
	Just downstream of South Merrimack Rd.	191
	Just upstream of South Merrimack Rd.	192
	3,380 ft upstream of South Merrimack Rd.	193
	2,429 ft downstream of Ames Rd.	200
	At New Hampshire Route 122.	215

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14375 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4190]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the Village of Lordstown, Trumbull County,
Ohio

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 Lordstown, Trumbull County, Ohio. 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).

DATES: 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.

ADDRESSES: 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 Village Administration Office, Village of Lordstown, 1455 Salt Springs Road SW., Warren, Ohio 44481. Send comments to: Mayor Carl Underwood, Village Administration Office, Village of Lordstown, 1455 Salt Springs Road SW., Warren, Ohio 44481.

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 Lordstown, Trumbull County, Ohio, 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 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
Duck Creek	Just upstream of Hewitt-Gifford Rd.	896
Mud Creek	Just upstream eastern corporate limit.	873
	Just upstream Carson- Salt Spring Rd.	880
	Just upstream Sooptown Rd.	919
	Just downstream State Road 45.	958

(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.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14376 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4191]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Aumsville, Marion County, Oreg.

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 Aumsville, Marion County, Oreg. 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).

DATES: 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, Aumsville, Oreg. Send comments to: Mayor Joel F. Mathias, City of Aumsville, City Hall, P.O. Box 227, Aumsville, Oreg. 97325.

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 Aumsville, Oreg., 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
Beaver Creek	Southern Pacific RR	351
Mill Creek	Mill Creek Rd.	347
	South 8th St (upstream side).	356
	Southern Pacific RR	362

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14377 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4192]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Idanha, Marion County, Ore.

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 Idanha, Marion County, Ore. 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).

DATES: 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, Idanha, Ore. Send comments to: Mayor Dallas Benton, City of Idanha, City Hall, P.O. Box 396, Idanha, Ore. 97350.

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 Idanha, Ore. 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 Santiam River.	Blowout St. (downstream side).	1,584
	Blowout St. (upstream side).	1,588
	Church St.	1,703

(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 delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14378 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4193]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Jefferson, Marion County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the pro-

posed base (100-year) flood elevations listed below for selected locations in the city of Jefferson, Marion County, Ore. 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).

DATES: 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.

ADDRESSES: 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, Jefferson, Ore. Send comments to: Mr. Leonard Cardwell, City Manager, City of Jefferson, City Hall, P.O. Box 83, Jefferson, Ore. 97352.

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 Jefferson, Ore., 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 Santiam River.	Southern Pacific RR. (upstream side).	223
	Jefferson Highway (downstream side).	220

(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).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14379 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4194]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Mill City, Marion County, Ore.

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 Mill City, Marion County, Ore. 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).

DATES: 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.

ADDRESSES: 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, Mill City, Ore. Send comments to: Mayor Clyde Bates, City of Mill City, City Hall, P.O. Box 256, Mill City, Ore. 97360.

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 Mill City, Ore., 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 Santiam River.	Southern Pacific RR. (downstream side).	802
	1st Avenue Bridge (upstream side).	805

(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).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14380 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4195]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Scotts Mills, Marion County, Ore.

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 Scotts Mills, Marion County, Ore. 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).

DATES: 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, Scotts Mills, Ore. Send comments to: Mayor Virgil Hicks, City of Scotts Mills, City Hall, Scotts Mills, Ore. 97375.

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 Scotts Mills, Ore., 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
Butte Creek	3d St.....	409

(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).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14381 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4196]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the city of Silverton, Marion County, Ore.

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 Silverton, Marion County, Ore. 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).

DATES: 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, 306 South Water Street, Silverton, Ore. Send comments to: Mr. Douglas K. Robinson, City Manager, City of Silverton, City Hall, 306 South Water Street, Silverton, Ore. 97381.

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 Silverton, Ore., 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
Silver Creek	South James St.*	228
	Westfield St.	231
	Main St.*	239
	Central Street.**	264
do.*	267
	Private drive	301

*Upstream side.

**Downstream side.

(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).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14382 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4197]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Stayton, Marion County, Ore.

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 Stayton, Marion County, Ore. 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).

DATES: 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.

ADDRESSES: 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, 362 North 3rd Avenue, Stayton, Ore. Send comments to: Mayor Wayne L. Lierman, City of Stayton, City Hall, 362 North 3rd Avenue, Stayton, Ore. 97383.

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 Stayton, Ore., 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 Santiam River	1st Ave. (upstream side).	440
Mill Creek	Corporate limits (downstream crossing).	435
	Corporate limits (upstream crossing).	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.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14383 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4198]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
City of Woodburn, Marion County, Oreg.

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 Woodburn, Marion County, Oreg. 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).

DATES: 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.

ADDRESSES: 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, 270 Montgomery Street, Woodburn, Oreg. Send comments to: Mr. Max L. Pope, City Administrator, City of Woodburn, City Hall, 270 Montgomery Street, Woodburn, Oreg. 97071.

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 Woodburn, Oreg., 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
Senecal Creek	Antioch Rd.*	167
Mill Creek	Silverton Highway	154
	Hardcastle Ave.**	156
	Hardcastle Ave.*	166
	Lincoln St.**	166
	Young St.**	168
	Stark St.*	169
	Wilson St.**	169
	Wilson St.*	171

*Upstream side.
**Downstream side.

(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.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14384 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4199]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Tullahoma, Coffee County, Tenn.

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 Tullahoma, Coffee County, Tenn. 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, Tullahoma, Tenn. Send comments to: Hon. George Vibbert, Jr., Mayor of Tullahoma, P.O. Box 807, Tullahoma, Tenn.

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 Tullahoma, Coffee County, Tenn. 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
Rock Creek	Rock Creek Rd.....	999
	Clement Dr.....	1,019
	Warren St.....	1,023
	Lincoln St.....	1,029
	Grundy St.....	1,030
	Wilson Ave.....	1,037
	Confluence with west and north fork of Rock Creek.....	1,038
West Fork Rock Creek.....	Confluence with Rock Creek.....	1,038
	Ledford Mill Rd.....	1,039
	Corporate limits	1,049
North Fork Rock Creek.....	Confluence with Rock Creek.....	1,038
	Old railroad fill.....	1,052
	Old Airport Rd.....	1,052
	Dike at 1.22 mi above mouth.....	1,059
	Corporate limits	1,065
Bobo Creek	Confluence with east and west forks, Bobo Creek.....	1,022
	Confluence with Bobo Creek.....	1,022
West Fork Bobo Creek.....	Lincoln St.....	1,035
	Anderson St.....	1,042
	Main St.....	1,043
	Carroll St., Highway 55..	1,047
	Confluence of prong of West Bobo Creek.....	1,052
East Fork Bobo Creek.....	East Lincoln St.....	1,032
	East Carroll St., Highway 55..	1,038
Prong of West Fork Bobo Creek.....	L & N RR.....	1,057

(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.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14385 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-42001]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Sunset Valley, Travis 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 Sunset Valley, Travis County, Tex. 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).

DATES: 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.

ADDRESSES: 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 Clerk's Office, Sunset Valley City Hall, Austin, Tex. 78764. Send comments to: Mayor Underwood, P.O. Box 3316, Austin, Tex. 78764.

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 Sunset Valley, Travis County, Tex. 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
Sunset Valley Branch.....	Just upstream of Pillow Rd.....	666
	Just upstream of Lone Oak Trail.....	668
	Reese Rd. (extended).....	670
Williamson Creek.....	Western corporate limits.....	708
Dry fork branch of Williamson Creek.....	Oakdale Dr. (extended).....	680

(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.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc 78-14386 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-42011]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Price, Carbon County, Utah

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 Price, Carbon County, Utah. 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).

DATES: 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.

ADDRESSES: 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, Price, Utah. Send comments to: Mayor Walt Axlegard, City of Price, City Hall, Price, Utah 84501. Attention: Gary Tomsic, City Manager.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

ance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20210, 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 Price, Utah, 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
Price River	3d West St	5,506
Meads Wash.....	Denver & Rio Grande Western RR*	5,497
	4th South St.*	5,529
	1st North St.**	5,560
do.*	5,563
	8th North St.**	5,637
do.*	5,648

*Upstream side.
**Downstream side.

(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. 4000-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14387 Filed 6-5-78; 8:45 am]

[3410-11]

DEPARTMENT OF AGRICULTURE
FOREST SERVICE

[41 CFR Part 4]

PUBLIC CONTRACTS, PROPERTY MANAGEMENT DEBARRED, SUSPENDED, AND INELIGIBLE BIDDERS

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This is a proposal to revise the authority citation for 41 CFR subpart 4-1.6 and to revise 41 CFR 4-1.601-(a)(1) to amend the statutory cite for National Forest timber sales. The proposal makes no substantive change in the regulation, but revises the wording so that the regulation applies to timber sales made subsequent to the passage of the National Forest Management Act of 1976.

DATES: Comments must be received by July 6, 1978.

ADDRESS: Submit comments to: Chief John R. McGuire, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013. All written submissions made pursuant to this notice will be available for public inspection in the Timber Management Staff, South Agriculture Building, Room 3207, Washington, D.C., during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Peter J. Wagner, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, 202-447-4051.

SUPPLEMENTARY INFORMATION: This is a proposal to update the authority for appointing debarring officers for timber sales. When Congress passed the National Forest Management Act of 1976, it repealed existing authority for National Forest timber sales and substituted new authority. Thus, the statutory cite in the debarring regulation does not cover timber sales made subsequent to the passage of the above Act. The proposed wording corrects that deficiency. It is proposed to revise 41 CFR 4-1.601-1(a)(1) to read:

(1) Timber sales pursuant to 16 U.S.C. 476 and 16 U.S.C. 472a.

It is proposed to add at the end of 41 CFR Subpart 4-1.6:

AUTHORITY: 16 U.S.C. 476, 16 U.S.C. 551, 16 U.S.C. 472(a).

M. RUPERT CUTLER,
Assistant Secretary for Conservation, Research, and Education.

JUNE 1, 1978.

[FR Doc. 78-15676 Filed 6-5-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1600]

INVENTORY AND PLANNING

Intent to Propose Rulemaking, Extension of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to propose rulemaking, extension of comment period.

SUMMARY: By notice in the FEDERAL REGISTER of March 3, 1978 (43 FR 8814), the Department of the Interior published a notice of intent to propose rulemaking regarding inventory and planning procedures. Comments were requested through May 15, 1978. In order to give interested parties additional time to analyze and comment on the discussion paper, the comment period is hereby extended to July 3, 1978. Comments received by that date will be considered before any final action is taken on a proposed rulemaking on inventory and planning.

DATES: Written comments by July 3, 1978.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address from 7:45 a.m. to 4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT:

Robert A. Jones, 202-343-5682.

Dated: June 1, 1978.

FRANK GREGG,
Director.

[FR Doc. 78-15546 Filed 6-5-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Docket No. 78-111]

[46 CFR Chapter IV]

EXEMPTION OF CERTAIN COLLECTIVE BARGAINING AGREEMENTS

AGENCY: Federal Maritime Commission.

ACTION: Denial of request for enlargement of time.

SUMMARY: Request of counsel for Marine Engineers Beneficial Association for enlargement of time to file comments in response to the advance notice of proposed rulemaking in this proceeding (43 FR 17845; April 26, 1978) is denied. Impact of this proceeding on a wide range of collective

bargaining agreements requires early publication of proposed rules. Accordingly, no additional time for advance comments will be provided. Affected parties will be able to comment when proposed rule is published.

ADDRESSES: For further information contact:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: None.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 78-15669 Filed 6-5-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21352; FCC 78-323]

PUBLIC NOTICE OF INTENT TO SELL BROADCAST STATION

Report and Order

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The FCC terminated an Inquiry into whether it would be desirable, as a means to increase minority ownership of broadcast stations, to require a station owner to give notice that its station is for sale at least 45 days before signing a contract to sell it. The Commission concluded that such a rule would be ineffective and could impose a serious burden on station owners.

EFFECTIVE DATE: Non-Applicable.

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

FOR FURTHER INFORMATION CONTACT:

Carol P. Foelak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 17, 1978.

Released: May 26, 1978.

By the Commission:¹

1. We have before us our *Notice of Inquiry and Memorandum Opinion and Order*, 42 FR 41141 (August 15, 1977) concerning the above-captioned proceeding and the comments and reply comments filed in response to it. The parties which filed comments and reply comments are listed in the Appendix.

¹See also 42 FR 54435, October 6, 1977.

2. *Background.* The *Notice* was issued on the Commission's motion in response to concerns expressed at our Minority Ownership Conference, held April 25 and 26, 1977. Minority broadcasters and investors had complained that they do not learn that desirable broadcast properties are for sale until it is too late to offer to buy them. They stated that agreements for the sale of desirable stations are made privately, in a process in which they are unlikely to participate since minority investors are likely not to be socially or professionally close to those who already own broadcast stations. As a possible remedy to this problem we decided to consider the desirability of requiring a licensee to give notice that its station is for sale at least 45 days before signing a contract to sell it, so that those who are not part of the existing "establishment" could learn of opportunities to acquire stations. The thought was that such a notice requirement might enhance minority ownership opportunities without imposing a serious burden on sellers.

3. We suggested that any 45-day¹ notice requirement to be adopted would need to be straightforward with uncomplicated exceptions.² In paragraphs 8 and 9 of the *Notice*, we set forth our assumptions and the questions we thought needed to be answered. Among other things, we asked comment on whether the burden on broadcasters would be greater than had earlier been contemplated and whether the additional waiting period resulting from the notice procedure would cause substantial economic or other difficulties in completing station sales. We also asked whether such a notice would actually reach minority investors, through the trade press or otherwise. Assuming that more minority investors learned of stations for sale from the notices, we asked whether this actually would lead to a greater number of minority purchases.

¹We suggested a 45-day period, noting that too long a period would harm broadcasters since a station would be operating in an uncertain status for a long period. This could lead to lowered employee morale, the departure of employees and a decline in revenue. On the other hand, too short a period would mean that minority buyers would not have enough time to investigate the market and assemble the needed capital.

²We stated that the notice requirement would apply only to actual sales of stations and not apply in certain limited situations where the station was not really for sale—where a station was being transferred by gift, intestacy, or pursuant to the terms of a will or divorce or separation agreement or by exercise of an option not involving outsiders to purchase a controlling interest. It also would not apply to *pro forma* assignments and transfers, whether involuntary (due to death, bankruptcy, etc.) or voluntary (a transfer from one entity to another with the same or similar ownership).

4. Finally we noted that our involvement in any transactions subject to any notice requirement would be limited to ensuring that the seller published and filed proof of publication of the notice with its transfer or assignment application. In part this is because of the restriction contained in Section 310(d) of the Communications Act, 47 U.S.C. Section 310(d), which provides in pertinent part that in acting on a transfer or assignment application "the Commission may not consider whether the public interest . . . might be served by the transfer, assignment, or disposal of the permit or license to a person other than the proposed transferee or assignee."³

5. *Comments favoring a notice requirement.* Several comments and letters were filed in support of the proposal. They all reiterated the view that a notice requirement would not be burdensome to broadcasters and might well do some good. Some offered suggestions which they thought would help make a notice requirement more effective. Howard University, licensee of WHUR-FM, urged the Commission and other government agencies to take other steps to encourage minority ownership. Consumer Protection Institute suggested that notice would be more likely to reach minority investors if published in a trade magazine of national circulation or in an FCC publication and suggested that a bidder be required to prove his good

³Congress added this language to Section 310 in 1952, because it wished to make sure that the Commission did not reinstate its former "Avco" rule. The Commission had announced the Avco rule in *Powel Crosley, Jr.*, 11 FCC 1 (1945), stating that when a transfer or assignment application was filed, the Commission would give public notice and require the applicant to give public notice locally of the proposed sale and to invite others to apply for the facilities on the same contract terms. The Commission would hold the application for 60 days to allow competing applications to be filed. If no one filed another application, the original application would be considered on its merits. If others filed, all would be considered to determine which was the best qualified. If a competing applicant were preferred, the original transfer application would be denied and consent would be given to transfer to the preferred applicant if the parties made a contract and filed a new application within thirty days. The Commission followed this procedure, granting waivers in some instances, for a few years but abandoned it in 1949. Congress amended Section 310 to add the quoted language to make sure that the Commission did not reinstate the procedure. See S. Rept. No. 142, 82nd Cong. 1st Sess., 8-9 (1951). Several parties argued that even a notice requirement would violate the spirit if not the letter of section 310(d). However, we do not believe that such a violation would occur since our enforcement would be limited to ensuring that a seller published and filed proof of publication with its application.

faith by making a large deposit. The Kentucky State NAACP suggested that notifying NAACP branches, Urban League affiliates and OMBE offices of intended sales would help actually to get notice to minority buyers.

6. Unlike most stations which argued that notice could be harmful, Station KEZY, Anaheim, Calif., argued that it is impossible to keep a sale a secret, so public notice would do no harm. It stated that most stations are small so everyone knows what everyone else is doing and the employees know when a station is up for sale even if management does not think they do. It also stated that advertisers are concerned with a change in format or with audience loss, not with who owns the station. The proposal might even help station owners, it believes, since notice would reach totally new groups of investors, including minorities, and would likely result in higher prices for stations being sold.

7. *General comments opposed to a notice requirement.* Almost all of the opposition comments were filed by broadcasters, broadcasters' associations, and station brokers, and virtually all of these, including the few minority broadcasters who commented (except for WHUR-TV) challenged our basic assumptions. They argued that we were under a fundamental misapprehension as to how agreements for the sale of stations are made and were incorrect in assuming that the proposal would place only a minimal burden on broadcasters. They contended that a notice requirement would not lead to any increase in minority purchases, as in their view, the real problem is a lack of money, not a lack of notice. In addition, many had alternative suggestions both as to the problem of finances and as to informing minorities about station sales without imposing a burden on broadcasters. According to the filings, most station sales are arranged through brokers rather than through social or professional associates. Two brokers, Cecil L. Richards and Richard A. Shaheen, argued in effect that there is an inducement for brokers to find a minority buyer who, they believe, will receive surer and faster FCC approval.

8. Many parties noted that there are over 60 brokers listed in *Broadcasting Yearbook* and suggested that the best procedure for minority investors interested in broadcasting was to contact brokers. They also noted that some stations are advertised for sale in the trade press. Even though the station is described only in general terms, this does not prevent the prospective buyer from seeking more information if he is interested. Many parties noted that they had never heard of allegations of specific cases of racial discrimination by brokers, and two parties wondered whether the belief that this might be

true stemmed from experience in connection with the sale of residential real estate. They asserted that the situation is not analogous as, unlike housing, the seller of a station is not under pressure from neighbors or peers not to sell to a minority group. The owner's concern and that of the broker is merely to get the best deal. The point also was made that it is more difficult for minority buyers to finance station sales because there is no standard method, like the home mortgage, of financing these sales through banks and other institutions. In the case of stations, cash sales are infrequent (Chapman estimates that 80% of sales are financed by the seller's taking back a note), and whether the sale is financed by the seller or someone else, the key problem is one of adequate security for the loan arrangement. Since the typical sale price far exceeds the value of the physical assets, the creditor's security is how well the buyer can run the station.

9. We were also urged not to follow the approach taken in the equal employment opportunity field. There, we were told, it is appropriate, even helpful, to require that vacancies be posted as employers often hire someone recommended by a friend, associate, or employee or already known to him. Sales of stations are said to work quite differently with an emphasis on secrecy rather than contact with one's associates.

10. Finally, we are told, on many occasions the seller does not think of selling until approached with an offer too good to resist. One party reasoned that since almost anything is for sale at a high enough price, the letter, if not the spirit of a notice requirement would be met if all licensees periodically announced that their stations were for sale. This of course, would add to no one's knowledge of the availability of stations.

11. *Burden on sellers.* The parties argued that a notice requirement would create a burden on stations by causing a significant delay in the time it presently takes to sell a station. These parties contend that when a station is for sale, even where there is a mere rumor that it is for sale, the employees fear for their jobs. Those who can find jobs leave. Those who stay wonder if they will be fired by the new owner. Consequently, the parties assert, employee morale and performance suffer. In addition, they say that it would be almost impossible for the seller to replace those who leave, since the job would likely be temporary. Also, they argue that the fact a station is for sale can be used against the station by its competitors in their approaches to advertisers. Also, they believe that concern about the pending sale may make advertisers unwilling to agree to long-term contracts or per-

haps be unwilling to advertise on the station at all. In fact, several parties commented specifically on their loss of revenue during the period when their stations were being sold. One said his revenues dropped by half. Moreover, some sales contracts are said to contain provisions which enable buyers to back out if the station's performance falls off too badly. The parties argue that some of the same problems may already exist under present conditions but that these problems would be worsened if the sale cannot be kept secret until a contract has been signed. If confidentiality is maintained, then the buyer can meet with employees at once and explain his plans. Advertisers can also be reassured with specific information, not vague plans.

12. *Confidential financial information.* Broadcasters were very much concerned that they would be required to give out confidential financial information in negotiating with buyers, including such things as gross billings, accounts receivable, accounts payable, the salary of each employee, sales commissions, advertisers' lists, contracts, trade outs, taxes, bad debts, depreciation, and profits. Since any buyer can assert a need to this information in order to analyze the station and make a reasonable offer, they argue that the seller would be hard pressed to distinguish a bona fide buyer from someone acting on behalf of one of his competitors. These opponents contend that if the seller gives this information out to everyone who inquires, it will surely fall into the hands of his competitors, who can use it to their advantage and the seller's disadvantage. If the seller does not, he can be accused of acting in bad faith and would risk complaints to the FCC.

13. *Delay.* Some parties suggested that if another bid were made, the actual delay would exceed 45 days, as more time would be needed to negotiate with the new bidder. Even if no bid were made and the station was to be sold to the original bidder, that buyer would not want to waste money by conducting its ascertainment survey until the 45 day waiting period were over. Dow, Lohnes and Albertson commented that if the seller contemplated a sale by means of stock transfer, public notice of this might require a registration statement to be filed with the SEC and might run afoul of various state security laws.

14. *Would notice increase minority purchases?* Many parties insisted that a notice requirement would not increase minority purchases. They said that the real barrier to minority ownership is a lack of money and an inability to obtain loans due to lack of experience in broadcasting. They pointed out that the financial problem was given greater attention at the Minority Ownership Conference than

was lack of notice of station sales. Several parties argued that if notice did have any effect, it might result in bidding contests, which would raise the price of the station being sold and thus work to the disadvantage of minority purchasers. The notice requirement, they believe, would leave the real problem untouched. If a buyer does not have money, then notice would not do any good. If a buyer has money, then he would be sophisticated enough to use brokers and other means to find stations to purchase.

15. Many also questioned whether the notice would reach minority investors. They argued that local notice would be unlikely to reach anyone except the station's competitors. We indicated in our *Notice*, that we thought it likely that the local notice would be picked up by the trade press and given national circulation that way. However, the National Association of Broadcasters contacted *Broadcasting* magazine and other trade publications and found that they lack the facilities and the interest to publish news of station sale announcements. In any event, it was argued, notice would be more likely to reach those already in broadcasting than those wishing to enter it.

16. *Alternative methods suggested by parties.* Some parties suggested alternative methods for circulating information about stations for sale to minority buyers which would not involve a compulsory public announcement. The Colorado Broadcasters Association and Greater Media, Inc. suggested variously that trade associations, brokers, the FCC, or a group of minority broadcasters could maintain a list of minority potential buyers together with their price ranges, areas of interest, etc. and circulate this list among licensees to make known that it is available. Smith and Pepper suggested that the FCC should draw up a primer to be made available to minority organizations which would contain the names of brokers and other information concerning station acquisitions which would be useful to minority buyers.⁴

17. Some parties also made suggestions directed at the problem of financing minority purchases. These in-

cluded financing through the Small Business Administration, a tax certificate proposal offered in a petition by the NAB, or a loan insurance program financed by the FCC. In the latter case, the argument was that if the risk were removed by the insurance, banks would not hesitate to grant loans to minority buyers.

18. *Conclusion.* After reviewing all of the comments and reexamining of our original proposal, we have decided not to adopt a rule requiring advance notice of sale. We believe that imposing a notice requirement would create problems without offering a meaningful remedy for prospective minority buyers. Although it is true that station sales are arranged with as much secrecy as possible, they are not arranged among social and professional associates of the seller but mainly through brokers and other means open to all buyers. The record supports the view that it is the financing, not notice, that is the most important barrier to minority ownership. Even if it could be found that a notice requirement would offer some benefit, we believe that it would come at the cost of imposing a significant burden on sellers. Inevitably it would introduce a significant delay, it could create problems through the necessity of giving confidential financial information to those who inquired about purchase and through the impact on station operation during the pre-sale period. The Commission supports the proposition that it is important to facilitate the growth in minority ownership, but the means chosen must be those which would be effective and would not be unduly burdensome. Unfortunately, this proposal does not meet either test, and it must therefore be denied.

19. We shall continue to examine other proposals which offer the promise of an effective response to this problem. For one thing, we believe that our EEO rules will result in an increase in the number of minority management level employees in broadcasting whose experience will qualify them for loans in the eyes of lenders.

20. Also, we have just commissioned a study of minority ownership of broadcast facilities which is directed at the problem of financing station acquisitions. It will include a survey of 20 institutions which lend to broadcasters to find out what they look for in granting or denying loans and, based on this, will develop a model financial proposal containing all the elements which the financial institutions want to know in deciding on a loan request. This model proposal would be useful to the minority investor wanting to make the best possible presentation in a loan request. The contract will also include an examination of the accuracy of the Arbitron and Pulse surveys of minority listening patterns.

This has a direct bearing on financing, since a financing proposal will usually include an estimate of the audience which the buyer expects to obtain. The final report by the contractor, C.C.G., Inc. of Cambridge, Mass., is due about September 1, 1978.

21. Finally, our Consumer Assistance Office and Industry Equal Employment Opportunity Unit will help minority buyers by maintaining a list of such prospective purchasers for anyone who inquires. We invite those who wish to be listed to furnish us with names, addresses, and phone numbers where any interested party can contact them.

22. Therefore it is ordered, That the above-captioned proposal is denied and the proceeding is terminated.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

1. Greater Media, Inc.
2. Eastern Broadcasting Corp.
3. Mallyck & Bernton on behalf of Harrison Corp.; Broadcast Management Corp.; and Broadcast Management of Florida, Ltd.
4. Tri Cities Broadcasting; WFDF Corp.; Winnebago Television Corp.; WKRG-TV, Inc.; Argonaut Broadcasting Co.; Booneville Broadcasting Co.; Connecticut Television, Inc.; Central California Broadcasters, Inc.; E.O. Roden & Associates; Forward Communications Corp.; Futura Titanium Corp.; Group One Broadcasting Co. (and affiliates); Guaranty Broadcasting Corp.; Hercules Broadcasting Co.; John H. Phipps Broadcasting Stations, Inc.; KYAK, Inc.; Klamath Broadcasting Co.; Lee Broadcasting Corp.; May Broadcasting Co.; Plains Television Corp.; Retlaw Enterprises, Inc.; Southern Television Corp.; Summit Radio Corp.
5. Thousand Islands Corp.
6. Storer Broadcasting Co.
7. National Radio Broadcasters Association.
8. Smith & Pepper.
9. Gilliam Communications, Inc.
10. Michigan Association of Broadcasters.
11. Consumer Protection Institute.
12. TUNG Broadcasting Co.
13. Chapman Associates.
14. WSPY-FM, Plano, Ill.
15. WLS-AM-FM, Lansing, Mich.
16. KFKA, Greeley, Colo.
17. Metroplex Communications, Inc.
18. KPCR-AM-FM, Bowling Green, Mo.
19. WLKE and WGGQ-FM, Waupun, Wis.
20. Colorado Broadcasters Association.
21. Sunbelt Communications.
22. WGFT-AM, Youngstown, Ohio.
23. Magruder Media Associates.
24. Spanish International Communications Corp.
25. Sanford Schafitz, licensee of WFAR-AM-FM; Farrell-Sharon and Sharpsville, Pa.
26. North Carolina Association of Broadcasters.
27. WVLC and WLOM-FM, Orleans, Mass.
28. Herbert W. Hobler, Nassau Broadcasting, Co., Princeton, N.J.
29. Shreveport Broadcasting Co.
30. Natural Broadcasting System.

⁴Spanish International Communications Corporation, which commented that it had rarely been approached by station brokers offering stations for sale and imagined that Black broadcasters would have had the same experience, stated that the burdens imposed by a 45 day notice requirement would be too great. It also suggested that minority groups be given a period of 30 days in which to make a better offer from the time an application had been accepted by the FCC. The minority buyer would then be given an additional 15 days to conclude a contract to the seller's satisfaction. However, such a procedure would be prohibited by section 310(b).

31. Howard University.
32. Franklin Broadcasting Corp.
33. WOXO-FM, Norway, Maine, WXIV, South Paris, Maine.
34. KRBI-AM-FM, St. Peter-Le Sueur, Minn.
35. KWPC; KFMH-FM, Muscatine, Iowa.
36. Smith Communications, licensee of WPDC, Elizabethtown, Pa.
37. Weitzman and Houser.
38. WQRK, Norfolk and WOKT, Newport News, Va.
39. Universal Broadcasting Corp.
40. Prairieland Broadcasting Co.
41. WJER Radio, Inc.
42. Missouri Broadcasters Association.
43. Pennsylvania Association of Broadcasters.
44. Nebraska Broadcasters Association.
45. Cecil L. Richards.
46. Summers Broadcasting, Inc. and William W. Summers, III.
47. Richard A. Shaheen.
48. National Association of Broadcasters (also filed reply comments).
49. Leake TV, Inc.; Independent Music Broadcasters, Inc.; McCormick Communications, Inc.; and WJAG, Inc.
50. American Broadcasting Cos.
51. McCoy Broadcasting Co.
52. Texas Coast Broadcasters.
53. Haley, Bader & Potts.
54. Felix H. Morales.
55. Maryland-District of Columbia-Delaware Broadcasters Association, Inc.
56. WBIA, Augusta, Ga.
57. Mississippi Broadcasters Association.
58. Rocky Mountain Broadcasters Association.
59. Combined Communications Corp.; The Evening News Association; Gaylord Broadcasting Co.; Lee Enterprises, Inc.; RKO General, Inc.; Starr Broadcasting Group, Inc.; and WQOK, Inc.
60. Heart O'Wisconsin Broadcasters and Mid America Audio-Video, Inc.
61. Joseph Gamble Stations, Inc.; North Alabama Broadcasters, Inc.; Strafford Broadcasting Corp.; KEZY Radio, Inc.; Nationwide Communications Inc.; The Baltimore Radio Show, Inc.; and Sonderling Broadcasting Corp.
62. Broad Street Communications Corp.; Brown County Broadcasting Co.; Clinch Valley Broadcasting Corp.; Cox Broadcasting Corp.; Daily Telegraph Printing Co.; Evening Post Publishing Co.; Gannett Co., Inc.; Gazette Printing Co.; Guy Gannett Broadcasting Services; McClatchy Newspapers; Multimedia, Inc.; Newhouse Broadcasting Corp.; Palmer Broadcasting Co.; Plough Broadcasting Co., Inc.; Providence Journal Co.; Quincy Broadcasting Co.; Rusk Corp.; Southwestern Sales Corp.; Springfield Great Empire Broadcasting, Inc.; Stainless Broadcasting Co.; State Telecasting Co., Inc.; Truth Publishing Co., Inc.; Turner Broadcasting Corp.; United Television, Inc.; WHEC, Inc.; Wichita Great Empire Broadcasting, Inc.; WJAC, Inc. (these parties also filed reply comments).
63. KOWH.
64. Larry Mims.
65. KEZY, Anaheim, Calif.
66. Blackburn & Co.
67. New Jersey Coalition for Fair Broadcasting.
68. Kentucky State NAACP Conference of Branches.

Informal comments were filed by approximately 120 additional parties.

[FR Doc 78-15623 Filed 6-5-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

BARRETT LIVESTOCK MARKET, INC.
WETUMPKA, Alabama, et al.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards, Agriculture Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AL-162 Barrett Livestock Market, Inc., Wetumpka, Ala.
GA-185 South Georgia Horse Auction, Inc., Quitman, Ga.
IA-254 Producers Livestock Marketing Assn., Feeder Pigs, Creston, Iowa.
NY-157 Bast's Livestock Exchange, Watertown, N.Y.
WI-135 Laverne Hall and Sons Sale Barn Westby, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards, Agriculture Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, by June 21, 1978.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 31st day of May 1978.

EDWARD L. THOMPSON,
Chief Registrations, Bonds, and
Reports Branch Livestock
Marketing Division.

[FR Doc. 78-15564 Filed 6-5-78; 8:45 am]

[3410-34]

Animal and Plant Health Inspection Service

ADVISORY COMMITTEE ON FOREIGN ANIMAL DISEASES

Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of a meeting of the Secretary's Advisory Committee on Foreign Animal Diseases.

SUMMARY: The purpose of this document is to give notice of a meeting of the Secretary's Advisory Committee on Foreign Animal Diseases to review actions taken on recommendations made at the previous meeting of the Committee, to review foot-and-mouth disease (FMD) prevention, control, and eradication activities in Central and South America, and to discuss contingency plans for obtaining FMD vaccines in the event they are needed in the United States.

PLACE, DATE AND TIME OF MEETING: Rotary Room, Mitchell's Restaurant, 115 Front Street, Greenport, N.Y., June 27, 1978, at 8:15 a.m. to 4:45 p.m.

SUPPLEMENTARY INFORMATION: The purpose of the committee is to advise the Secretary of Agriculture regarding the program operations or measures to prevent, suppress, control, or eradicate an outbreak of FMD or other destructive foreign animal and poultry disease in the event such disease should enter this country.

The purpose of this meeting is to review actions taken on recommendations made at the previous meeting of the Committee, to review FMD prevention, control and eradication activities in Central and South America, and to discuss contingency plans for obtaining FMD vaccines in the event they are needed in the United States.

The meeting is open to the public. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316 E, Washington, D.C. 20250, telephone number 202-447-3668.

Following the above meeting, members of the Secretary's Advisory Com-

mittee on Foreign Animal Diseases and the consultants to the Plum Island Animal Disease Center will visit the Center in connection with technical operations at that Center.

Because the Plum Island Animal Disease Center is engaged in work with diseases that are exotic to the livestock and poultry industries of the United States, for example, foot-and-mouth disease, rinderpest, African swine fever, African horsesickness, fowl plague, etc., only those people who are directly connected with the work performed at the Center and have a technical reason to go there will be permitted entry to the Plum Island Animal Disease Center. It is the full intent of the United States Department of Agriculture to prevent any possible spread of such diseases to the mainland of the United States. In this connection, strict biological safety measures are enforced, among which is the limitation of visitors to the island except for specific technical reasons. Except for members of the Advisory Committee and consultants, as specified, special arrangements to visit the island, following the subject meeting, must be made with Dr. J. J. Callis, Director, Plum Island Animal Disease Center, P.O. Box 848, Greenport, N.Y. 11944. Anyone who expects to visit the island, with special arrangements, must provide Dr. Callis with detailed technical reason(s) in writing justifying their need to visit Plum Island Animal Disease Center. All visitors to the island are required to sign an affidavit which states, in part, that they will not come in contact with domestic livestock, poultry, or susceptible wild animals, as well as areas where such animals are held, such as barns, stables, pastures, zoos, circuses, or any other areas inhabited by the above-mentioned animals for a minimum period of 3 days. For those who enter the laboratories this period is extended to 7 days.

Dated: May 31, 1978.

SAUL T. WILSON, Jr.,
Executive Secretary.

[FR Doc. 78-15514 Filed 6-5-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 32061]

**ST. LOUIS/KANSAS CITY-SAN DIEGO ROUTE
PROCEEDING****Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 11, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room D, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on April 3, 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., May 31, 1978.

HENRY M. SWITKAY,
Administrative Law Judge.

[FR Doc. 15634 Filed 6-5-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION**ADMINISTRATIVE LAW JUDGE PROGRAM**

AGENCY: Civil Service Commission.

ACTION: Proposal to modify the experience requirements for eligibility for the position of Administrative Law Judge, GS-935-15/16, established pursuant to 5 U.S.C. 3105.

SUMMARY: The purpose of this document is to give notice and to solicit the views of the public on proposals to broaden the recruiting base for the position of Administrative Law Judge.

COMMENT DATE: Any interested party may submit written comments regarding the proposals. To be considered, comments must be received on or before August 7, 1978.

ADDRESS: Address comments to the Director, Office of Administrative Law Judges, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles J. Dullea, Office of Administrative Law Judges, 202-632-4604.

SUPPLEMENTARY INFORMATION:**BACKGROUND**

Under current standards, as published in Examination Announcement

318, each applicant must be licensed to practice as an attorney and must have obtained legal experience of a certain length, type and level. At least seven years of qualifying experience are required. This experience may have been acquired in certain judicial positions, by involvement in formal hearings coming before governmental regulatory bodies, by preparing and trying (or hearing) cases in courts of original and unlimited jurisdiction, or any combination of the foregoing. The standards also require that a certain amount of experience satisfy a recency provision, i.e., at least two years of qualifying experience must have been acquired within seven years of the date of application. Further, a number of occupations are listed in the Announcement in which qualifying experience is not obtained (exempt).

RECENT STUDIES

In recent years a number of studies has been conducted of various phases of the Administrative Law Judge program. On the basis of these studies the Commission's staff has proposed certain changes in the examining program; the Commission's Advisory Committee has also suggested certain changes in the experience requirements for the position. Recommendations developed by the staff and those proposed by the Advisory Committee are as follows:

(a) reduce the length of qualifying experience required for eligibility at GS-15 from seven years to five years.

(b) broaden the definition of and accept as qualifying experience in certain occupations which are currently on the exempt list: (1) adjudicator; (2) arbitrator; (3) mediator; (4) teacher or professor; (5) hearing officer in informal proceedings; and (6) legal consultant, provided that such experience is fully comparable to significant aspects of trial, judicial or administrative experience of a high and exceptional quality level;

(c) broaden the definition of qualifying experience to include that of counsel representing the prosecution and the defense in general courts martial cases; and

(d) extend the recency period within which two years of qualifying experience must be obtained from seven years to ten years for eligibility at GS-16.

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 78-15671 Filed 6-5-78; 8:45 am]

[6325-01]

ALLOWANCES AND DIFFERENTIALS

Cost of Living Allowance (COLA)-Nonforeign
Areas Requirements of 205(b)(2) of E.O.
10,000

AGENCY: Civil Service Commission.

PURPOSE: Extension of time period for submitting comments on Civil Service Commission interpretation of requirements of Executive Order 10,000, as amended (3 CFR 792 (1943-48 Comp.)). Notice is hereby given that the Civil Service Commission has extended the time period for submitting comments from all interested parties on the interpretation it has given to the requirements of sec. 205(b)(2) of E.O. 10,000 regarding deductions from COLA because of access to commissary and exchange facilities or receipt of governmental housing benefits.

DATE: The deadline for receiving comments has been changed to July 11, 1978. This is a thirty day extension of the original deadline, as published in the FEDERAL REGISTER, May 12, 1978, Page 20524.

ADDRESS: Submit comments to: Office of Allowances and Special Rates, Pay Policy Division, Bureau of Policies and Standards, Room 3353, 1900 E Street NW., Washington, D.C. 20415.

UNITED STATES CIVIL SERVICE COMMISSION
JAMES C. SPRY,
*Executive Assistant to,
the Commissioners.*

[FR Doc. 78-15670 Filed 6-5-78; 8:45 am]

[6325-01]

**DEPARTMENT OF AGRICULTURE, COMMUNITY
SERVICES ADMINISTRATION, EXECUTIVE
OFFICE OF THE PRESIDENT****Revocation of Authority to Make Noncareer
Executive Assignment**

Under authority of section 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Departments below to fill by noncareer executive assignment in the excepted service the following positions:

Department of Agriculture—(1) Associate Administrator, Extension Service, Office of the Administrator, (2) Deputy Administrator, Rural Electrification Administration, Office of the Administrator.

Community Services Administration—General Counsel, Office of the General Counsel.

Executive Office of the President—Executive Director, Right of Privacy

Support Group, Office of Telecommunications Policy.

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,
Executive Assistant,
to the Commissioners.

[FR Doc. 78-15672 Filed 6-5-78; 8:45 am]

[6325-01]

DEPARTMENTS OF THE ARMY, COMMERCE, STATE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Revocation of Authority to Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Departments below to fill by noncareer executive assignment in the excepted service the following positions:

Department of the Army—Principal Deputy Assistant Secretary of the Army (Installations and Logistics), Office, Assistant Secretary of the Army (Installations and Logistics), Office, Secretary of the Army.

Department of Commerce—Deputy Assistant Secretary for Resources and Trade Assistance, Domestic and International Business Administration.

Department of State—Special Assistant to the Secretary, Office of the Secretary.

Equal Employment Opportunity Commission—(1) Executive Assistant to the Chair (Program and Policy), Office of the Chair. (2) Executive Assistant to the Chair (Legal), Office of the Chair.

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,
Executive Assistant,
to the Commissioners.

[FR Doc. 78-15673 Filed 6-5-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 7-78]

FOREIGN-TRADE ZONE AND TEMPORARY SUBZONE STATE OF NEW JERSEY

Application and Public Hearing

Notice is hereby given that the Department of Labor and Industry of the State of New Jersey, a public agency of the State, through its Office of International Trade, had submitted an application in two parts, requesting a grant of authority to establish a general-purpose foreign-trade zone in the township of Mt. Olive, Morris County, N.J., and a temporary subzone site in the township of Woodbridge, Middlesex County, N.J., both sites being adjacent to the Newark Customs port of

entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR part 400). It was formally filed on May 26, 1978. The applicant is authorized to make this proposal under section 12:13-1 of the New Jersey Statutes Annotated.

The general-purpose zone would cover 77 acres within the 650-acre Lakeland Industrial Park in the township of Mt. Olive, Morris County, which is owned and operated by the Lakeland Industrial Park, Inc. Initially, a 100,000 square foot warehouse facility will be constructed to serve zone tenants. The site is served by highway, with access to the Newark and Elizabeth seaports and the Newark International Airport.

The subzone portion of the application requests that a 50,000 square foot warehouse area at the Ronson, Inc., facility in the township of Woodbridge, Middlesex County, be designated as a temporary foreign-trade subzone for a period of 2 years. This facility has been requested so that Ronson can utilize zone procedures while a permanent facility is being constructed for Ronson within the general-purpose zone. It will be used for the testing, cleaning, and repackaging of imported lighters and parts for domestic and foreign sales.

The application contains economic data and information concerning the need for zone services in the Morris County area. Several firms have indicated their intention to use the zone for storage, processing, assembly, exhibition, and distribution activities. Among the initial zone users are firms involved in a variety of products, including: pharmaceuticals, electronic items, watches, lighters, textiles, farm machinery, and building materials.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The Committee consists of Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230; John Clinton, Chief (Inspection and Control Division), U.S. Customs Service, Newark Area, Airport International Plaza, Newark, N.J. 07114; and Colonel Clark H. Benn, District Engineer, U.S. Army Engineer, District New York, 26 Federal Plaza, New York, N.Y. 10007.

As part of its investigation of the proposal, the Examiners Committee will hold a public hearing on June 28, beginning at 9 a.m., in the Freeholders Meeting Room, 1st Floor, Morris County Administration Building, Ann Street, Morristown, N.J. The purpose of the hearing is to help inform interested persons about the proposal, to provide them with an opportunity for

comment, and to obtain information useful to the Examiners Committee.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by June 21, notify the Board's Executive Secretary of their desire to be heard either in writing at the address below or by phoning 202-377-2862. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through July 28, 1978. The submission of evidence is not desired during the port-hearing period unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented before or during the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce District Office, Gateway I Building, Suite 402, Market Street and Penn Plaza, Newark, N.J. 07102.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets NW., Washington, D.C. 20230.

Dated: May 31, 1978.

JOHN J. DA PONTE, Jr.,
Executive Secretary.

[FR Doc. 78-15617 Filed 6-5-78; 8:45 am]

[3510-25]

[4310-10]

Office of the Secretary

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Proposed Production Incentives Applicable to Calendar Year 1979 Allocation of Duty-Free Watch Quotas Among Producers Located in the Virgin Islands and Guam

AGENCY: Bureau of Trade Regulation, Industry and Trade Administration; Office of Territorial Affairs.

ACTION: Invitation for comments by interested parties on proposed production incentives applicable to calendar year 1979 allocations of duty-free watch quotas among producers located in the Virgin Islands and Guam.

SUMMARY: Pursuant to Pub. L. 89-805, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of watch quotas among watch assembly firms in the insular possessions. For the 1979 allocations of quota in Guam and the Virgin Islands, the De-

partments are proposing to revise the allocation formula and to reserve a portion of the quotas in the two territories for allocation among firms making economic contributions above specified minimum levels as an additional incentive for all firms to engage in more meaningful watch and watch movement assembly operations in the insular possessions.

DATE: Written comments must be received not later than July 15, 1978. Comments should be filed in duplicate and addressed to: Statutory Import Programs Staff, Bureau of Trade Regulation, Room 6895, U.S. Department of Commerce, Washington, D.C. 20230. Following their evaluation of comments received, the Departments propose to publish the revised formula and the production incentive as early as possible but not later than August 31, 1978, in order to afford all producers ample opportunity to adjust their assembly operations to take advantage of the production incentives. The formula and production incentives will ultimately be incorporated in the 1979 watch quota allocation rules.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Richard M. Seppa, who can be reached by telephone on 202-377-2925.

SUPPLEMENTARY INFORMATION: In assigning the Departments joint responsibility for allocating the quotas on a fair and equitable basis, Pub. L. 89-805 authorized them "to issue such regulations as they determine necessary to carry out their duties." The legislative history of the Act contained in S. Rep. No. 1679, 79th Cong., 2d Sess. 8 (1966) suggests that the cost of labor involved in the assembly of a watch be taken into account by the Departments in allocating quota because the labor factor "is a measure of the economic contribution being made by the assembly process, and also is an indication of the degree of assembly work being performed in the islands." The Senate report further indicated that in administering the quota law the Departments "may also take into account whatever additional factors they find are warranted."

In enacting the quota the Congress explicitly intended to prevent the duty-free privilege from becoming "little more than a convenient device for funneling foreign watches into this country."

In adhering to the intent of the Congress and the purposes of General Headnote 3(a), Tariff Schedules of the United States (stimulation of the development of light industry), the Departments have since 1967 made quota allocations under formulae which have progressively emphasized labor contributions and, in recent years, corporate income tax payments to the territorial economies.

The Departments' commitment to maximizing the economic contributions to the territories through the exercise of their allocation authorities was reflected in the initial 1967 allocation (32 FR 11294 (1967)). Labor cost was characterized as "a single common denominator consisting of several factors which together reflect a meaningful contribution to the economy of the insular possessions. Furthermore, in making allocations in future years we expect to place increasing emphasis on those factors which foster greater economic contributions to the economies of the insular possessions."

The Senate Report noted that in 1966 "a major share" of the watch parts were already assembled at the time of import into the territories. By 1975, however, most quota firms were doing complete or near-complete assembly within the insular possessions. Between 1967 and 1975 wages per unit assembled in the insular watch industry rose 60 percent; however, since 1975 wages per unit assembled have fallen almost 16 percent. In 1973 the Virgin Islands watch assembly industry provided employment to almost 1,200 workers in the assembly of 4.7 million units; in 1977 the assembly of virtually the same number of units provided employment to 900 workers. The main reason for this reduction in the labor force and corresponding wage benefits to the territories has been the increased reliance since 1975 on largely preassembled movements requiring little local labor to complete.

The Departments accordingly are proposing to place a greater emphasis on the importance of engaging in increased assembly operations by reserving a portion of the 1979 quotas in Guam and the Virgin Islands for allocation to firms satisfying specified minimum standards pertaining to assembly and economic contribution. For similar reasons the Departments are proposing under the 1979 allocation formula to increase the weight given the wage factor and to reduce the weight given the shipments factor. In calculating the 1979 quotas the Departments propose also to give producers credit for the net gross receipts tax and excise tax payments to the territorial governments, because these taxes constitute direct benefits to the economies.

It is the Departments' judgment that these proposals will have the effect of encouraging more complete assembly while offering necessary operational flexibility to the territorial producers.

Commenting parties are encouraged to provide detailed reasons supporting their views.

TEXT OF THE PROPOSED PRODUCTION INCENTIVE

(a) That portion of the 1979 Virgin Islands quota equal to the ratio of gen-

eral headnote 3(a) shipments of watches and watch movements from the territory during 1978 to the total 1978 Virgin Islands quota will be allocated on the basis of: (1) The dollar amount of wages, up to a maximum of \$14,000 per person, paid by each producer during calendar year 1978 and attributable to each producer's headnote 3(a) watch and watch movement assembly operations; (2) the calendar year 1978 dollar amount, attributable to its headnote 3(a) watch and watch movement assembly operations, of (i) income taxes paid by each producer (excluding penalty payments and less income tax refunds and subsidies paid by the territorial government during calendar year 1978), and (ii) net gross receipts taxes and excise taxes paid to the territorial government; and (3) the number of units of watches and watch movements assembled in the territory and entered by such producer duty-free into the customs territory of the United States during calendar year 1978.

In making allocations under this formula, a weight of 20 percent will be assigned to the shipment factor, a weight of 20 percent will be assigned to the tax factor, and a weight of 60 percent will be assigned to the wage factor.

(b) The remaining portion of the 1979 Virgin Islands quota will be reserved for firms satisfying the minimum assembly and economic contribution standards set forth below. Eligible firms will be allocated quota from the "incentive reserve" in accordance with the same factors and weights governing allocations under section (a). Allocations will be made from the incentive reserve to firms which:

(1) Assembled at least 50 percent of all movements shipped during calendar year 1978 from unassembled movements having at least 26 discrete components; and

(2) Make direct economic contributions to the territory equalling either:

(i) \$0.75 in wages per unit shipped into the customs territory of the United States during 1978; or

(ii) \$1 or more in wages and net corporate income tax payments per unit shipped into the customs territory of the United States during 1978, provided that \$0.60 or more is attributable to wages.

(c) That portion of the 1979 Guam quota equal to 75 percent of the ratio of calendar year 1978 general headnote 3(a) shipments of watches and watch movements from the territory to the total 1978 Guam quota will be allocated to firms on the basis of the factors and weights set forth in section (a) above. Except as noted in section (d) below, the remaining portion of the 1979 Guam quota will be reserved for and allocated among firms satisfying the section (b) standards in

accordance with the section (a) quota factors and weights.

(d) Quota set aside for new entrants and quota allocable under section 303.5(a)(4) of the Watch Quota Rules (15 CFR 303; 42 FR 62907 (1977)) to any new firms selected in 1978 shall be subtracted from the total quota available for allocation in the two territories before allocations are made under sections (a) and (c) above.

(e) As used in this proposal, (1) "Wages per unit shipped" means wages paid during calendar year 1978 to permanent residents of the territories employed in the firm's headnote 3(a) watch and watch movement assembly operations, up to a maximum of \$14,000 per person, divided by the firms 1978 shipments of headnote 3(a) watches and watch movements. Excluded are wages paid to: (i) accountants, lawyers, or other professional personnel who may render special services to the firm; (ii) persons assembling nonheadnote 3(a) watch movements; (iii) persons casing headnote 3(a) movements in those instances in which the cases do not qualify for duty-free entry under headnote 3(a); and (iv) persons engaged in the repair of nonheadnote 3(a) watches or watch movements.

(2) "Discrete components" means screws, parts, components, and subassemblies not assembled onto the mainplate, a bridge or subassembly not assembled together with another part or component at the time of importation into the territory. (A mainplate containing set jewels or shock devices, together with any parts, components, or subassemblies fixed to it at the time of importation, would under this definition be considered a single component). Excluded, however, are dials; dial screws; dial washers; hour wheels; hands; automatic mechanisms and related parts; day-date or special feature devices and related parts; and jewels.

(f) Firms are required to develop and maintain accurate and sufficient records in the territories to permit the Departments to verify eligibility under the provisions set forth above. The provision of incorrect information to the Departments may, in addition to applicable criminal penalties, because for quota reduction or cancellation.

Dated: June 1, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for
Trade Regulation, U.S. Department of Commerce.

RUTH G. VAN CLEVE,
Director, Office of Territorial Affairs,
U.S. Department of the Interior.

[FR Doc. 78-15684 Filed 6-5-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 25, 1978.

The meeting dates of the USAF Scientific Advisory Board Air Defense Subgroup of the Joint Scientific Advisory Board/Army Science Board Summer Study on Battlefield Systems Integration as published in the FEDERAL REGISTER, volume 43, No. 92, May 11, 1978, have been changed to June 15-16, 1978. All other information remains the same.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-15548 Filed 6-5-78; 8:45 am]

[3810-70]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at SAMSO, 2400 East El Segundo Boulevard, Los Angeles, Calif. 90009 on June 29, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with tactical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include details of classified programs throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof,

and that accordingly this meeting will be closed to the public.

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

JUNE 1, 1978.

[FR Doc. 78-15622 Filed 6-5-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

CONDUCT OF EMPLOYEES

Waiver Pursuant to Subsection 602(c) of the Department of Energy Organization Act (Pub. L. 95-91)

Subsection 602(c) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of subsection 602(a) of the Act to "supervisory employees" (as defined in subsection 601(a) of the Act) of the Department of Energy who have vested pension interests in "energy concerns" (as defined in subsection 601(b) of the Act).

It has been established to the Secretary's satisfaction that the vested pension interests of the individual "supervisory employees" of the Department of Energy whose names are listed below satisfy the requirements of subsection 602(c) of the Act. The Secretary of Energy has granted them waivers from the divestiture provisions of subsection 602(a) of the Act for the duration of their employment with the Department of Energy.

Name and Energy Concern

Beckjord, Eric S.—Westinghouse Electric Corp.
Bingham, Carleton D.—Rockwell International Corp.
Blake, F. Gilman—Standard Oil Co. of Calif.
Clarke, John F.—Union Carbide Corp.
Cunningham, George W.—Battelle Memorial Institute
D'Zmura, Andrew P.—Westinghouse Electric Corp.
Erb, Donald E.—Battelle Memorial Institute
Fields, Raymond H.—Westinghouse Electric Corp.
Fink, Lester H.—Philadelphia Electric Corp.
Flugum, Robert W.—Westinghouse Electric Corp.
Grace, J. Nelson—Westinghouse Electric Corp.
Guthrie, Hugh D.—Shell Oil Co.
Halpine, Paul A.—Westinghouse Electric Corp.
Hunter, James R.—Westinghouse Electric Corp.
Ingberman, Arthur K.—Union Carbide Corp.
Katz, Maurice J.—University of California
Klein, Kenneth W.—Cleveland Electric Illuminating Co.
Kuhlman, Carl W.—Douglas-United Nuclear Corp. (Now United Nuclear Industries)
Marvin, Henry H.—General Electric Co.

Mills, G. Alex—Air Products and Chemicals Corp.
 Myers, Dale D.—Rockwell International Corp.
 Neuworth, Martin B.—Continental Oil Co.
 Passman, Richard A.—General Electric Co.
 Riley, Donald R.—General Electric Co.
 Rossmessl, John R.—General Electric Co.
 Scarborough, James M.—Rockwell International Corp.
 Schriever, Richard L.—University of California
 Weber, Clifford E.—General Electric Co.
 Yaffee, Barry M.—TRW, Inc.
 Yevick, John G.—Potomac Electric Power Co.

Each supervisory employee named above will be directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on the energy concern in which he has a financial interest, unless the employee's supervisor and the counselor agree that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the employee.

Dated: June 1, 1978.

WILLIAM P. DAVIS,
 Deputy Director of Administration.

[FR Doc. 78-15580 Filed 6-5-78; 8:45 am]

[3128-01]

SOLAR ENERGY POLICY

Regional Forums

AGENCY: Department of Energy.

ACTION: Notice of Public Meetings on Solar Energy Policy.

SUMMARY: The Department of Energy will hold a series of public meetings across the nation in response to the President's order of a domestic policy review on national solar strategy. The meetings will be held in the various DOE regions during the month of June.

FOR FURTHER INFORMATION CONTACT:

Karl Conrad, Office of Consumer Affairs, Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, 202-566-9029.

SUPPLEMENTARY INFORMATION: The President has ordered Cabinet departments and agencies to begin work on a Solar Policy Review in development of a national solar strategy. This review will be headed by the Secretary of Energy.

The overall purpose of the Solar Policy Review is to provide:

(1) A sound analysis of the contribution which solar energy can make to U.S. and international energy demand, both in the short and in the longer term;

(2) A thorough review of the current Federal solar programs to determine whether they, taken as a whole, represent an optimal program for bringing solar technologies into widespread commercial use on an accelerated timetable; and

(3) Recommendations for an overall solar strategy to pull together Federal, State, and private efforts to accelerate the use of solar technologies.

The specific areas to be included in the Solar Policy Review are:

(1) An examination of each of the major areas of solar energy use (industry, building, agriculture and transportation) and each solar technology (heating and cooling, thermal electric, intermediate temperature systems, photovoltaics, biomass, wind, hydro-power and ocean thermal) to determine technical or scientific needs relating to their commercial use, both short and long term;

(2) A review of current Federal research, development and demonstration programs for solar technologies to determine whether they are structured appropriately to address the priorities and needs identified in area (1);

(3) Identification of the institutional, economic, and environmental factors relating to the introduction and use of solar technologies and development of Federal policy options and strategies for dealing with barriers or problems identified;

(4) An evaluation of the appropriate Federal role in the commercialization of solar energy, including the particular contributions which the various Federal agencies can make to the commercialization process;

(5) An examination of the potential for the impacts of using solar technologies abroad; and

(6) A review of issues relating to—

(i) The regional diversity of solar resources,

(ii) The matching of solar equipment to end use requirements, and

(iii) The integration of solar technology with the existing energy supply system.

To ensure that the Domestic Policy Review is responsive to the growing national interest in solar energy, the Department of Energy is sponsoring a series of eleven public meetings in June to receive comment from a broad spectrum of citizens, ranging from solar energy equipment manufacturers to State and local government officials to energy consumers. All interested persons are invited to present their views in writing and in person on the issues listed above. These views will be reported promptly to the Solar Energy Policy Committee, a specially constituted Cabinet-level committee, which is responsible for conducting the Solar Policy Review. Each person participating will receive a summary of the opinions expressed at the regional meetings.

PROPOSED AGENDA

8:00 to 9:00 a.m.	Registration
9:00 a.m.	Opening remarks.
	MC: Regional Representative/DOE, the Governor, the Mayor, Secretary Schlesinger (or Solar Energy Policy Committee Member).
9:30 to 10:30 a.m.	Solar Energy Producers' Panel.
10:30 to 11:00 a.m.	Comments from floor.
11:00 to 12:00 m.	Consumers' Panel.
12:00 to 12:30 p.m.	Comments from floor.
12:30 to 1:30 p.m.	Lunch break.
1:30 to 3:30 p.m.	Scheduled testimony from key solar experts.
3:30 to 5:30 p.m.	Scheduled testimony from individual citizens.
5:30 to 7:30 p.m.	Dinner break.
7:30 to 8:30 p.m.	Scheduled testimony from key solar experts.
8:30 to 10:30 p.m.	Unscheduled testimony.

The public meetings will be held at the dates and places listed below. Each meeting will begin at 9 a.m. and end at 10:30 p.m. Meetings will terminate earlier if unscheduled testimony is completed before 10:30 p.m.

REGION I—JUNE 26—BOSTON

Faneuil Hall, Faneuil Hall Square, Boston, Mass. Contact: Roberta Walsh, 617-223-5257; 223-0504.

REGION II—JUNE 24—NEW YORK

Nichols Hall, New York University, 100 Trinity Place, New York, N.Y. Contact: Jane Delgado, 212-264-0129.

REGION III—JUNE 19—PHILADELPHIA

Mandell Theater, Drexel University, 3220 Chestnut St., Philadelphia, Pa. Contact: Curtis Morris, 215-597-3880; 3882; 3883.

REGION IV—JUNE 21—ATLANTA

Civic Center, 395 Piedmont Ave., NE., Atlanta, Ga. Contact: Roy Pettit, 404-881-2837.

REGION V—JUNE 26—CHICAGO

Illinois Institute of Technology, Hermann Hall, 3300 South Federal St., Chicago, Ill. Contact: Alan E. Smith, 312-972-2190.

REGION VI—JUNE 29—DALLAS

Baker Hotel, 1400 Commerce St., Dallas, Tex. Contact: Charles Pfeiffer, 214-749-7621.

REGION VIII—JUNE 28—KANSAS CITY

Granada Royale Homotel, 220 West 43rd Street, Kansas City, Mo. Contact: June Heard, 816-374-2061.

REGION VIII¹—JUNE 27—DENVER

Auraria Student Center, Room 330, 9th Street between Lawrence and Larimer, Denver, Colo. Contact: Glenn Blankenship, 303-234-2420.

REGION IX—JUNE 15 AND 16—LOS ANGELES

Los Angeles Convention Center, 1201 Figueroa Street, Los Angeles, Calif. 90015. Contact: Bob Laffel 415-556-7130.

REGION X²—JUNE 12—SEATTLE

New Federal Building, Main Auditorium, 915 Second Avenue, Seattle, Wash. Contact: Janet Marcan, 206-442-7285.

All of the above meetings will begin at 9 a.m. and end at 10 p.m.

WRITTEN COMMENT PROCEDURES

Interested persons are invited to participate in the public meetings by submitting data, views or arguments with respect to the subjects set forth in this notice to the appropriate regional address above.

Comments should be identified on the outside of the envelope and on documents submitted to the DOE Region with the designation "Solar Policy Review." If possible, fifteen copies should be submitted by close of business on the day following the regional meeting.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

PUBLIC MEETINGS

Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address given above for the appropriate Region and in accordance with the request procedures set forth below. Requests must be received three days before the appropriate regional meeting. Persons requesting an opportunity to make an oral presentation will submit their written requests to the appropriate address for the Region to which they wish to appear. A request should be labeled both on the document and on the envelope "Solar Policy Review".

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of the group of persons that has such an interest; and give a phone number where she or he may be contacted.

DOE reserves the right to select the persons to be heard at these meetings, to schedule their respective presentations and to establish the procedures governing the conduct of the meetings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the meetings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, except during those periods when comments are requested from the floor. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she desires, to make a supplemental statement which will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person attending the meeting who wishes to ask a question at the meetings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the meetings will be made and the entire record of the meetings, including the transcript, will be retained by DOE and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C. on June 2, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

[FR Doc. 78-15794 Filed 6-5-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

RENSSELAER, INDIANA

Petition Filed Pursuant to Section 202(c) of the Federal Power Act

The purpose of this Notice is to advise the public that the below listed petition, requesting that the Economic Regulatory Administration exercise its authorities to order an emergency electrical interconnection under section 202(c) of the Federal Power Act, 16 U.S.C. section 824(c), has been filed: EC 78-5—Petition of the city of Rensselaer, Ind.

ERA has this application under consideration and may exercise its statutory responsibilities with or without further hearing but invites comments thereon. Copies of the above listed petition and responses, if any, thereto are available for inspection at the following location: Public Information Reading Room—Box SG, Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Additional Information may be obtained from: James M. Brown, Jr., Chief, System Reliability and Emergency Response Branch, Economic Regulatory Administration, 1111 20th Street NW., Vanguard Building, room 4070, Washington, D.C. 20461.

Written Comments may be filed with: Public Hearing Management, Economic Regulatory Administration, Box SG, room 2313, 2000 M Street NW., Washington, D.C. 20461.

Issued in Washington, D.C. May 30th, 1978.

DOUGLAS C. BAUER,
Assistant Administrator, Utility
Systems Economic Regulatory
Administration Department of
Energy.

[FR Doc. 78-15581 Filed 6-5-78; 8:45 am]

[3128-01]

SAM RAYBURN PROJECT, SOUTHWESTERN POWER ADMINISTRATION

Order Disapproving Proposed Rate and Extending Confirmation and Approval of the Existing Rate

Notice is hereby given that the Assistant Administrator for Utility Systems, Economic Regulatory Administration has issued the Order published below disapproving a proposed rate increase for the Sam Rayburn Project, Southwestern Power Administration, and extending confirmation and approval of the existing rate.

[ERA Docket No. SWPA 78-11]

SAM RAYBURN PROJECT SOUTHWESTERN POWER ADMINISTRATION, EX REL. RESOURCE APPLICATIONS

ORDER DISAPPROVING PROPOSED RATE AND EXTENDING CONFORMATION AND APPROVAL OF EXISTING RATE

Pursuant to section 301(b) of the Department of Energy Organization Act (the Act), Pub. L. 95-91, the function to confirm and approve rates in accordance with section 5 of the Flood Control Act of 1944, 16 USC 825s for power marketed by the Sam Rayburn Project, Southwestern Power Administration was transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-4, effective October 1, 1977, 42 FR 60726 (November 29, 1977), The Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Economic Regulatory Administration (ERA or the Administrator). The Administrator has delegated his authority to the Assistant Administrator for Utility Systems, Economic Regulatory Administration.

BACKGROUND

On October 4, 1976, the Department of the Interior filed a letter with the Federal Power Commission (FPC) requesting confirmation and approval of new rates for the sale of the entire available output of the Sam Rayburn Project to the Sam Rayburn Electric Cooperative, Inc. (Cooperative) for the period October 1, 1976 through September 30, 1981 (FPC Docket No. E-7201). Interior's request, made on behalf of the Southwestern Power Administration (SWPA), proposed that the rate for the sale of power and energy of the project be increased

from the \$1,030,000 annual rate approved by the FPC in 1971 to an annual rate of \$1,152,900.

The annual rate currently being charged (\$1,030,000) was originally confirmed and approved by the FPC in an order issued March 5, 1971, for the sale of the entire output of the Sam Rayburn Project to the Cooperative for a period ending not later than December 31, 1975. Interior requested and was granted two extensions of this rate. The second extension expired September 30, 1976, but the project has continued to charge the same rate.

In a letter dated December 27, 1976, addressed to the Under Secretary of the Interior, the staff of the FPC noted several deficiencies in the accounting procedures used in the repayment study which accompanied the rate filing and requested that Interior calculate the effect of correcting such deficiencies on annual revenue requirements. A reply to the FPC letter was received February 3, 1977, and the accompanying repayment study showed annual revenues would have to be \$1,186,400 or \$33,500 more than the proposed rate would collect. At an informal conference on May 16, 1977, representatives from the FPC and the Cooperative raised additional questions relative to the accounting procedures and replacement estimates used in the repayment study. Pursuant to the DOE Act and the authorities cited above, responsibility to confirm and approve the rate adjustment vested in ERA on October 1, 1977.

On December 19, 1977, the Acting Assistant Secretary for Resource Applications sent a letter to ERA with answers to the outstanding inquiries posed by the staff of the FPC regarding future replacement estimates for the Sam Rayburn Project. A repayment study accompanied the letter in which the new, higher total estimate for replacement was included. The study projects that annual revenues of \$1,160,900 will be required to recover allocable project costs.

DISCUSSION

The current rate level for the Sam Rayburn Project, approved by the FPC on March 5, 1971, is in ERA's opinion clearly inadequate to repay project costs over a 50 year period. However, the deficiencies in the rate proposal filed by Interior on behalf of SWPA on October 4, 1976 prevent ERA from being able to confirm and approve this rate level as a final rate. In reply to inquiries of the FPC, SWPA submitted two revised repayment studies which show that the proposed rate would not generate sufficient revenues to repay the investment in power facilities at the Sam Rayburn Project over a 50 year period. In addition, the computational procedures used in the two revised repayment studies failed to include all the neces-

sary changes which would correct the deficiencies in the October 1976 repayment study that were noted in the FPC letter of December 27, 1976.

ERA concludes that annual revenues will have to be higher than the \$1,152,900 proposed by SWPA if the Sam Rayburn Project is to recover the cost of producing and transmitting electric energy within a reasonable number of years. Therefore, ERA is not approving SWPA's request for new rates as filed on October 4, 1976.

Because additional time is necessary to permit the Assistant Secretary to file a request for confirmation and approval of new rates and for interested persons to offer comments relevant to such request, ERA is extending the existing rates as confirmed and approved by the FPC on March 5, 1971, until December 31, 1978 or to such earlier date as new rates are confirmed and approved.

ORDER

The Assistant Administrator for Utility Systems, Economic Regulatory Administration, pursuant to the authority delegated to him, orders:

1. The proposed rate filed by the Department of the Interior with the Federal Power Commission on October 4, 1976, requesting an annual rate of \$1,152,900 is hereby disapproved on the ground that such rate is inadequate to recover the cost of producing and transmitting the energy and power sold by the Sam Rayburn Project over a reasonable period of years;

2. The confirmation and approval of SWPA's rates and charges for the sale of electric power and energy from the Sam Rayburn Project, as set forth in the Federal Power Commission's order issued March 5, 1971, are hereby extended through December 31, 1978, or to such earlier date as the Department of Energy confirms and approves new rates for the project;

3. The Assistant Secretary for Resource Applications shall cause a copy of this Order to be distributed to all parties on the service list.

Issued in Washington, D.C., this 26th day of May, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-15582 Filed 6-5-78; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

May 15 through May 19, 1978

Notice is hereby given that during the period May 15 through May 19, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings

and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of a Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by any aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except federal holidays.

Dated: May 26, 1978.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

PROPOSED DECISIONS AND ORDERS

Aspen Park Gas Co., Inc., Conifer, Colo., FEE-4455, propane

Aspen Park Gas Co., Inc., filed an Application for Exception from the provisions of 10 CFR 210.62(a). The exception request, if granted, would permit Aspen to alter the credit terms of a discount for early payment which the firm offered to certain of its customers on May 15, 1973. On May 19, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Cities Service Co., Tulsa, Okla., DEE-0353, crude oil

Cities Service Co. filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Cities Service to sell the crude oil which it produces from the

Corff "A" lease at prices which exceed the lower tier ceiling prices specified in 10 CFR 212.73. On May 17, 1978, the DOE issued a Proposed Decision and Order which determined that Cities should be permitted to sell 81.72 percent of the crude oil produced from the lease at market prices.

Gulf Oil Corp., Houston, Tex., DEE-0985, crude oil

Gulf Oil Corp. filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Gulf to sell the crude oil produced from the Sidney A. Smith lease, located in Liberty County, Tex., at upper tier ceiling prices. On May 15, 1978,

the DOE issued a Proposed Decision and Order which determined that the exception request should be granted in part.

Western Petroleum Co., Minneapolis, Minn., No. 1 and No. 2 heating oil

On September 21, 1977, the Western Petroleum Co. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). The Western exception request, if granted, would permit the firm to earn entitlements on the volumes of No. 1 and No. 2 heating oil which it obtains from Gulf Coast terminals and markets in the mid-continent area. On May 15, 1978, the Department of Energy issued a Proposed Decision and Order to

Western in which it determined that the firm's request should be denied.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued proposed decisions and orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

Company	Case No.	Plant	County/State location	Amount of price increase (dollars per gallon)
Associated Programs, Inc.	DEE-0622	Yenter	Logan, Colo.	\$0.0388
Atlantic Richfield Co.	DEE-0667	Putnam Oswego	Dewey, Okla.	.0262
Coastal States Gas Corp.	DXE-1072	Hidalgo	Hidalgo, Tex.	.0615
Getty Oil Co.	DEE-0805	E. Vealmoor	Howard, Tex.	(¹)
	DEE-0806	Grand Chenier	Cameron Parish, La.	(¹)
	DEE-0807	Katy	Harris, Tex.	.0061
	DEE-0808	North Cowden	Ector, Tex.	.0061
	DEE-0809	Red Fish Bay	San Patricio, Tex.	(¹)
	DEE-0810	Yscloskey	St. Bernard Parish, La.	(¹)
Gulf Oil Corp.	DEE-0837	Elmwood	Beaver, Okla.	.0070
	DEE-0838	Fuller	Scurvy, Okla.	.0113
	DEE-0839	Houma	Terrebonne Parish, La.	.0205
	DEE-0840	Johnsons Bayou	Cameron Parish, La.	(¹)
	DEE-0841	Venice	Plaquemines Parish, La.	.0252
International Telephone & Telegraph Co.	DEE-0922	Ames	Major, Okla.	.0214
	DEE-0923	Beaver	Beaver, Okla.	.0317
	DEE-0924	Dubach	Lincoln Parish, La.	.0124
	DEE-0925	Elmwood	Beaver, Okla.	.0329
	DEE-0926	Gillette	Campbell, Wyo.	.0414
	DEE-0927	Lacasane	Cameron Parish, La.	.0455
	DEE-0928	Okeene	Blaine, Okla.	.0142
	DEE-0929	Thomas	Dewey, Okla.	.0069
MAPCO, Inc.	DEE-0559	Westpan	Hutchison, Tex.	.0091
Mobil Oil Corp.	DEE-0698	Aurelius	Ingham, Mich.	.0302
	DEE-0699	Grand Chenier	Cameron Parish, La.	.0134
	DEE-0700	Waha	Pecos, Tex.	.0149
Sid Richardson Carbon & Gasoline Co.	DXE-1064	Keystone	Winkler, Tex.	.0235
Standard Oil Co. (Indiana)	DXE-0643	Kinsler	Grant, Kans.	.00879
	DXE-0836	Indian Basin	Eddy, N. Mex.	.00790
Tenneco Oil Co.	DEE-0868	Ames	Major, Okla.	.0130
	DEE-0869	Altonah	Duchesne, Utah	.0665
	DEE-0870	Heyser	Calhoun, Tex.	.2784
	DEE-0871	Hobart Ranch	Hemphill, Tex.	.0054
	DEE-0872	Red Fish Bay	San Patricio, Tex.	.0130
	DEE-0873	Yscloskey	St. Bernard Parish, La.	.0129
Texas Pacific Oil Co., Inc.	DEE-0910	Enville	Love, Okla.	\$.0074

¹Denied.

[FR Doc. 78-15583 Filed 6-5-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. E-9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Order Granting Late Intervention

MAY 25, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009,

42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted.

All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary of the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided

that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On May 5, 1978, the Michigan Public Service Commission (MPSC) filed a motion pursuant to Section 1.8(d) of the Commission's rules and regulations requesting that the Commission authorize the late filing of its Notice of Intervention. A Notice of Intervention accompanied that motion.

MPSC states that it is a statutory body having jurisdiction under the laws of the State of Michigan to regulate rates, charges, and conditions of service for the sale of electric energy within that state. As grounds for its motion, the MPSC states that at the time this proceeding began in April of 1975 it did not have outside counsel. However, within the past year counsel has been retained and the MPSC is still in the process of developing lawful procedures for counsel's use. Due to these circumstances, the MPSC submits that it only recently became aware of the contentions of the various parties and the potential effect this case may have upon Michigan ratepayers, at which time it authorized counsel to file this motion and petition to intervene.

In support of its Notice of Intervention, the MPSC submits that it has a direct interest in this proceeding and as such it may intervene as a matter of right pursuant to Section 1.8(a)(1) and Section 1.37(f) of the Commission's rules and regulations. In particular, the MPSC states that it regulates the rates, charges and conditions of service to more than 70,000 customers served by the Indiana and Michigan Electric Co. (I. & M.), a subsidiary of the American Electric Power System (AEPs) and an affiliate of the American Electric Power Service Corp. (AEPSC). Therefore, the MPSC submits that the modification to the interconnection agreement at issue in this proceeding will have a substantial effect on the purchased power costs of I. & M., which, in turn, may effect I. & M.'s tariffs on file with the MPSC.

Further, MPSC states that it is seeking a limited form of intervention which would allow it to present to the Commission a complete picture of the consequences of the modifications to the interconnection agreement among the Ohio Power Co., the Appalachian Power Co., the Kentucky Power Co., I. & M. and AEPSC. In this regard, the MPSC requests that it be allowed to file briefs on or opposing exceptions to the decision of the Administrative Law Judge,¹ if it deems such are necessary, to participate in oral argument before the Commission if any is allowed, and

¹The initial decision of the Administrative Law Judge was filed on February 23, 1978.

to participate fully as a party in any further proceedings. Due to the limited form of intervention sought, the MPSC further submits that no party will be prejudiced by granting the requested intervention, nor will any delay in the proceeding be caused thereby.

No answers or objections to the requested intervention have been filed with the Commission.

We find that the MPSC has shown good cause pursuant to Section 1.8(d) of our Regulations to authorize and grant the untimely notice of intervention. However, the intervention of the MPSC in this proceeding will be specifically limited in the manner set forth in the Notice of Intervention.

The Commission finds: Good cause exists to authorize and grant the untimely Notice of Intervention of the Michigan Public Service Commission.

The Commission orders: (A) The Michigan Public Service Commission is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: Provided, however, that the participation of such intervenor shall be specifically limited in the manner set forth in the Notice of Intervention; and Provided, further, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15586 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. RM78-121]

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Incentive-Rate of Return; Extension of Time

MAY 26, 1978.

On May 25, 1978, a motion for extension of time was filed by Tennessee Gas Pipeline Co. (Tennessee), in the above-designated proceeding.

Tennessee states that a thirty-day extension should aid each participant in preparing sufficiently detailed comments to which other participants will be responding.

Upon consideration, notice is hereby given that the date for filing initial comments is extended to and including

June 14, 1978 and the date for filing reply comments is extended to and including June 23, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15587 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-385]

ARKANSAS POWER AND LIGHT CO.

Proposed Changes in FERC Rate Schedules

MAY 26, 1978.

Take notice that on May 19, 1978, Arkansas Power & Light Co. (Company) tendered for filing proposed changes in the Agreement for Electric Service with the Arkansas Electric Cooperative Corp. (AECC).

The Company states that the changes in the Agreement for Electric Service include the addition of three points of delivery, and an increase in capacity at six points of delivery. The Company indicates that some of the changes are not proposed to take effect until November 1, 1978. For these reasons, the Company requests waiver of the Commission's 90-day rule on filings. The Company states that due to a difficulty in making accurate estimates on the billing effects of these changes, no billing data was filed. The Company states that there will be no changes in rates or provisions in the Agreement other than those noted above.

A copy of the filing has been mailed to AECC, according to the Company.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15592 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-304]

BOSTON EDISON CO.

Order Accepting Rate Schedule for Filing, Granting Waiver, Granting Intervention, Denying Motions to Reject and for Summary Disposition, and Establishing Hearing and Procedures

MAY 30, 1978.

On April 10, 1978, Boston Edison Co. (Edison) tendered for filing a rate schedule containing a proposed service agreement, rate, and terms and conditions for partial requirements (P/R) service. Edison states that the filing is made in compliance with ordering paragraph (B) of the Commission's Opinion No. 809-A issued December 9, 1977, in Docket Nos. E-7738 and E-7784.¹

The Company further states that no wholesale customer of Edison is currently taking partial requirements service or requesting partial requirements service. Edison therefore requests waiver of Section 35.3 of the Commission's regulations prohibiting the filing of a rate more than ninety days prior to the date on which the electric service is to commence, since Edison does not know when, if ever, service under the P/R rate might commence. The Company states that it will inform the Commission of any date on which the rate schedule is to become operable as soon as it is known. Further, the Company states that the partial requirements rate is based on the cost of service analysis presented with the Company's Rate S-4 in Docket No. ER76-90, which is Edison's current all requirements rate.

Notice of the filing was issued April 17, 1978, with comments and petitions to intervene due on or before May 1, 1978. On May 1, 1978, the Towns of Concord, Norwood and Wellesley, Mass. (Towns) filed a motion to reject Edison's filing, or alternatively, a motion to suspend the filing for 5 months and summarily dispose of certain portions of the filing, as well as a

¹In Opinion No. 809-A at page 21, we found that the record in Docket No. E-7784 did not establish the reasonableness of either Edison's proffered P/R rate tariff filed in that proceeding in November of 1972 or the Towns' proposal to use the S-2 all requirements rates as partial requirements rates. We noted that no service had been rendered under the filed P/R rate, and that the Towns wished to have a definitive partial requirements tariff on file which would apply to them so they might test, on an economic basis, whether or not to purchase portions of their requirements under separate contracts. Finding the 1972 rate to be outdated, we required in ordering paragraph (B) of Opinion 809-A that: "Edison shall file a definitive, cost justified partial requirements rate tariff within four months of the issuance of this order".

petition to intervene. Edison filed an answer to the Towns' motions on May 12, 1978.

The Towns contend that a definite, simple and cost justified partial requirement rate is basic to their use of bulk power sources other than Edison's providing flexibility the Towns contend is required to enable them to provide the most economical and reliable electric service to their customers. They further argue that Edison's alleged continued failure to offer a proper P/R rate at reasonable cost levels and under proper terms and conditions is both discriminatory and anticompetitive, and that the Towns have been seeking a proper P/R rate for 7 years. Specifically, the Towns allege, *inter alia*, that Edison's P/R rate proposal herein is not cost justified since the S-4 rate level on which it is based is excessive; that the rate has a complicated and unnecessary stratified rate form; that the differences between the stratified rates is not cost supported; that the rate is ambiguous and indefinite and it is therefore impossible for the Towns to determine in advance what their costs under the rate would be in order to weigh the economic benefits of switching to partial requirements service. For these and related reasons, the Towns urge rejection of the filing. Alternatively, the Towns request a 5 month suspension of the effectiveness of the rate and summary disposition of the power factor and tax adjustment clauses.

We find good cause to grant the petition to intervene, but shall deny the other requested relief. The Towns' objections to Edison's stratified rate form, the allegations of discrimination and anticompetitive conduct, and other objections to the P/R rate are appropriate matters to consider at a hearing but are not grounds for rejection of Edison's filing. Regarding the stratified rate form, we specifically stated in Opinion No. 809-A, *supra*, at page 22:

As we have indicated herein, we shall not reject the concept of stratifying partial requirements service into base, intermediate, peaking and reserve components as being *per se* defective. However, if it continues to advance stratified P/R rates, we expect Edison to fully and definitively support such stratification by providing information including, but not limited to, load duration curves and design, operating and cost characteristics of each of its generating units.

We find that Edison has substantially complied with the filing requirements set forth above, and we do not find good cause to reject the filing.

Similarly, the Towns' objections to the inclusion of a power factor clause is a proper subject for hearing, but not grounds for summary disposition of this proposal. As noted by Edison in its answer, this Commission has in the

past approved a number of power factor clauses. The burden remains on Edison to cost justify the clause. As to the tax adjustment clause, Edison is advised that it is against the Commission's regulatory policy to allow tax clauses to serve as a basis for automatic changes in rates. Any adjustments which Edison may contemplate pursuant to its tax adjustment clause will have to be filed as a change in rate pursuant to section 35.13 of the Commission's Rules and Regulations. Upon receipt of such a proposed rate filing, we will review it in a manner similar to any proposed rate change filing under section 205 of the Federal Power Act. It is therefore not necessary to summarily dispose of this provision. We shall therefore deny the motions to reject and for summary disposition.

Our review of the filing indicates that the terms and conditions of the proposed rate have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall accept the proposed rate schedule for filing and set the reasonableness of the terms and conditions for hearing.

As Edison notes in its answer, the Towns' request for a 5 month suspension of the P/R rate filing is premature since Edison has requested no effective date for the P/R rate but will seek one when service is requested and the rate is to become operable. We shall therefore defer the assignment of an effective date per section 35.3(a) of our Rules and Regulations. The rate level to be determined herein should be based on the cost of service determination to be made in the ongoing full requirements rate proceeding in Docket No. ER76-90. At such time as any customer intends to take service under the P/R tariff, Edison shall file timely notice and appropriate service agreements, and we shall then determine whether and how long a suspension is appropriate and permit the rate schedule to become effective, subject to refund.² We shall grant the request for waiver of section 35.3 of our filing regulations in the event that service is requested more than 90 days from the date of filing.

The Commission finds: (1) Good cause exist to accept for filing Edison's proposed partial requirements rate schedule, pending hearing and decision as to the lawfulness of the terms and conditions of service as set forth therein. The proposed rate level shall be the subject of the outcome of the determination of Edison's cost of service in Docket No. ER76-90.

²As Edison's answer notes, this is a procedure followed in the order accepting Boston Edison's Contract Demand filing in Docket No. ER76-854, "Order Accepting Rate Schedule For Filing, Granting Waiver, Permitting Intervention, And Establishing Procedures", issued September 22, 1976.

(2) Good cause exist to grant waiver of section 35.3 of the Commission's Regulations.

(3) Good cause exists to permit the Towns of Concord, Norwood, and Wellesley, Mass., to intervene in this proceeding.

(4) Good cause does not exist to grant the Towns' motions to reject and for summary disposition.

(5) We shall defer the assignment of an effective date for the P/R rate filed herein per section 35.3(a) of our Regulations as conditioned below.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of terms and conditions contained therein, Boston Edison's rate schedule filed in the instant proceeding is accepted for filing. The level of the rate shall be subject to the outcome of Edison's rate increase proceeding in Docket No. ER76-90.

(B) At such time as any customer intends to take service under the proposed rate schedule, Edison shall file notice and appropriate Service Agreements in order to make the rate schedule effective.

(C) Waiver of section 35.3 of the Commission's Regulations is hereby granted.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall convene a pre-hearing conference for the purpose of establishing such further procedural schedule as may be necessary. Said Presiding Administrative Law Judge shall preside at the hearing ordered herein and is hereby authorized to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided in the Rules of Practice and Procedure.

(E) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission. *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(F) The Towns' motions to reject and for summary disposition are hereby denied.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15593 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-329]

COLUMBIA GAS TRANSMISSION CORP.

Application

MAY 30, 1978.

Take notice that on May 12, 1978, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in Docket No. CP78-329 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of volumes of natural gas to be injected and withdrawn from storage for Columbia Gas of Ohio, Inc. (COH), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that COH has entered into an agreement with Michigan Consolidated Gas Co. (Consolidated) providing for the rendition of a gas storage service by Consolidated for COH for a period of 6 years (1978-84) or, if COH so elects, for a period of 13 years (1978-91). It is indicated that pursuant to the subject agreement between Consolidated and COH, during the 1978 and ensuing summer periods (March 1 through October 31) COH would cause up to 2,750,000 Mcf of gas to be delivered to Consolidated for storage, and that during the 1978-79 and ensuing winter periods (November 1 through March 31), Consolidated would redeliver an equivalent volume of gas to COH. COH may elect to defer redelivery from one winter period to the next of all or any part of the volumes stored, it is said.

It is indicated that in order to effectuate the transportation of the storage injection and storage withdrawal volumes, COH has entered into transportation arrangements with Applicant, Panhandle Eastern Pipe Line Co. (Panhandle) and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin). Applicant proposes to accomplish its transportation of the storage injection volumes by delivering, during the period March 1 through October 31 of each year during the term of this agreement, a portion of COH's gas entitlement under Applicant's CDS Rate Schedule to Panhandle, for COH's account, at existing points of interconnection between the pipeline facilities of Applicant and Panhandle: Maumee (Lucas County), Cecil (Paulding County), and Hollansburg (Drake County), Ohio. Panhandle would deliver the subject volumes to Michigan Wisconsin for redelivery to Consolidated, it is said. Applicant states that such deliveries would be made at daily rates mutually agreed upon by the dispatchers of COH, Applicant and Panhandle, but not to exceed 50,000 Mcf per day plus an allowance of up to 2 percent of 50,000 Mcf for compressor

fuel to be retained by other transporters.

Applicant indicates that during each winter period, November 1 through March 31, that occurs during the term of this agreement, Applicant would accept delivery of natural gas from Panhandle for COH's account at the existing points of interconnection between the pipeline facilities of Applicant and Panhandle. Storage withdrawal volumes would be delivered by Consolidated to Michigan Wisconsin, which in turn would deliver the volumes to Panhandle for redelivery to Applicant. Deliveries to Applicant for COH's account would be at daily rates mutually agreed upon by the dispatcher of COH, Applicant and Panhandle, but not to exceed 50,000 Mcf per day plus additional volumes required by Applicant for company-use and unaccounted-for gas, it is said. It is stated that the volumes received from Panhandle would be transported and redelivered to COH at Applicant's existing points of delivery to COH in Ohio.

The application states that COH would pay Applicant a transportation charge reflecting Applicant's average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, this being 23.05 cents per Mcf. The subject transportation charge would be subject to adjustment to reflect revised average system-wide storage and transmission costs, exclusive of company-use and unaccounted-for gas, contained in future Commission rate filings by Applicant, it is said. Applicant indicates that it would also retain for company-use and unaccounted-for gas a percentage of the total volume of gas delivered into its system by Panhandle for COH's account, which percentage is 2.51 percent.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the

Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15594 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. RP78-20]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

MAY 26, 1978.

Take notice that Columbia Gas Transmission Corp. (Columbia) on May 1, 1978, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective June 1, 1978:

Forty-fourth revised Sheet No. 16
First revised Sheet No. 16A

Columbia states that Forty-fourth Revised Sheet No. 16 is necessary in order to place the proper rate into effect on June 1, 1978, end of suspension period. The rates contained in the subject tariff sheet have been revised from the original filing of November 30, 1977, as more fully described in Columbia's filing, which is on file and subject to inspection in the Commission's Office of Public Information.

In addition, First Revised Sheet No. 16A has been revised to reflect the transportation rate and percentage of company use and unaccounted for gas being based upon the costs and volumes contained in the instant filing in the above-captioned proceeding.

Copies of this filing were served upon the Company's jurisdictional customers, interested state commissions and to each of the parties set forth on the official service list in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commis-

sion's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15595 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. RP78-19]

COLUMBIA GULF TRANSMISSION CO.

Proposed Changes in FERC Gas Tariff

MAY 26, 1978.

Take notice that Columbia Gulf Transmission Co. (Columbia Gulf) on May 1, 1978 tendered for filing the following revised tariff sheets to its FERC Gas Tariff to become effective June 1, 1978:

Original Volume No. 1

Substitute Twenty-Fourth Revised Sheet No. 7

Original Volume No. 2

Substitute Fifth Revised Sheet No. 72
Substitute Fifth Revised Sheet No. 73
Substitute Second Revised Sheet No. 92
Substitute Second Revised Sheet No. 93
Substitute Second Revised Sheet No. 126
Substitute Third Revised Sheet No. 145
Substitute Third Revised Sheet No. 146
Substitute Second Revised Sheet No. 256
Substitute Second Revised Sheet No. 263
Substitute First Revised Sheet No. 278
Substitute First Revised Sheet No. 320
Substitute First Revised Sheet No. 337
Substitute First Revised Sheet No. 338
Substitute First Revised Sheet No. 386
Substitute First Revised Sheet No. 387
Substitute First Revised Sheet No. 417
Substitute First Revised Sheet No. 440
Substitute First Revised Sheet No. 493

Columbia Gulf states that such tariff sheets are necessary to place its rates suspended by Commission Order issued December 30, 1977 in this proceeding into effect at the end of the prescribed suspension period and to consolidate proceedings herein with proceedings in Docket No. RP78-20. The rates contained in the subject tariff sheets have been revised to give effect to the elimination from its cost of service those facilities included in its November 30, 1977, filing which were not certificated and in service as of the end of the test period.

Copies of this filing were served upon all of Columbia Gulf's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a peti-

tion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15596 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-389]

CONNECTICUT LIGHT & POWER CO.

Transmission Agreement

MAY 30, 1978

Take notice that on May 22, 1978, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated April 21, 1978 between (1) CL&P, The Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO) and (2) Danvers Electric Department (DED).

CL&P states that the Transmission Agreement provides for a transmission service to DED during the period from May 1, 1978 to October 31, 1978.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which DED is entitled to receive.

CLP requests an effective date of May 1, 1978, for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

According to CL&P copies of this rate schedule have been mailed or delivered to HELCO, WMECO, and DED.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance

with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15610 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. CP74-35]

EXXON PIPELINE CO. OF CALIFORNIA

Inspection

MAY 26, 1978.

Notice is hereby given that on June 3, 1978, Commissioner George R. Hall and certain members of the staff of the Federal Energy Regulatory Commission will inspect the offshore drilling platform from which natural gas would be produced and transported through the pipeline certificated in Docket No. CP74-35. The platform is operated by Exxon Co., U.S.A., and is the world's tallest platform, standing in 850 feet of water.

Representatives of the parties to the said proceeding may participate in the inspection. Such persons shall arrange their own transportation and be prepared to depart at 8:30 a.m. on June 3, 1978, from the helicopter area of the airport near Santa Barbara, Calif.

This notice shall be published in the FEDERAL REGISTER and transmitted to all parties as their names and addresses appear on the service list of the said proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15597 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ES78-36]

GULF STATES UTILITIES CO.

Application

MAY 30, 1978.

On May 18, 1978, the Gulf States Utilities Co. (Applicant) filed an application with the Commission pursuant to section 204 of the Federal Power Act seeking authority to commence negotiations for a proposed exchange of a new series of preferred stock for an older series of preferred stock.

Applicant is incorporated under the laws of Texas with the principal business office at Beaumont, Tex., and is

engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge, La., and vicinity.

The Applicant states that it has received an unsolicited proposal dealing with a preferred stock recapitalization plan from the investment banking firm of E. F. Hutton & Co., Inc. The Applicant opines that the transaction involves an exchange offer of preferred stock at current market dividend rates for outstanding preferred stock with a much lower dividend rate. The net result of the exchange is that the preferred stock account is decreased and the capital surplus account is increased by the same amount. A small dividend premium is considered necessary to facilitate the exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15598 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-391]

INTERSTATE POWER CO.

MAY 30, 1978.

Take notice that Interstate Power Co. (Company) on May 22, 1978, tendered for filing a letter agreement dated March 28, 1978, ancillary to FERC Electric Service Rate Schedule No. 114 with the City of Springfield, Minn. (City). The Company proposes that the letter agreement extend transmission service to City so that City may from time to time avail itself of Western Area Power Administration power and energy.

The Company proposes an effective date of May 20, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15599 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. EL78-22]

JACKSON PURCHASE ELECTRIC COOPERATIVE CORP. AND BIG RIVERS ELECTRIC CORP. V. KENTUCKY UTILITIES CO.

Application for an Order Directing the Establishment of an Additional Physical Connection of Facilities

MAY 30, 1978.

Take notice that, on May 12, 1978, Jackson Purchase Electric Cooperative Corp. and Big Rivers Electric Corp. (Applicants) tendered for filing an application for an order directing the establishment of an additional physical connection of facilities pursuant to section 202(b) of the Federal Power Act. Applicants allege that this application results from a refusal by Kentucky Utilities Co. to give permission to the Applicants to tap KU's transmission line for the purpose of supplying a new substation in the Applicants' service area for the purpose of redistribution of load and normal growth.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 13, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15602 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-388]

MISSOURI POWER & LIGHT CO.

Proposed Tariff and Rate Schedule Changes

MAY 26, 1978.

Take notice that Missouri Power & Light Co. (Company) on May 19, 1978, tendered for filing a new increased FERC Electric Service Tariff to replace its current Electric Service Tariffs IS, MESWR Original and 1st Revised MESWR. The Company indicates that the proposed changes would increase revenues from its Wholesale Municipal Customers by approximately \$287,000 based on the 12-month period ended December 31, 1977.

Missouri Power & Light Co. indicates that its proposed increase in rates is due primarily to wholesale power cost increases which have already been incurred by the Company.

Copies of the filing are being served upon each wholesale municipality, according to the Company.

An effective date of June 15 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15600 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket Nos. CI77-286, et al.]

MRT EXPLORATION CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates¹

MAY 30, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said ap-

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

plication should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
CI77-286, C. Feb. 10, 1978.....	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., Little Washita field, Grady County, Okla.	(¹)	15.025
CI77-286, C. Dec. 27, 1977.....	MRT Exploration Co.	do.	(²)	15.025
CI77-327, C. Oct. 31, 1977.....	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., various fields, Eddy County, N. Mex.	(³)	15.025
CI77-327, C. Nov. 3, 1977.....	Cities Service Co.	El Paso Natural Gas Co., Winchester field, Eddy County, N. Mex.	(⁴)	15.025

¹Applicant is willing to accept a certification at the applicable national uniform rate, pursuant to opinion No. 770, as amended. Applicant also proposes to add the McNeill No. 1-8 unit.

²Applicant is willing to accept the applicable national rate, pursuant to opinion No. 770, as amended. Applicant also proposes to add the Brock No. 1-A unit.

³Applicant is willing to accept the applicable national rate, pursuant to opinion No. 770, as amended. Applicant also proposes to add 4 wells to its basic contract.

⁴Applicant is willing to accept the national rate, pursuant to opinion No. 770, as amended. Applicant also proposes to add 1 well to its basic contract.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc 78-15061 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-335]

NEW ENGLAND POWER POOL

Order Accepting for Filing, Suspending Proposed Rate Schedule, and Waiving Notice and Filing Requirements

MAY 26, 1978.

On April 27, 1978, the New England Power Pool (NEPOOL) submitted for

filing the Conservation Energy Agreement which amends and supplements the Interconnection Agreement between the NEPOOL and the New York Power Pool (NYPP), dated February 15, 1978.

The service to be furnished under the Conservation Energy Agreement is the supply of electric energy for emergency purposes over periods extending

for one or more weeks. Energy is to be supplied under the Conservation Energy Agreement only for the purpose of meeting an energy shortage caused by curtailments of energy sources as a result of fuel unavailability, governmental actions, or widespread disasters making it necessary for the deficient pool to conserve energy resources over an extended period of time.

According to the filing, the Conservation Energy Agreement is intended to supplement the NEPOOL-NYPP Interconnection Agreement and does not take the place of any existing rate schedule or increase any prior rates. The Agreement provides that, for the purpose of conserving energy resources, either NEPOOL or NYPP may make arrangements to obtain from the other conservation energy service when, in other pool's judgment, it has the capability and fuel resources to provide the same. Such arrangements are to be scheduled for periods of one or more weeks. These prescheduling arrangements, including the number of megawatts per hour to be supplied, the period of supply, the source and destination, and the estimated costs, as well as modifications thereto, are subject to mutual agreement by NEPOOL and NYPP in advance of supply. The Conservation Energy Agreement provides the method for determining payments for such service. The Agreement also provides for each of the pools to facilitate purchase and sale transactions regarding similar emergency service which one pool may have with remote systems and with which the other pool is interconnected.

The filing indicates that the recent coal miners' strike adversely affected the supply of fuel to various electric utilities, including utilities interconnected with NYPP, and made apparent the relative uncertainty of electric utilities' fuel supplies. The NYPP group and the NEPOOL participating systems have prepared and entered into the Conservation Energy Agreement.

The proposed rates under the Agreement are as follows: 110 percent of the out-of-pocket replacement cost of generating the energy, plus a generation service charge of 3.75 mills/kWh or, for third party transactions, the purchase cost to the supplier, plus 2.00 mills/kWh for transmission.

Notice of NEPOOL's filing was issued on May 5, 1978, with protests or petitions to intervene on or before May 15, 1978. No such comments, protests, or petitions were filed. Certificates of Concurrence were submitted on behalf of the systems participating in NYPP.¹

In view of the fact that during the immediate period it could become necessary to initiate service under the proposed Agreement, waiver of the

Commission's notice requirements is requested so that a May 1, 1978, effective date may be assigned. Accordingly, we shall waive the 18 CFR 35.3 notice requirements and accept the Agreement for filing in order to assign it the early effective date, as hereinafter ordered and conditioned.

The filed cost support and proposed charges are similar to those filed in the PJM-NYPP Conservation Energy Agreement (Docket No. ER78-108). On December 13, 1977, with respect to cost support in that earlier docket, Staff's request for additional data, necessary to properly evaluate the charges, is currently outstanding. It appears that cost support accompanying the filing in ER78-335 is similarly deficient. In that regard, the Commission will accept for filing the Conservation Energy Agreement, and require NYPP to submit the cost support data required under 18 CFR § 35.13.

The proposed conservation schedule tendered for filing on April 27, 1978, has not been shown to be just and reasonable and therefore may be unjust, unreasonable, and unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act to accept for filing the proposed rate schedule modification filed by NEPOOL in Docket No. ER78-335 and that such proposed schedule be suspended and the use deferred, all as hereinafter ordered.

(2) Good cause exists to waive the Commission's notice and filing requirements set out in the Commission's rules and regulations.

(3) Good cause exists to afford Applicants additional time to submit the cost support data as required under 18 CFR § 35.13.

The Commission orders: (A) The proposed Conservation and Energy Agreement filed by NEPOOL on April 27, 1978, is hereby accepted for filing as of May 1, 1978, suspended for one day, and the use thereof deferred until May 2, 1978, when it shall become effective subject to refund.

(B) NEPOOL and NYPP are hereby directed to file the cost support data required by our regulations.

(C) Upon the filing of the cost support data described in paragraph (B), above, the Commission shall further evaluate the filing and shall set a date for a public hearing, should such procedure be appropriate.

(D) 18 CFR § 35.3 notice requirements are hereby waived. 18 CFR § 35.13 filing requirements not yet complied with are hereby waived to permit the Agreement to become ef-

fective as set forth in Ordering Paragraph (A) above.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15588 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-311 and ER77-511]

NEW YORK POWER POOL

Order Accepting Filing, Suspending Proposed Rate Increase, Consolidating Proceedings and Waiving Filing Requirements

MAY 31, 1978.

On April 14, 1978, the New York Power Pool (NYPP) tendered for filing a Revised Schedule C-2 proposing to increase charges associated with economy energy transactions with the following NYPP members: Central Hudson Gas & Electric Corp., Consolidated Edison Co. of New York, Inc., Long Island Lighting Co., New York State Electric & Gas Corp., Niagara Mohawk Power Corp., Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corp. and Power Authority of the State of New York. NYPP proposed that this Revised Schedule C-2 be allowed to become effective June 1, 1978. The proposed Revised Schedule C-2 supersedes the rates set forth in Schedule C-2 which were filed in Docket No. ER77-511, accepted for filing and suspended for one day, and allowed to become effective as of April 5, 1977, pursuant to the Commission order dated August 1, 1977, by order issued January 18, 1978, the Commission set procedural dates in Docket No. ER77-511 for the submittal of NYPP's case-in-chief and the prehearing conference.

Notice of the filing of the Revised Schedule C-2 was issued on April 20, 1978, with protests or petitions to intervene due on or before May 1, 1978. No protests or petitions to intervene were filed.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, the Commission will accept the submittal for filing and suspend the rates and services for one day from the effective date, after which the rates and services will go into effect as of June 2, 1978, subject to refund.

The instant proceeding and the proceeding in Docket No. ER77-511 contain common questions of law and

¹Central Hudson Gas & Electric Corp., Consolidated Edison Co. of New York, Inc., Long Island Lighting Co., New York State Electric & Gas Corp., Niagara Mohawk Power Corp., Orange & Rockland Utilities Inc., and Rochester Gas & Electric Corp.

fact. Therefore, it is appropriate to consolidate the two proceedings for purposes of hearing and decision.

NYPP requests waiver of the requirement to submit cost support Statements A through O. The request should be granted, since Staff in the Docket No. ER77-511 proceeding requested cost data that is applicable in this docket. However, we should require NYPP to submit direct testimony in support of its proposed transmission rate level and rate design.

The Commission finds: (1) Good cause exists to accept for filing the proposed rates and to suspend the use thereof for one day from the proposed effective date, after which they may become effective subject to refund.

(2) Good cause exists to consolidate this docket (ER78-311) with Docket No. ER77-511.

The commission orders: (A) NYPP's proposed rates are hereby accepted for filing and suspended for one day from the proposed effective date of June 1, 1978, and shall become effective subject to refund as of June 2, 1978.

(B) The proceeding in Docket No. ER78-311 is hereby consolidated with the proceeding in Docket No. ER77-511 for purposes of hearing and decision.

(C) NYPP on or before June 23, 1978, shall submit its case-in-chief in support of its proposed rates in this Docket No. ER78-311.

(D) the filing requirements of 18 CFR § 35.13 are hereby waived except for the requirement to file case-in-chief direct testimony as provided for in § 35.13(b)(5)(i).

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15603 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. G-10632]

NORTHERN ILLINOIS GAS CO.

Application for Continuing Exemption

MAY 31, 1978.

Take notice that on May 12, 1978, Northern Illinois Gas Co. (Applicant), P.O. Box 190, Aurora, Ill. 60507, filed in Docket No. G-10632 an application for continuing exemption under section 1(c) of the Natural Gas Act, all as more fully set forth in the filing in this proceeding.

Applicant states that it is an intrastate gas distribution utility engaged

The filing is styled "Application of Northern Illinois Gas Co. for continuing exemption under section 1(c) of the Natural Gas Act and petition to intervene (in Docket No. CP78-327)".

in the business of selling and distributing gas to more than 1,360,000 customers in the State of Illinois, which includes most of the Chicago area. Applicant also states that it is a public utility subject to the jurisdiction of the Illinois Commerce Commission under the Illinois Public Utilities Act, and by order of July 26, 1956 issued in Docket No. G-10632, Applicant was granted exemption from the provisions of the Natural Gas Act under section 1(c) thereof. All of Applicant's operations are conducted within the State of Illinois, it is said.

It is indicated that in Docket No. CP78-327, Mid-Continent Gas Storage Co. (Mid-Continent) filed an application pursuant to section 7(c) of the Natural Gas Act requesting authorization to render up to 15,000,000 Mcf of natural gas storage service for a limited term to Southern Natural Gas Co. (Southern).

Applicant states that the application sets forth the following:

Under the terms of a Limited Term Storage Agreement (the Storage Agreement) dated as of March 23, 1978, between Mid-Continent and Southern, during the initial 1978 Injection Period (April 1 through November 30) and during each subsequent Injection Period (April 1 through November 30), Southern may deliver or cause to be delivered to Mid-Continent an injection volume of natural gas of up to 15,000,000 Mcf of gas (Injection Period Volume), subject to certain conditions set forth in the provisions of a Limited Term Storage Leasing Agreement entered into as of March 23, 1978, by and between Applicant and Mid-Continent (the Lease).

The Storage Agreement further provides that during the Withdrawal Periods (November 1 through March 31) Mid-Continent would make available or cause to be made available to Southern an aggregate storage withdrawal volume (Withdrawal Period Volume) of gas thermally equivalent on a Btu basis to the volume of gas injected during the immediately-preceding Injection Period, subject to the conditions that 1) Mid-Continent would make available a daily withdrawal volume of gas of up to 125 percent of 1/150th of the Withdrawal Period Volume, 2) the obligation to make gas available is on a best efforts basis subject to the provisions of the Lease, and 3) if Southern elects to withdraw up to 15,000,000 Mcf of gas during a Withdrawal Period when it does not, for any reason, have in storage 15,000,000 Mcf of gas, it would deliver or cause to be delivered during the next Injection Period in addition to any other injections, an aggregate make-up injection volume of natural gas thermally equivalent on a Btu basis to the volume withdrawn in excess of the preceding Injection Period Volume.

Southern agrees to delivery injection gas and accept withdrawal gas at already-existing interconnections of Applicant's existing pipeline suppliers (hereinafter collectively called Delivery Point). Southern would be responsible for all transportation and exchange arrangements necessary to deliver or receive gas at the Delivery Point.

The Storage Agreement terminates on November 30, 1981.

Mid-Continent has leased an undivided interest in Applicant's extensive intrastate storage and related transportation system. Mid-Continent would accept all gas storage deliveries at the already-existing interconnections of intrastate facilities with those of one or more of existing pipeline suppliers.

During each Withdrawal Period (November 1 through March 31) Applicant has agreed in the Lease to make available or cause to be made available to Mid-Continent an aggregate storage withdrawal volume thermally equivalent on a Btu basis to the Injection Period Volume for the immediately-preceding Injection Period, subject to certain conditions.

Applicant states that the Lease between it and Mid-Continent is for a term ending November 30, 1981, and is intended only as a temporary arrangement. Applicant further states that this transaction is merely an arrangement by which it is leasing storage space to Mid-Continent, which is providing storage service to Southern, and that by leasing storage capacity it would not be transporting or selling natural gas in interstate commerce. Consequently, Applicant requests that the Commission issue an order in the instant proceeding stating that its existing exemption under section 1(c) of the Natural Gas Act is not affected by its participation in the Lease described above.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15604 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. RP78-56]

NORTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending
Proposed Rate Increase, Initiating Hearing
and Granting Interventions

MAY 26, 1978.

On April 21, 1978, Northern Natural Gas Co. (Northern) filed in Docket No. RP78-56 revised tariff sheets¹ which would increase jurisdictional revenues by \$104,381,044 annually based on costs and sales volumes for the twelve months ended December 31, 1977, as adjusted. Northern requests an effective date of May 27, 1978. For the reasons stated below, the Commission shall accept the revised tariff sheets for filing, suspend them for five months and set the matter for hearing.

Public notice of Northern's filing was issued on April 26, 1978, providing for the filing of protests or petitions to intervene on or before May 17, 1978. Petitions to intervene and notices of intervention were filed by the parties listed in the Appendix to this order. The Commission finds that all listed petitioners have demonstrated an interest in this proceeding which warrants their participation. Inasmuch as no delay will result, good cause exists to grant late-filed petitions. All petitions to intervene shall therefore be granted.

Northern states that its rate increase is required because of increased costs of obtaining gas supplies from the offshore Gulf Coast, increased costs associated with new storage capacity, increased operation and maintenance expenses and increased depreciation costs stemming from the use of the unit-of-production method on certain facilities. Northern also claims an overall rate of return of 11.375 percent which is designed to yield a 14.723 percent return on common equity.

Based on a review of Northern's filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable and unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Northern's revised tariff sheets for filing, suspend their use for five months to become effective on October 27, 1978, subject to refund, and shall set the matter for hearing, as hereinafter conditioned.

Northern's supporting cost of service includes costs associated with approximately \$83 million in projects which are not yet certificated and in service but which are expected to be so at the

end of the nine-month test period. The Commission shall grant waiver of Section 154.63(e)(2)(ii) of the Regulations in that it shall accept for filing Northern's revised tariff sheets reflecting the costs of these uncompleted projects. Northern shall be required, however, to file prior to October 27, 1978, substitute tariff sheets to reflect elimination of all costs from its cost of service related to facilities not placed in service by the end of the test period, September 30, 1978.

A review of Northern's filing discloses that Northern's claimed advance payment balance in Account No. 166 at the end of the test period is not adjusted for all repayments which may be forthcoming during the test period. The Commission finds that in this respect Northern's filing is not in compliance with Section 154.63(e)(2)(i) of the Regulations which requires test period adjustments for known and measurable changes in costs and revenues. Accordingly, as a further condition of this order, Northern shall be required to file, prior to October 27, 1978, substitute tariff sheets which reflect actual advance payment balances in Account No. 166 as of September 30, 1978.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by Northern and that the proposed increased rates be accepted for filing and suspended as ordered below.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15, and the Commission's regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Northern.

(B) Pending hearing and decision, and subject to the conditions of this order, Northern's proposed rate increase is accepted for filing and suspended for five months, until October 27, 1978, when it shall be permitted to become effective, subject to refund, upon motion filed in accordance with the provisions of the Natural Gas Act.

(C) Prior to October 27, 1978, Northern shall file substitute tariff sheets and supporting cost and revenue data, in accordance with the Commission's rules and regulations, to reflect (1) the elimination of all costs associated with facilities not placed in service by September 30, 1978, and (2) the actual balance of advance payments in Account No. 166 as of September 30, 1978.

(D) Waiver of section 154.63(e)(2)(ii) of the Regulations is granted subject to the condition set forth in Paragraph (C) above.

(E) The petitioners to intervene listed in the Appendix to this order shall be permitted to intervene in this

proceeding subject to the Commission's rules and regulations; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(F) The Commission Staff shall prepare and serve top sheets on all parties on or before September 1, 1978.

(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 to be held within 10 days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions (except motions to sever, consolidate or dismiss) as provided for in the rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX

The following parties have filed petitions to intervene:

Iowa Power & Light Co.
Northwestern Public Service Co.
Michigan Wisconsin Pipe Line Co.
CF Industries, Inc.
The Cleveland-Cliffs Iron Co.
Farmland Industries, Inc.
Great Plains Natural Gas Co.
Interstate Power Co.
Iowa-Illinois Gas & Electric Co.
Iowa Public Service Co.
Kansas-Nebraska Natural Gas Co., Inc.
Michigan Power Co.
Minnesota Gas Co.
Nebraska Natural Gas Co.
North Central Public Service Co., Division of Donovan Companies, Inc.
North Central Public Service Corp.
Northern Illinois Gas Co.
Northern Municipal Defense Group and Minnesota Municipal Utilities Association
Northern States Power Co. (Minnesota)
Northern States Power Co. (Wisconsin)
Suburban Rate Authority
Terra Chemicals International, Inc.
Wisconsin Gas Co.
Wisconsin Power & Light Co.
Iowa Southern Utilities Co.
Notices of Intervention were filed by:
Public Utilities Commission of the State of South Dakota
Michigan Public Service Commission
The Public Service Commission of Wisconsin
Minnesota Public Service Commission
[FR Doc. 78-15589 Filed 6-5-78; 8:45 am]

¹Sixteenth Revised Sheet No. 4a to Third Revised Volume No. 1 and Sixteenth Revised Sheet No. 1c to Original Volume No. 2.

[6740-02]

[Docket No. ER78-387]

NORTHERN STATES POWER CO. (WISCONSIN)**Proposed Interconnection and Interchange
Agreement**

MAY 26, 1978.

Take notice that Northern States Power Co. (Wisconsin) on May 19, 1978, tendered for filing an Interconnection and Interchange Agreement dated May 5, 1978, with Dairyland Power Cooperative.

The Company states that the Agreement provides for fifty-nine interconnections in the State of Wisconsin between the parties as designated on Exhibit A.

An effective date of June 15 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15605 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-292 and ER78-313]

**OHIO POWER CO. AND INDIANA &
MICHIGAN ELECTRIC CO.****Order Accepting for Filing, Suspending Rate Increase, Waiving Regulations and Consolidating Proceeding**

MAY 26, 1978.

On April 7, 1978, American Electric Power Service Corp. (AEPSCO) on behalf of its affiliates, Indiana & Michigan Electric Co. (I&M) and Ohio Power Co. (OPCO), tendered for filing modification No. 5, dated March 15, 1978, to the Interconnection Agreement, dated December 12, 1949, among I&M, OPCO; and the Cincinnati Gas & Electric Co. (Cincinnati) designated I&M Rate Schedule FPC No. 16 and OPCO Rate Schedule FPC No. 21. Also tendered for filing on April 7 were Cincinnati's Certificate of Con-

currence and certain cost support data.

On April 17, 1978, AEPSCO on behalf of OPCO tendered for filing modification No. 7, dated April 15, 1978, to the Facilities and Operating Agreement dated September 6, 1962, between OPCO and Duquesne Light Co. (Duquesne), designated as OPCO Rate Schedule FPC No. 33. Also tendered on April 17 were Duquesne's Certificate of Concurrence and certain cost support data.

Both the April 7 and April 17 filings by AEPSCO contain proposed new service schedules¹ amending the aforementioned Interconnection Agreements and providing for the sale and delivery of conservation energy during an energy emergency among the parties to the subject agreements and further providing for flexibility to permit such transactions with interconnected third party utilities. AEPSCO states that the filings were made because of the recent coal miners strike which adversely affected the supply of fuel to OPCO, I&M, Cincinnati, Duquesne and neighboring utilities.

Public notice of AEPSCO's April 7, 1978, filing was issued on April 13, 1978, with comments, protests or petitions to intervene due on or before April 24, 1978. Public notice of AEPSCO's April 17, 1978, filing was issued on April 22, 1978, with comments, protests or petitions to intervene due on or before May 8, 1978. No such comments, protests or petitions were filed.

AEPSCO states that possible energy shortages resulting from the recent coal miners strike and other events beyond the control of the parties, may necessitate near-term use of the proposed schedules. Accordingly, pursuant to 18 CFR 35.11, AEPSCO submits that good cause exists for waiver of notice requirements and requests that the Commission waive its notice requirements and order the proposed Conservation Schedules to be effective as soon as possible. Proposed Schedule E will terminate on February 28, 1979 and proposed Schedule G will terminate on April 5, 1979, unless extended by mutual agreement. Neither schedule will take the place of existing schedules.

The proposed conservation schedules provide that parties to the proposed rate schedule modifications may arrange to obtain conservation energy when, in the judgment of the supplying party, such party has the capability and fuel resources to provide the same. The proposed schedules also provide for delivery of conservation energy for periods of one or more weeks, with the parties determining the number of megawatts per hour to

be supplied, the period of supply, the source and destination of the energy, and the estimated cost of the energy.

AEPSCO asserts that the terms and conditions of the service proposed by its filings are substantially the same as modification No. 10 to the Interconnection Agreement dated November 27, 1961 between I&M and Illinois Power Co. (I&M Rate Schedule FPC No. 23), which was filed on February 24, 1978 (Docket No. ER78-229) and similar to the agreement between the Allegheny Power Service Corp.—Pennsylvania, New Jersey, Maryland Group recently filed (Docket Nos. ER78-107, 108, and 109).

To comply with 18 CFR 35.13(a), AEPSCO states that section 2.1 of proposed schedules E and G provide that the charge for conservation energy is 110% of the out-of-pocket replacement cost of generating the energy, plus 5 mills per kilowatt-hour. Section 2.3 of proposed schedules E and G defines the replacement cost of generating the energy as the out-of-pocket cost of generating said energy, plus or minus an adjustment to reflect increases or decreases in the cost of fuel on a Btu basis between the month in which the energy is delivered and the second month after such month of delivery.

AEPSCO states that proposed Schedule E provides for transmission service charges excluding transmission losses of 1.1 mills per kilowatt-hour (deliveries to OPCO and I&M) and 1.7 mills per kilowatt-hour (deliveries to Cincinnati) and that proposed Schedule G provides for similar charges of 1.4 mills per kilowatt-hour (deliveries to OPCO) and 1.7 mills per kilowatt-hour (deliveries to Duquesne).

To comply with 18 CFR 35.13(b), AEPSCO states that "because of the uncertainty of events which might determine the need for conservation energy transfers and because of variable operating restrictions in the event transfers are required, estimates of the transactions and revenues under" the proposed conservation schedules have not been made. Accordingly, AEPSCO requests that, to the extent 18 CFR 35.13(b) is deemed applicable to the April 7 and April 17 filings, the Commission waive the requirements of such regulation.

AEPSCO's filings of April 7 and April 17 indicate that the recent coal miners strike may have resulted in a weakened ability of the electric utilities, to which the filings relate, to respond to fuel curtailments or similar emergency conditions until fuel stocks are restored to pre-strike levels. Transactions to conserve fuel supplies and to avoid threats to reliability of electric service could require the use of the proposed conservation service schedules on relatively short notice. Accordingly, we shall waive 18 CFR 35.11 notice requirements and accept

¹Conservation Service Schedule E (Docket No. ER78-292) and Conservation Service Schedule G (Docket No. ER78-313).

AEPSCO's submittals for filing in order to assign them early effective dates, as hereinafter ordered and conditioned.

On May 5, 1978, the Commission Secretary advised AEPSCO that its April 7, 1978, filing was deficient regarding the provision of cost support data. Similarly, on May 17, 1978, the Commission Secretary advised AEPSCO that its April 17, 1978, filing was likewise deficient.² Notwithstanding, the Commission will waive the filing requirements not yet complied with in order to accept the proposed revised rate schedules for filing. However, we shall require AEPSCO to submit the cost support data required by our regulations.

The proposed conservation schedules tendered for filing on April 7, 1978 in Docket No. ER78-292 and on April 17, 1978 in Docket No. ER78-313 have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds good cause exists to consolidate Docket Nos. ER78-292 and ER78-313. Due to common issues of law and fact, the consolidation of these dockets will save time and expense for all parties.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing the proposed rate schedule modifications filed on April 7, 1978 in Docket No. ER78-292 and on April 17, 1978 in Docket No. ER78-313 by AEPSCO and that such proposed schedules be suspended and their use deferred, all as hereinafter ordered.

(2) Good cause exists to waive the Commission's notice and filing requirements set out in the Commission's Rules and Regulations.

(3) Good cause exists to consolidate Docket Nos. ER78-292 and ER78-313.

The Commission orders: (A) Proposed Modification No. 5 filed by AEPSCO on behalf of I&M and OPO on April 7, 1978, in Docket No. ER78-292, is hereby accepted for filing as of April 7, 1978, suspended, and the use thereof deferred until April 8, 1978, when it shall become effective subject to refund.

(B) Proposed modification No. 7 filed by AEPSCO on behalf of OPO on April 17, 1978 in Docket No. ER78-

313, is hereby accepted for filing as of April 17, 1978, suspended and the use thereof deferred until April 18, 1978, when it shall become effective subject to refund.

(C) AEPSCO is hereby directed to file the cost support data required by our regulations.

(D) Docket Nos. ER78-292 and ER78-313 are hereby consolidated.

(E) Upon the filing of the cost support data described in paragraph (C) above, the Commission shall further evaluate the filings and shall set a date for a public hearing, should such procedure be appropriate.

(F) Pursuant to the provisions of 18 CFR 35.11, the notice requirements of 18 CFR 35.3 are hereby waived. 18 CFR 35.13 filing requirements not yet complied with are hereby waived.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15590 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-392]

PACIFIC POWER & LIGHT

Rate Filing

MAY 30, 1978

Take notice that Pacific Power & Light Co. (Pacific) on May 22, 1978, tendered for filing, in accordance with section 35.12 of the Commission's Regulations, a rate schedule for power sales to Portland General Electric Co. (Portland General) from Pacific's distribution system in Portland, Oregon.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective May 1, 1977, which it claims is the date of commencement of service.

Copies of the filing were supplied to Portland General, according to Pacific.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file

with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15606 Filed 6-5-78 8:45 am]

[6740-02]

[Docket No. CI75-541]

PAUL R. DAVIS, ET. AL.

Settlement Proposal

MAY 31, 1978.

Take notice that on April 26, 1978, the Presiding Administrative Law Judge certified a proposed settlement in the docketed proceedings to the Commission for its consideration.

The settlement, proposed by Paul R. Davis, Lester B. Wood, and Dorchester Gas Producing Co. (Respondents in the captioned show-cause proceeding), was received into evidence as Exhibit No. 35 (transcript p. 218) at a hearing session held April 25, 1978 before the presiding Judge.

Respondents, by a Commission order issued July 1, 1977, were ordered to show cause why they should not be found to have violated the Natural Gas Act, and particularly section 7(b) and 7(c) thereof. The proposed settlement would resolve all the issues in the proceeding generally along the following grounds. Davis, Wood, and Dorchester will collectively pay to the purchasing pipeline Texas Eastern Transmission Co. (TETCO) \$25,000 to be flowed through to the customers to TETCO, for the gas which it has been contended, has been illegally diverted from the interstate market since 1974. In return, the Commission will grant the application for abandonment of the subject gas sales, filed by Davis and Wood in 1975, and the Commission will dismiss the instant show cause proceedings as it relates to Davis, Wood, and Dorchester.

Davis and Wood received a certificate covering the subject sale of gas to TETCO in 1955 in Docket No. G-9036. Sales continued until November, 1974 when Dorchester informed Davis and Wood that continued sales were uneconomic. Deliveries to TETCO terminated in November, 1974 and have not recommenced. Subsequent deliveries of gas from the committed acreage and wells have been made to the intrastate market since December, 1974.

Comments with respect to the proposed settlement may be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 20, 1978. Such comments will be considered in determining appropriate action, but those filing comments will

²The cost support data submitted by AEPSCO in its April 7 and April 17 filings is similar to that filed in Docket No. ER78-229. Staff is currently reviewing AEPSCO's response to a Staff Data Request in this docket. The cost support data submitted herein on behalf of Cincinnati and Duquesne is incomplete with respect to 18 CFR 35.13. A Staff Data Request with respect to the April 7 filing is currently outstanding.

not be as a result of such action become parties to this proceeding.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15607 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-339]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Order Accepting Rates for Filing, Suspending
Rate Increase, Rejecting Motions, Establish-
ing Procedures and Allowing Interventions

MAY 26, 1978.

On April 28, 1978, the Public Service Co. of New Hampshire (PSNH) tendered for filing increased rates for six of its wholesale for resale customers. The rate schedule designations of the contracts of these customers are set out in the Appendix of this order. The proposed increase to the six customers is \$2,439,174 (7.46 percent). PSNH requests that the increase become effective May 29, 1978. As in the existing rates, the proposed rates utilize the same rate for all classes of customers—municipals, private utilities, and cooperatives.

On March 23, 1978, in Docket No. EL78-15, PSNH filed with the Commission a Petition for a Declaratory Order authorizing inclusion of construction work in progress (CWIP) in rate base. This filing has not been ruled upon by the Commission. It is under consideration.

The rates proposed in the instant filing are based upon a cost of service for calendar year 1978 (Period II) which does not reflect inclusion of any CWIP in the rate base. However, enclosed as an informational filing are rates with supporting data which do reflect the Period II cost of service with CWIP in the rate base.

PSNH urges that the rates proposed in the instant filing, which are not based on CWIP, be suspended for only one day in view of the purportedly severe financial difficulty that the Company faces because of its large construction program. PSNH states that its construction program will require expenditures of more than a billion dollars over the period 1978-1984, principally for construction of the two units of the Seabrook Plant scheduled for service in 1982 and 1984.

Public notice of the filing was issued on May 5, 1978, with comments protests or petitions to intervene due on or before May 15, 1978.

On April 24, 1978, Granite State Alliance, a non-profit, education and consumer action organization incorporated under the laws of the State of New Hampshire filed a petition to intervene in this proceeding and requested to appear *pro se*. In support of its petition, Granite State indicates that "vir-

tually all of its members are either directly or indirectly customers of PSNH". The petitioners may appear *pro se* pursuant to section 1.4(a)(1) of the Commission's Rules of Practice and Procedure.

On May 12, 1978, Concord Electric Co. filed a petition to intervene in this proceeding. Concord is a corporation organized and existing under the laws of the State of New Hampshire which purchases all of its electric energy at wholesale from PSNH and resells it to consumers within New Hampshire. In support of its petition Concord states that any material increase in the wholesale rates of PSNH will increase the rates Concord charges its customers. Concord further states that it will not be adequately represented by the existing parties in this proceeding and that it may be adversely affected or bound without adequate opportunity to present its position unless permitted to participate fully.

On May 12, 1978, Exeter & Hampton Electric Co. filed a petition to intervene in this proceeding. Exeter & Hampton is a corporation organized and existing under the laws of the State of New Hampshire which purchases electric energy at wholesale from PSNH and resells it to consumers within New Hampshire. In support of its petition Exeter & Hampton states that any material increase in the wholesale rates of PSNH will increase the rates Exeter & Hampton charges its customers. Exeter & Hampton further states that it will not be adequately represented by existing parties in this proceeding and that it may be adversely affected or bound without adequate opportunity to present its position unless permitted to participate fully.

On May 5, 1978, the Legislative Utility Consumers' Council of New Hampshire filed a petition to intervene in this proceeding. The petition states that the Council was established pursuant to New Hampshire Revised Statutes Annotated (RSA 363-2) and was empowered to petition for, initiate, appear, or intervene in any proceeding before any board, commission, agency, court, or regulatory body in which the interests of utility consumers are involved and to represent the interests of such consumers. In support of its petition the Council states that it represents the interests of the ultimate retail customers of the companies involved in this proceeding, and that such customers will be affected by this proceeding and will be bound by the result. The Council further states that the interests of these customers will not be adequately represented by any other party in this proceeding.

On May 15, 1978, the New Hampshire Electric Cooperative, the Towns of Ashland and Wolfboro, N.H. and the Village Precinct of New Hampton

(the Public Systems) timely filed their "Protest, Petition to Intervene, Motions For Summary Judgement and For Immediate Refunds", a "Motion to Reject CWIP-Based Rates", and a "Motion to Consolidate" in the Docket No. ER78-339 proceeding. The Public Systems raise several issues in support of their filing. They request that a full five month suspension be ordered based on their preliminary review that the proposed rates are 50 percent in excess of a justified increase. They move that PSNH immediately comply with the Commission's order of July 20, 1977, in *Yankee Atomic Electric Company and Public Service Company of New Hampshire*, Docket Nos. E-9420 and E-9421 by making certain refunds pursuant to that order.¹ They also raise questions concerning the improper treatment of deferred taxes; tax normalization; and the utilization of CWIP in the rate base. The Public Systems request that the instant Docket No. ER78-339 be consolidated with PSNH's filing of the Petition for Declaratory Order in Docket No. EL78-15 concerning CWIP in the rate base. Finally, they allude to the possibility that a *price squeeze* issue exists and also name what they consider to be an anti-competitive practice on the part of PSNH.

Our review indicated that the rates filed by PSNH have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. The petitions of Concord Electric Co. and Exeter & Hampton Electric Co. question whether the proposed rates are cost based and properly designed. The petition of the Legislative Utility Consumers' Council of New Hampshire objects to PSNH's rate of return, cost of service, rate base both with and without CWIP, and all other relevant matters.² We believe the aforementioned questions raised by the petitions merit consideration.

The issues raised by the Public Systems have also raised questions, which in the circumstances, merit suspension and hearing. As for the Public Systems' plea for consolidation of the instant docket with the Motion filed by PSNH in Docket No. EL78-15 concerning the utilization of CWIP in the rate

¹The July 20, 1977, Commission order concerns approval of a settlement in Docket Nos. E-9420 and E-9421 wherein PSNH was a party. Petitioners contend that refunds are due pursuant to the July 20 order and have not been made. They seek in this instant pleading in Docket No. ER78-339 to have the Commission enforce compliance of the refunds as a condition of acceptance of this rate filing.

²PSNH filed an answer to the petitions on May 22, 1978, contending that the "preliminary" analysis of its filing contained major errors and raised issues that can only be properly decided after hearing.

base, we note that our review of the issues in Docket No. EL78-15 has not yet been completed. It may well be that consolidation will be appropriate. However, until disposition of that docket can be made, we will proceed to suspend the proposed filing in Docket No. ER78-339 and provide for hearing for the reasons given.

The proposed rate filing in Docket No. ER78-339 contains CWIP in the rate only for informational purposes. The question on CWIP in PSNH's rate base is the key issue in Docket No. EL78-15 which is still under consideration. Petitioners' motion on this issue relates to Docket No. EL78-15, and not the instant rate filing. Therefore, its Motion To Reject CWIP Based Rates should be rejected without prejudice. It is outside the scope of the instant filing in Docket No. ER78-339.

Concerning the Public System's plea that certain refunds by PSNH be made pursuant to the Commission's order of July 20, 1977, in Docket Nos. E-9420 and E-9421 as a condition to acceptance of the instant rate filing, it is not appropriate to make a Summary Judgment and require refunds as requested. The question of refunds by PSNH as a result of our order in Docket Nos. E-9420 and E-9421 is a matter distinct and separate from the issue of whether PSNH's instant filing is a "substantive nullity" under our Regulations which would require rejection of the filing. The circumstances warrant that the question of refunds would be better addressed in Docket Nos. E-9420 and E-9421. The proceeding in Docket No. ER78-339 should not be encumbered by this refund question. Accordingly, the Motions for Summary Judgment and Refunds shall be rejected without prejudice.

The Public Systems state that they have been unable to identify whether a price squeeze issue could result from the proposed rate increase. They did identify what they consider to be an anti-competitive practice. This anti-competitive issue shall be an issue in the proceeding. In Order No. 563 issued March 12, 1977 (57 FPC —), the Commission stated that where allegations of price squeeze are made in petitions to intervene, certain actions must be taken by the Presiding Administrative Law Judge in addition to the burdens of a *prima facie* showing by the Petitioner. The Public Systems have not identified a price squeeze issue and therefore, the threshold allegation of "price squeeze", within the context of Order No. 563 has not been met. Accordingly, "price squeeze" is not an issue in this proceeding at this time. The Public Systems have indicated that, in the event that "price squeeze" can be identified in their later study, they will file additional pleadings to conform with Order No. 563 procedures.

Accordingly, the proposed rates shall be accepted for filing and suspended for two months to become effective July 29, 1978, subject to refund, and a hearing shall be held.

The Commission finds: (1) It is necessary and proper and in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission conditionally accept for filing the schedules tendered by PSNH on April 28, 1978, that they be suspended and be permitted to become effective subject to refund, all as hereinafter ordered.

(2) Participation by petitioners in this proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by the Public Service Co. of New Hampshire in their proceeding.

(B) The proposed rates filed by the Public Service Company of New Hampshire on April 28, 1978, and identified above are hereby accepted for filing and suspended for two months until July 29, 1978, when they shall become effective, subject to refund.

(C) The petitioners, Granite State Alliance, Concord Electric Co., Exeter & Hampton Electric Co., the Legislative Utility Consumers' Council of New Hampshire, and the New Hampshire Electric Cooperative, the Towns of Ashland and Wolfboro, and the Village Precinct of New Hampton are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however*, That participation by such intervenors shall be limited to matters set forth in their respective petitions to intervene; and *Provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Staff shall prepare and serve top sheets on all parties on or before August 7, 1978.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR 3.5(d)), shall convene a conference in this proceeding to be held within ten (10) days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commis-

sion, 825 North Capitol Street, Northeast, Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Motions For Summary Judgment and For Immediate Refunds and the Motion to Reject CWIP-Based Rates are hereby rejected without prejudice. The Motion to Consolidate the instant proceeding with Docket No. EL78-15 is rejected at this time.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

Company	FERC rate schedule no.
Concord Electric Co.	24
Town of Ashland, N.H.	28
The New Hampton (N.H.) Village Precinct	29
Exeter & Hampton Electric Co.	35
New Hampshire Electric Cooperative, Inc.	50 and 71
Town of Wolfboro, N.H.	72

[FR Doc 78-15608 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. EL78-23]

SIERRA PACIFIC POWER CO.

Petition for Declaratory Order

MAY 30, 1978.

Take notice that Sierra Pacific Power Co. on May 12, 1978, tendered for filing a petition for a declaratory order declaring that: (1) The sales for resale by Utah Power and Light Co. to the Petitioner under the Amended Agreement between the parties dated August 10, 1972, and formalized in a document dated September 12, 1977, are subject to the Commission's exclusive jurisdiction under the Federal Power Act, (2) an order of the Utah Public Service Commission issued March 6, 1978 in the Case No. 77-035-19, purporting to assert and exercise jurisdiction over the sales and rates under the Amended Agreement is a nullity as an unlawful interference with the Commission's exclusive jurisdiction and is to be disregarded by Utah Power, and (3) Utah Power comply in all respects with the re-

quirements of the Amendatory Agreement governing the interstate sales for resale of electric power and energy by Utah Power to the Petitioner, the rates therefor and the requirements of the Federal Power Act and the Commission's Rules and Regulations applicable thereto.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15609 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-335]

UNITED GAS PIPE LINE CO.

Application

MAY 30, 1978.

Take notice that on May 16, 1978, United Gas Pipe Line Co. (applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-335 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation of an additional delivery point for the delivery of natural gas to Reserve Public Utilities Corp. (Reserve), a distributor of natural gas in the town of Reserve, La., and the environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that it presently delivers gas to Reserve pursuant to a service agreement between the parties dated June 7, 1971. The application indicates that Reserve intends to divide its system into two parts to improve service to its retail customers, and that it has asked Applicant to seek appropriate Commission authorization to provide Reserve with an additional delivery point for a portion of Reserve's system and to shift a portion of the authorized reserve maximum daily quantity (MDQ) to such new delivery point.

Consequently, Applicant proposes to install the new delivery point (Reserve

City Gate No. 2), and to install a metering and regulating facility. Applicant states that it would install and own the subject metering and regulating facility at an estimated cost of \$14,378 and that upon construction of the proposed City Gate No. 2, it would shift delivery of 725 Mcf of gas per day of existing MDQ from Reserve's present delivery point, City Gate No. 1, to the new delivery point. The MDQ at the currently existing delivery point would be reduced accordingly, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15612 Filed; 6-5-78 8:45 am]

[6740-02]

[Docket No. RI77-121]

WALTER E. BAILEY

Order Granting Petition for Special Relief

MAY 30, 1978.

On October 1, 1977, pursuant to the provisions of the Department of

Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On August 29, 1977, Walter E. Bailey (Bailey) filed a petition for special relief pursuant to 18 CFR 2.76. Bailey requested a total rate of \$1.50/Mcf at 14.65 psia for the sale of gas from his 100-percent working interest in the McKeever Unit, North Award Pool of Woods County, Okla., to Cities Service Gas Co. (Cities).

This petition was noticed on September 29, 1977. Cities filed a timely petition to intervene in support of Bailey's petition for special relief on October 19, 1977. No party has opposed Bailey's petition.

Bailey succeeded to Sun Oil Co.'s interest in the unit, effective July 1, 1977, and proposes to make his sales pursuant to his small producer certificate issued in Docket No. CS77-792. The presently effective contract rate is 31¢/Mcf subject to adjustments, pursuant to a June 26, 1967, contract. Cities has agreed to pay Bailey the just and reasonable rate as established by the Commission.

The well has been shut-in since May 26, 1977. Applicant proposes to install well pumping equipment, a compressor, a high pressure vertical separator, and to repair the salt water disposal well at a total cost of \$55,000, so that he can recover the additional 115,120 Mcf of reserves over the estimated 6.3 years of the well's remaining productive life.

Bailey has a remaining net book value of \$15,330 in the lease and equipment. Staff has accepted as reasonable the estimate of \$55,000 for well reconditioning, together with Bailey's estimate of \$20,000 salvage value of the equipment at the end of the 6.3 years of remaining production from the well. Allowing for an annual inflation factor of 5 percent Staff has estimated Bailey will incur operating expenses of \$60,352 over the next 6.3 years. Using the traditional costing methodology Staff has computed a rate of \$1.5844/Mcf for Bailey (see Attachment A).

Upon consideration of the data submitted and Staff's analysis thereof, the Commission concludes that Bailey's petition for a rate of \$1.50/Mcf should be granted.

The Commission finds: The petition for special relief filed by Bailey in Docket No. RI77-121 meets the criteria set forth in section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) For the above stated reasons, the petition for special relief filed by Bailey in Docket No. RI77-121 is hereby granted. Bailey is authorized to collect from Cities a total rate of \$1.50/Mcf at 14.65 psia effective upon the date that the proposed work is completed or the date of this Commission order, whichever is later, subject to the conditions set forth in paragraphs (B) and (C) below.

(B) Bailey must file with the Commission, a statement signed by Cities that the proposed well pumping equipment, compressor, high pressure vertical separator, and repair of the salt water disposal well have been installed and completed, within 30 days of the date all such work is completed.

(C) Bailey must file with the Commission an executed contract amendment providing for the payment of the authorized rate set herein, and Bailey must file a notice of independent producer rate change within 30 days of the issuance date of this order.

(D) The assignment dated August 16, 1977, whereby Bailey acquired his interest in the unit from Sun Oil Co., is accepted as Supplement No. 9 to Sun's FERC Gas Rate Schedule No. 569 to be effective as of July 1, 1977, the effective date of the transfer of the properties, and such acreage is hereby deleted from the related certificate authorization issued in Docket No. CI75-268.

(E) The provisions of 18 CFR 157.40(c) are hereby waived to the extent necessary to permit the sale to be made under the small producer certificate issued in Docket No. CS77-792, subject to rate limitations applicable to large producers or otherwise appli-

cable as provided in Ordering Paragraph (A) above.

(F) Cities Service Gas Co. is permitted to intervene in these proceedings, subject to the rules and regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

WALTER E. BAILY—DOCKET NO. RI77-121

[Unit cost of gas]

Line No.	Item (a)	Amount (b)
1.	Net working interest volumes:	
2.	Gas—Mcf at 14.65 Psia ¹	100,730
3.	Liquids—Bbls.....	0
4.	Cost of Production:	
5.	Return on rate base at 15 percent ² ..	\$37,643
6.	D. D. & A. ³	50,330
7.	Production expense ⁴	160,352
8.	Regulatory expense ⁵	101
9.	Total cost of production	\$148,426

[Docket No. RI77-121]

WALTER E. BAILY.—Average investment and annual rate base

Line No. and year	Annual N.W.I. Production	Beginning of year investment	Depreciation ¹	End of year investment	Average investment ²
(a)	(b)	(c)	(d)	(e)	(f)
1. Average investment:					
2. 1	29,004	70,330	14,492	55,838	63,084
3. 2	22,163	55,838	11,074	44,764	50,301
4. 3	16,965	44,764	8,477	36,287	40,526
5. 4	12,977	36,287	6,484	29,803	33,045
6. 5	9,889	29,803	4,941	24,862	27,333
7. 6	7,583	24,862	3,789	21,073	22,968
8. 7 (4 mo.)	2,149	21,073	1,073	20,000	*6,161
9. Totals	100,730		50,330		243,418
10. Average annual investment ³					38,638
11. Annual rate base:					
12. Average annual investment					38,638
13. Average annual working capital allowance ⁴					1,197
14. Total annual rate base					39,835

¹Col. (b) × line 7 of schedule 2.

²Col. (c) + col. (e) ÷ 2.

³Col. (f) of line 9 ÷ 6.3 yr productive life.

⁴12.5 percent × line 7 of schedule 1 ÷ 6.3 yr productive life.

⁵Weighted.

[FR Doc. 78-15591 Filed 6-5-78; 8:45 am]

WALTER E. BAILY—DOCKET NO. RI77-121—Con

Line No.	Item (a)	Amount (b)
10.	Unit cost of gas (cents/Mcf):	
11.	Cost of production ¹	147.35
12.	Production tax ²	11.09
13.	Total unit cost	158.44

¹115,120 Mcf times 87.5 percent N.W.I.

²Line 14 of schedule 3 times 15 percent times 6.3 year production life.

³From line 6 of schedule 2.

⁴Estimated by applicant.

⁵Line 2 times 0.1 cent/Mcf per Opinion No. 749.

⁶Line 9 divided by line 2.

⁷7 percent of line 13.

WALTER E. BAILY—DOCKET NO. RI77-121

[Investment]

Line No.	Item (a)	Amount (b)
1.	Investment:	
2.	Remaining net book value, July 1, 1977	\$15,330
3.	New lease equipment and repair of well	55,000
4.	Total investment	70,330
5.	Less—salvage value ¹	20,000
6.	Depreciable investment	50,330
7.	Depreciation per unit of production ²	\$0.499653

¹Estimated by applicant.

²Line 6 divided by 100,730 Mcf.

[6740-02]

[Docket No. ER78-3861]

WISCONSIN PUBLIC SERVICE CORP.**Filing of Amendment of Service Contract**

MAY 26, 1978.

Take notice that Wisconsin Public Service Corp. ("Company") on May 18, 1978, tendered for filing an Amendment dated May 12, 1978, to a resale service agreement, dated March 18, 1977, with Alger-Delta Electric Association, or Gladstone, Mich., which is on file as the Company's rate schedule FPC No. 36, and which provides for wholesale electric service to be furnished by the Company to Alger-Delta Electric Association under the Company's standard W-1 rate schedule.

The Company states that the contract amendment adds a clause which is part of the Company's wholesale service agreements with all of its other W-1 customers and which clause was inadvertently omitted from the original agreement with this customer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions of protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15613 Filed: 6-5-78 8:45 am]

[3128-01]

Office of Energy Technology**LIGNITE SUBCOMMITTEE, FOSSIL ENERGY
ADVISORY COMMITTEE****Change in Meeting Date**

This notice is given to advise of a change in date of the meeting of the Lignite Subcommittee of the Fossil Energy Advisory Committee. The Subcommittee will meet Thursday, July 6, 1978, at 9 a.m. in room 125 at the Grand Forks Energy Research Center, 15 North 23rd Street, Grand Forks, N. Dak., rather than Thursday, June 15, 1978, as previously announced. A Notice of Meeting was published in the issue of May 26, 1978 (43 FR 22771).

Issued at Washington, D.C. on June 2, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

[FR Doc. 78-15787 Filed 6-5-78; 8:45 am]

[3128-01]

Office of Hearings and Appeals**NO. 2 (HOME) HEATING OIL****Final Rules of Procedure To Be Followed by the
Office of Hearings and Appeals in Connection with an Evidentiary Hearing**

AGENCY: Department of Energy, Office of Hearings and Appeals.

ACTION: Notice of final rules of procedure.

SUMMARY: On April 18, 1978, the Office of Hearings and Appeals of the Department of Energy announced the adoption of certain interim rules of procedure, 43 FR 17393 (April 24, 1978). The rules of procedure were established to govern the conduct of an evidentiary hearing which the Office of Hearings and Appeals plans to hold in August 1978. The purpose of the hearing will be to evaluate the performance of all levels of distribution of the heating oil industry and the need for further regulatory action with regard to the pricing and allocation of No. 2 (home) heating oil. Written comments were invited with regard to the interim rules of procedure. The date for filing those comments, initially established as May 8, 1978, was extended on May 5, 1978 to May 15, 1978, 43 FR 20276 (May 11, 1978). After considering the comments received, the Office of Hearings and Appeals has issued final rules of procedure to be used in connection with the evidentiary hearing. The final rules are set forth in Part III of this Notice.

EFFECTIVE DATE: May 31, 1978.

**FOR FURTHER INFORMATION
CONTACT:**

George B. Breznay, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Room 8014, Washington, D.C. 20461, Telephone number 202-254-9681.

CONTENTS: I. Background. II. Discussion of Comments. III. Final Rules of Procedure.

I. BACKGROUND

On January 13, 1978, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announced that it had adopted a program designed to monitor the prices of No. 2 (home) heating oil during the 1977-78 heating season, 43 FR 2917 (January 20, 1978). At that time, the

ERA described a number of different approaches which it and the Energy Information Administration (EIA) planned to undertake in order to monitor and evaluate the performance of refiners, wholesalers, and retailers with regard to the marketing of No. 2 heating oil. The ERA also stated that it would publish a summary of its findings with respect to home heating oil prices during the 1977-78 heating season. Finally, the ERA indicated that a hearing would be held before the Office of Administrative Review in August 1978 concerning the prices of No. 2 heating oil. The ERA noted that the hearing would be an evidentiary hearing, open to the public, and that its purpose would be to evaluate the performance of all levels of distribution of the heating oil industry and the need for further regulatory action with regard to No. 2 heating oil in light of the information which had been collected as a result of the monitoring program and any other information which was submitted to the DOE in connection with the hearing. On March 30, 1978, the Office of Hearings and Appeals of the DOE was created, and that Office has assumed the responsibilities which previously had been exercised by the Office of Administrative Review. Consequently, the Office of Hearings and Appeals will be responsible for conducting the August 1978 evidentiary hearing.

On April 24, 1978, the Office of Hearings and Appeals announced the adoption on an interim basis of certain rules of procedure for the evidentiary hearing and invited interested persons to comment on those rules. Comments were received from seventeen persons who represent private and state governmental interests. After considering the written comments which were submitted, the Office of Hearings and Appeals has set forth in this Notice the final procedures which will be used to govern the conduct of the evidentiary hearing.

II. DISCUSSION OF COMMENTS

A. Many of the commenters expressed concern that the rules of procedure set forth in the April 24, 1978, Notice might have been issued in violation of the provisions of section 501 of the Department of Energy Organization Act (DOE Act). Both section 501(a), which incorporates by reference the notice requirements of the Administrative Procedure Act (APA), and section 501(b) of the DOE Act specify that the DOE shall provide a minimum of 30 days for the receipt of comments prior to the promulgation of certain rules, regulations, and orders, 553 U.S.C. 551 et seq. (1971). However, neither of these provisions applies to this proceeding. The notice requirements contained in section 553 of the APA do not apply to rules of a

procedural nature, 5 U.S.C. 553(b)(A) (1971). Moreover, the notice requirements set forth in section 501(b) of the DOE Act do not apply to these interim procedures since they are not a "rule, regulation, or order" as defined in section 501(a).

Section 501 is intended to apply to rules of general applicability. Instead, these interim procedures have a very limited purpose and are intended to govern only the conduct of the present inquiry into the need for further regulatory action with respect to home heating oil. These rules do not govern any other proceedings which the DOE may conduct.

Moreover, as the DOE indicated in the April 24 Notice, the evidentiary hearing will not have any immediate adverse impact on any firm. Following the conclusion of the evidentiary hearing and the submission of final comments, the Office of Hearings and Appeals will submit a recommendation in this matter to the Administrator of the ERA in the form of a Decision. Any subsequent regulatory action with regard to home heating oil will be taken by the Administrator of the ERA, and will be subject to any applicable rulemaking requirements. Thus, the evidentiary hearing for which these procedures have been published is only a preliminary matter. It is intended to enable the DOE to gather information in order to determine whether further regulatory action should be initiated with regard to No. 2 heating oil. In view of these factors, we have concluded that the concern which some commenters expressed is unfounded and that the formal notice requirements which govern general rulemaking proceedings do not apply to this matter.

B. Many of the comments received objected to Rule 3 of the interim procedures. That Rule would permit the Office of Hearings and Appeals to group two or more petitioners who have similar interests and to designate one petitioner to represent that class. Several of the commenters argued that this Rule would not afford particular petitioners an adequate opportunity to express their own views with regard to all of the issues to be addressed at the hearing. In addition, certain commenters feared that the consolidation of petitioners into individual classes might result in the exchange of sensitive price and cost data in violation of the antitrust laws.

We do not believe that these objections are well-founded. The Office of Hearings and Appeals does not intend to create a class if it appears that the presentation of a petitioner's views will be adversely affected. Indeed, the Office of Hearings and Appeals is planning to conduct a conference in order to determine whether particular petitioners should be permitted to in-

tervene as parties or whether they should be consolidated with others into a class. At this conference, each petitioner concerned will be permitted to present its views on the potential effect which consolidation would have on both the petitioner and the usefulness of the evidentiary hearing. Furthermore, in order to minimize any adverse effects resulting from consolidation, Rule 3 has been amended. Rule 3 now includes a provision which states that the Office of Hearings and Appeals will consider various factors relating to the effects of consolidation on the petitioner and the hearing generally in making a determination as to whether to direct consolidation in particular cases.

Obviously, the consolidation of petitioners into classes will necessitate some restrictions on the evidentiary presentations of individual firms and other entities, but we believe that the efficiency and usefulness of the evidentiary hearing will be significantly advanced in many cases if consolidation is permitted. The issues to be considered at the August hearing have a nationwide scope, and the Office of Hearings and Appeals has received petitions requesting permission to intervene from eleven organizations and state governmental entities which represent consumers of home heating oil as well as firms which operate at every level of the home heating oil industry. The use of a consolidated presentation has distinct advantages in cases where factual material can be summarized by the class representative, or where that representative can provide a presentation which includes the spectrum of opinion and factual data submitted to it by the members of the class. We also believe that the consolidation of petitioners into a class for purposes of facilitating the conduct of the hearing will not raise difficulties under the antitrust laws. Various methods as to the manner in which sensitive proprietary data is assembled and presented at the hearing may be used by members of a particular class to minimize the possibility of antitrust violations. For example, the exchange of proprietary price and cost data among members of a class could be avoided completely if that information were collected and presented by a neutral representative of the class, such as a law firm or accounting firm retained for the purpose of making the evidentiary submission at the August hearing. In addition, the presiding officer of the hearing has the authority to take appropriate action to ensure that sensitive competitive information submitted to the DOE is held in confidence.

We have, however, adopted the suggestion offered by several of the commenters that interested persons who have not been designated parties to the proceeding should nevertheless be

permitted to submit written comments on the issues considered in the proceeding. The adoption of a rule of this nature will enable certain persons who wish to present confidential information to do so, and it will ensure that persons who cannot participate as parties in the proceeding will be able to submit their views as well.

Accordingly, the final procedures which are set forth in Part III of this Notice include a Rule which provides that all interested persons may submit written comments in connection with the evidentiary hearing. It should be noted that since written comments of this type will not be subject to cross examination and further inquiry at the evidentiary hearing, the Office of Hearings and Appeals will not rely on factual assertions which are presented in these comments. Rather, the Decision which the Office of Hearings and Appeals will issue with regard to the need for further regulatory action involving home heating oil will be based solely on the findings of fact elicited at the hearing itself. However, we believe that written comments submitted by non-parties will be useful since they may lead to the introduction of additional relevant evidence at the evidentiary hearing and will provide the Office of Hearings and Appeals with a fuller background in which to consider the evidence presented at the hearing.

C. Some of the commenters maintained that parties should not be required to submit a Statement of Factual Position until the Office of Fuels Regulation has issued its June report. According to the interim procedures, the Office of Fuels Regulation is required to issue its report on the same date by which Statements of Factual Position must be submitted. These commenters felt that the Statements of Factual Position should be in the nature of a response to the Office of Fuels Regulation's evaluation of the performance of the home heating oil industry during the past heating season.

We do not believe that the approach suggested by the commenters would further a full consideration of issues at the evidentiary hearing. Comments which merely respond to findings of fact and conclusions made in the June report would, in our opinion, be too narrowly focused to be of general use in determining whether further regulatory action is appropriate with regard to home heating oil. Although the report issued by the Office of Fuels Regulation will be a major subject for consideration at the evidentiary hearing, it should not be the only focal point of the hearing. Rather, all the parties involved in the proceeding are encouraged to advance their own particular positions regarding further regulatory action and to submit independent factual evidence

in support of their positions. Moreover, the rules of procedure afford each party an ample opportunity to respond to the June report of the Office of Fuels Regulation as well as the statements submitted by other parties. (See Rule 7). In view of these considerations, we do not believe that the Rules should be amended in such a way as to alter the sequence in which parties are required to submit their initial submissions on substantive matters.

D. One commenter suggested that the Office of Hearings and Appeals modify Rule 6 of the interim rules of procedure so that the parties involved in the evidentiary hearing would not be required to file a response to the June report of the Office of Fuels Regulation and to each of the Statements of Factual Position which are submitted by other parties. In this regard, the commenter felt that it would be burdensome for a participant to be required to make a complete response to the June report and to each particular Statement of Factual Position if it did not disagree with any of the factual findings presented in either the report or the Statement.

We have decided to adopt this suggestion. The purpose of this requirement in Rule 6 of the interim rules was to ensure that the Office of Hearings and Appeals would be in a position to identify all disputed issues of fact prior to the evidentiary hearing. It does not appear, however, that the modification suggested above is inconsistent with the attainment of this objective. Therefore, in order to eliminate any unnecessary burdens on the parties involved in the proceeding, Rule 6 (Rule 7 of the final rules) has been modified in the following manner. No party shall be required to respond to the June report of the Office of Fuels Regulation or to any of the Statements of Factual Position which are submitted in this proceeding. However, if a party does not respond to all or part of the June report or a particular Statement of Factual Position, it will be deemed to have stipulated to the accuracy of the factual representation to which it did not respond.

E. Some commenters maintained that the interim rules of procedure indicate that the Office of Hearings and Appeals intends to conduct an inordinately complex proceeding which will involve a substantial expense to the participants. Several of the commenters expressed concern that under these circumstances small businesses and individual consumers will be discouraged or precluded from fully participating in the evidentiary hearing.

The procedural rules are intended to provide a format which will not only enable the parties to present their findings and conclusions, but also will

provide the proper procedural framework which will permit parties with opposing positions to challenge the validity of the data presented. A diligent attempt has been made to keep the rules as simple as possible while permitting those objectives to be attained. We think that a proceeding of an adjudicatory nature provides the most efficient and equitable means of identifying and resolving disputed issues of fact. In addition, since the parties which will participate in the hearing have not yet been designated by the Office of Hearings and Appeals, the concern expressed by certain commenters that small businesses and consumers will be deterred from presenting their views is speculative at the present time.

It should be noted that consumer interests are already assured of being represented as a result of the approval of financial assistance to the Energy Policy Task Force of the Consumer Federation of America (CFA) for the purpose of participating in the present proceeding. Consumer Federation of America, 1 DOE Par. — (April 27, 1978); 1 DOE Par. — (May 5, 1978). That organization represents more than 50 consumer and consumer-related organizations throughout the country. CFA has expressed a willingness to represent the views of any other consumer interest group that wishes to advance a position at the hearing. With respect to small businesses, if they find it impossible to submit views on an individual basis, they may present their positions at the evidentiary hearing through representative trade associations or larger business concerns that hold similar interests.

It is also important to point out that the interim procedures have been amended to permit interested persons to submit written comments, and this method can be used by small businesses and individuals to express their views without being designated as parties to the proceeding. Consequently, we do not believe that the rules of procedure will unfairly prevent interested persons from participating in the evidentiary hearing. The Office of Hearings and Appeals may, however, adopt supplemental procedures if it appears that persons with a fundamental interest in the issues involved would otherwise be denied an adequate opportunity to present their views.

III. RULES OF PROCEDURE

RULE 1—PRELIMINARY DATA TO BE MADE AVAILABLE BY THE OFFICE OF FUELS REGULATION

(a) *Requests for Data.* After May 1, 1978, the Office of Fuels Regulation of the Economic Regulatory Administration shall furnish the information described in Paragraph (b) of this Rule to any person that so requests. Re-

quests for this material should be in writing and addressed to Barton R. House, Assistant Administrator for Fuels Regulation, Office of Fuels Regulation, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. The Office of Fuels Regulation shall also place a copy of the information on file in the Public Docket Room of the Office of Hearings and Appeals.

(b) *Nature of the Data.* The material which the Office of Fuels Regulation is required to provide under Paragraph (a) of this Rule shall consist of the data which the Energy Information Administration (EIA) has collected on a national and regional basis with regard to monthly average sales prices and average gross margins of refiners, wholesalers, and retailers of No. 2 heating oil during the period November 1977 through February 1978. Data indicating the average monthly prices charged to residential users in sales of No. 2 heating oil during the period November 1977 through February 1978 for selected States shall also be made available.

RULE 2—PETITION TO INTERVENE

(a) *Filing Requirement.* Any person who wishes to be designated a party to this proceeding shall file a Petition to Intervene no later than May 25, 1978.

(b) *Contents of Petition to Intervene.* Each Petition shall contain (i) a detailed description of the interests which the petitioner represents; (ii) the specific reasons why the petitioner's involvement in the proceeding will substantially contribute to a complete and equitable resolution of the issues to be considered in the proceeding; (iii) a statement of the position which the petitioner intends to assert at the hearing; (iv) a specific identification of the witnesses and type of evidence which the petitioner proposes to introduce in support of its position; if the identities of the witnesses are not yet known, provide a description of the types of witnesses to be presented; (v) a description of the nature and scope of the factual or legal information which the petitioner plans to present; and (vi) a description of the relevancy of this information and the reasons why the testimony of the witnesses is necessary to establish the asserted position.

RULE 3—DECISION WITH RESPECT TO PETITION TO INTERVENE

(a) The Office of Hearings and Appeals may in its discretion conduct conferences for the purpose of determining whether a petition to intervene should be granted and may convene a hearing pursuant to the provisions of 10 CFR 205.172 in order to hear oral argument with respect to the petition.

(b) After considering all of the petitions which it has received, supporting documents and any other relevant in-

formation received or obtained during the proceeding, the Office of Hearings and Appeals shall enter an Order identifying the petitioners who will be accorded status as parties to the evidentiary hearing. To the greatest extent possible, an attempt will be made to ensure that all of the various interests involved will be adequately represented at the hearing. The Office of Hearings and Appeals may, however, aggregate two or more petitioners into a class on the basis of the similarity of the interests which they represent or the views they intend to advance at the hearing and designate one petitioner to represent all of the petitioners in a particular class.

(c) In determining whether a particular petitioner should be consolidated into a class for the purpose of the hearing, the Office of Hearings and Appeals will give consideration to the following factors:

(i) The number of persons who have petitioned to intervene in the evidentiary hearing;

(ii) The number of petitioners who share common interests with the petitioner and intend to present similar views;

(iii) The extent to which the petitioner's ability to express its views will be impeded if it is consolidated into a class;

(iv) The willingness of the petitioner to be consolidated with other petitioners; and

(v) The extent to which the petitioner may encounter special difficulties in complying with the provisions of the antitrust laws if it is consolidated into a class with other petitioners.

(d) The Order of the Office of Hearings and Appeals with respect to a Petition to Intervene shall not be subject to further administrative review or appeal. The Office of Hearings and Appeals intends to issue a determination with respect to Petitions to Intervene no later than June 9, 1978.

RULE 4—NONPARTY PARTICIPATION

The Office of Hearings and Appeals will receive written comments which are submitted by persons who wish to participate in this proceeding but who have not been designated as parties. Persons who intend to submit written comments may submit their comments in writing to the Office of Hearings and Appeals at any time during this proceeding but no later than fifteen (15) days following the date on which the evidentiary hearing is completed.

RULE 5—STATEMENT OF FACTUAL POSITION

(a) *Filing Requirement.* A Statement of Factual Position shall be filed by each party no later than June 30, 1978.

(b) *Contents of Statement of Factual Position.* The Statement of Factual

Position shall contain a full and detailed discussion of the factual positions which the party intends to establish at the hearing with respect to each of the issues to be addressed at the hearing. The Statement shall also contain a description of the witnesses and the type of information which the party intends to present at the hearing in order to prove the factual representations which it maintains are correct and to dispute or support the factual representations which appear in the preliminary data provided by the Office of Fuels Regulation.

RULE 6—REPORT OF THE OFFICE OF FUELS REGULATION

No later than June 30, 1978, the Office of Fuels Regulation shall publish a detailed report which sets forth its analysis of the data which the EIA has gathered in connection with the current program to monitor the prices of home heating oil. This report shall contain specific findings of fact and conclusions which the Office of Fuels Regulation has reached regarding its study of home heating oil prices during the 1977-78 heating season. A copy of the report shall be mailed or otherwise made available to each party involved in the evidentiary hearing no later than June 30, 1978.

RULE 7—RESPONSE TO STATEMENTS OF FACTUAL POSITION AND REPORT OF THE OFFICE OF FUELS REGULATION

The Office of Fuels Regulation and any person which has been designated a party to the evidentiary hearing may file comments in response to each Statement of Factual Position which has been submitted by another party within fifteen (15) days of the date of filing of that Statement. All parties may also file comments with regard to the June report of the Office of Fuels Regulation within fifteen (15) days of the date of issuance of that document. The comments filed pursuant to this Rule shall identify:

(i) The particular factual representations which the party considers to be correct;

(ii) The particular factual representations which the party asserts are incorrect; and

(iii) The particular factual representations whose validity the party is not in a position to either accept or deny.

If a party does not file a timely response to a factual representation contained in the report of the Office of Fuels Regulation or in a Statement of Factual Position which has been submitted by another party, it will be deemed to have agreed with that factual representation.

RULE 8—DECISION AND ORDER WITH RESPECT TO STATEMENTS OF FACTUAL POSITION AND RELATED DOCUMENTS

(a) After receiving the submissions of the parties with respect to the

Statements of Factual Position, the June report prepared by the Office of Fuels Regulation, and any responses filed by the parties to these documents, the Office of Hearings and Appeals may in its discretion conduct conferences with parties for the purpose of resolving any differences of view.

(b) After considering the Statements of Factual Position, the June report of the Office of Fuels Regulation, Responses filed pursuant to Rule 7 and any other relevant information received or obtained during the proceeding, the Office of Hearings and Appeals shall issue an Order specifying the particular issues of fact which will be considered at the evidentiary hearing. In addition, the Order shall specify the particular factual representations whose validity has not been challenged by either the Office of Fuels Regulation or any party and which as a result will be denominated as stipulated facts which will not be subject to examination at the evidentiary hearing.

(c) The Order of the Office of Hearings and Appeals shall also describe the format to be used for the evidentiary hearing and the conclusions of the Office with respect to the following specific procedural matters:

(i) Burden of proof;

(ii) Standard of proof; and

(iii) The rules which will be applied to the introduction of written and oral testimony and other evidence.

(d) The Order of the Office of Hearings and Appeals with respect to the Statements of Factual Position and related documents shall not be subject to further administrative review or appeal.

RULE 9—EVIDENTIARY HEARING

(a) The evidentiary hearing shall be conducted by the Director of the Office of Hearings and Appeals or by his designee.

(b) The presiding officer of the hearing shall arrange for a transcript to be taken of the proceedings. A copy of the transcript, with such modification as is necessary to insure the confidentiality of information protected from disclosure under the provisions of 18 U.S.C. 1905 and 5 U.S.C. 552, will be placed on file in the Public Docket Room as described in 10 CFR 205.15 within a reasonable time following the conclusion of the evidentiary hearing.

(c) The hearing will be open to the public. However, the presiding officer may direct that any party or member of the public be excluded from attending those portions of the hearing that involve a discussion of proprietary financial data which is protected from disclosure under the provisions of 18 U.S.C. 1905 and 5 U.S.C. 552.

(d) The presiding officer of the evidentiary hearing shall afford the par-

ties and opportunity to present evidence which:

(i) directly relates to a particular issue of fact which has been set forth for hearing; and

(ii) Is material and relevant in establishing the validity of the position which the party asserts the DOE should adopt in this matter.

(e) The presiding officer may take reasonable measures to exclude repetitious material from the hearing. The presiding officer may also require that evidence be submitted through affidavits or other written form if he concludes that the presentation of evidence through the direct testimony of witnesses will unduly delay the orderly progress of the hearing and would add little substantive value in resolving the issues involved in the hearing.

(f) In all instances in which a party presents evidence through the testimony of a witness, the presiding officer of the hearing shall insure that reasonable opportunity is provided to the other parties for cross examination.

(g) The presiding officer of the hearing may administer oaths and affirmations, rule on objections and dispose of procedural requests, determine the format of the hearing, direct that written motions or briefs be provided with respect to issues raised during the course of the hearing and otherwise regulate the course of the hearing.

(h) The provisions of 10 CFR 205.8 which relate to the authority of the presiding officer with respect to subpoenas and witness fees shall apply to the evidentiary hearing.

(i) Following the presentation of all evidence the presiding officer shall afford the parties an opportunity to present oral argument as to the Decision which the Office of Hearings and Appeals should issue with respect to the matter. The presiding officer may direct that written memoranda, briefs or other documentary material be submitted in support of any position which a party advances or with respect to any issue otherwise specified by the presiding officer.

RULE 10—FINAL COMMENTS

Within fifteen (15) days following the date on which the evidentiary hearing is adjourned, each of the parties shall submit final comments, in the form of a summation brief, to the Office of Hearings and Appeals. The summation brief shall include the findings of fact and conclusions of law which the party requests be adopted by the Office of Hearings and Appeals. In addition, it shall include a recommendation as to the regulatory action, if any, which the DOE should take with regard to the pricing and allocation of No. 2 heating oil and a detailed discussion of the manner in which the

record in the proceeding supports the position advanced.

RULE 11—ISSUANCE OF DECISION WITH RESPECT TO EVIDENTIARY HEARING

(a) After considering the submissions of the parties and the DOE, the transcript of the hearing, and any other relevant information received or obtained in connection with the evidentiary hearing, the Director of the Office of Hearings and Appeals or his designee shall issue an appropriate Decision. The determination shall include a written statement setting forth the relevant facts supporting the Decision. The Decision shall not be subject to appeal.

(b) The Office of Hearings and Appeals shall transmit a copy of the Decision to the Administrator of the Economic Regulatory Administration of the Department of Energy and shall serve a copy of the Decision upon each person who was designated a party to the evidentiary hearing. In addition, a copy of the Decision shall be placed on file in the Public Docket Room of the Office of Hearings and Appeals and shall be published in the FEDERAL REGISTER. The Office of Hearings and Appeals shall delete from the copies made available to the public those portions of the Decision which contain confidential information which is protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552.

RULE 12—EX PARTE COMMUNICATIONS

(a) No person who is not employed or otherwise supervised by the Office of Hearings and Appeals shall submit an ex parte communication to the Director or any person employed or otherwise supervised by the Office with respect to any matter involved in the evidentiary hearing. This Rule shall be effective during the period from the date on which the evidentiary hearing is convened through the date of issuance of the Decision by the Office of Hearings and Appeals with respect to the matters considered at the evidentiary hearing.

(b) Ex parte communication includes any ex parte oral or written communication with respect to the matters involved in the evidentiary hearing. The term shall not, however, include requests for status reports, inquiries as to procedures, or the submission of statistical or technical data or reports containing proprietary or confidential information requested after notice to all parties by a person employed or otherwise supervised by the Office of Hearings and Appeals.

(c) If a communication occurs that violates the provisions of this Rule, the Office of Hearings and Appeals shall take appropriate action to mitigate the adverse impact to any party of the ex parte contact.

RULE 13—EXTENSION OF TIME, INTERIM AND ANCILLARY ORDERS

The Director of the Office of Hearings and Appeals or his designee may in his discretion permit a document referred to in these Rules to be filed at a time which is different from the time period specified in a particular provision of these Rules. The Director or his designee may also issue any interim or ancillary Orders or make any ruling or determination which he deems necessary to ensure that the proceedings specified in these Rules are conducted in an appropriate manner and that the resolution of the issues presented in the proceeding are not unduly delayed.

RULE 14—GENERAL FILING REQUIREMENTS

(a) The Petition to Intervene, the Statement of Factual Position, comments in response to the Statement of another party, other written comments and any other motions or documents filed in connection with the evidentiary hearing shall be filed with the National Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461.

(1) Any document referred to in this Rule shall be filed in triplicate.

(2) If a person claims that any portion of a document referred to in this Rule contains confidential information, such information should be deleted from two (2) of the copies which are filed. One copy from which confidential information has been deleted will be placed in the Public Docket Room of the Office of Hearings and Appeals.

(b) Parties shall serve a copy of each document which they file during the course of this proceeding upon the Office of Fuels Regulation and upon each person who has been designated a party by the Office of Hearings and Appeals.

(c) Any filing made under these Rules shall include a certification of compliance with the provisions of these Rules, the names and addresses of each person served, and the date and manner of service.

Issued in Washington, D.C., May 31, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and
Appeals, Department of
Energy.

[FR Doc. 78-15585 Filed 6-5-78; 8:45 am]

[1505-01]

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL 903-41]

**ADMINISTRATOR'S TOXIC SUBSTANCES
ADVISORY COMMITTEE**

Open Meeting

Correction

In FR Doc. 78-14955 appearing at page 23648 in the issue for Wednesday, May 31, 1978, in the third line under the summary paragraph the meeting times should read, "from 7 p.m. to 9:30 p.m. on Sunday, June 25".

[6560-01]

[FRL 900-2; OPP-50331A]

**MISSISSIPPI AUTHORITY FOR CONTROL OF
FIRE ANTS****Receipt of Amendment to an Experimental Use
Permit and Solicitation of Public Views**

The Environmental Protection Agency (EPA) has received from the Mississippi Authority for Control of Fire Ants (hereafter referred to as "Mississippi") a request for an amendment to an experimental use permit (No. 38962-EUP-2) issued to it by EPA on September 29, 1977. This permit, which was published on October 5, 1977 (42 FR 54331), allowed the use of approximately 11 pounds of the insecticide dodecachlorooctahydro-1,2,4-metheno-2H-cyclobuta (cd) pentalene (Ferriamicide Bait) on 5,500 acres of nonagricultural land in Mississippi and Florida, effective until October 1, 1978.

Mississippi has requested authorization:

1. To increase the total acreage from 5,500 to 9,500 acres of nonagricultural land to include 500 acres each in North Carolina, South Carolina, Georgia, Louisiana, Arkansas, and Texas and 1,000 acres in Alabama. Mississippi is allowed 5,000 acres and Florida 500 acres under the current permit; no change in these is proposed;

2. To treat 20,000 acres in a single block with ferriamicide for environmental residue monitoring studies. Pasture lands will be major targets in any control program and so this type of land will be emphasized in this test. Heavily forested areas will not be treated. This test area will probably be in Mississippi;

3. In the event that item 2 above is not granted, to treat 1,000 acres of pasture or hay acreage and 200 acres of grain crop land with ferriamicide is requested for monitoring residue data in beef, milk, soy beans, corn and other grain crops;

4. To use fixed wing aircraft in addition to helicopters for application; and

5. To use application rates other than 1 pound/acre for efficacy tests and field degradation tests, to allow application rates on up to 200 acres per State to be increased or decreased (increase may be up to five times normal application for efficacy tests), allow application of up to 500 times the normal application rate on plots not to exceed one acre for field degradation studies (in these latter studies 10/5, and 0.5 percent ferriamicide baits will be employed at rates of 4 times the label strength).

According to Mississippi, the purposes for amending the permit are threefold. The first is to gather additional efficacy data from a wide range of environmental conditions, including various types of ecological conditions as well as seasonal data. Application would be made aerially or broadcast from ground equipment at various application rates to both nonagricultural and agricultural lands. The second is to monitor various birds, mammals, insects, and aquatic insects as well as vegetation, soil, and water. The third purpose is to carry out field degradation studies. The experimental use permit remains effective until October 1, 1978.

According to the section 5 regulations of the amended Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Administrator of the EPA shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this amendment may also be of wide significance. Therefore, all interested parties are invited to submit written comments pertinent to the proposed amended program submitted in connection with this experimental use permit. Comments should be forwarded to the Federal Register Section, (WH-569), Room E-401, Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. Copies of the comments should be submitted to facilitate the work of the agency and others interested in inspecting the submissions. The comments must be received on or before July 7, 1978 and should bear the identifying notation OPP-50331A. 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 p.m. during normal work days.

This document does not indicate a decision by this Agency on the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, Room E-315, located

at the Headquarters address mentioned above.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.))

Dated: June 2, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-15814 Filed 6-5-78; 9:10 am]

[6560-01]

[FRL 906-7]

WATER QUALITY CRITERIA**Extension of Public Comment Period on
Technical Guidelines**

AGENCY: Environmental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: In the FEDERAL REGISTER of May 18, 1978 (43 FR 21506), EPA published technical guidelines which set forth a methodology for deriving water quality criteria under the Clean Water Act. EPA asked that written public comments be submitted by July 3, 1978. EPA has determined that additional time should be allowed.

DATE: The deadline for submitting written public comments is hereby extended to August 2, 1978.

**FOR FURTHER INFORMATION
CONTACT:**

Kenneth M. Mackenthun, Director,
Criteria and Standards Division
(WH-585), Office of Water Planning
and Standards, U.S. Environmental
Protection Agency, 401 M Street
SW., Washington, D.C. 20460, tele-
phone 202-755-0100.

Dated: June 1, 1978.

THOMAS C. JORLING,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc. 78-15694 Filed 6-5-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION**AGREEMENTS FILED**

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or

may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., Chicago, Ill., and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after the date of the FEDERAL REGISTER in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 8240-13.

Filing party: Mr. Wade S. Hooker, Jr., Burlington Underwood & Lord, One Battery Park Plaza, New York, N.Y. 10004.

Summary: Agreement No. 8240-13, entered into by the member lines of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference, amends the basic agreement by adding a new Article 11 which provides that the member lines of the conference may, by a two-thirds vote, appoint demurrage collection agents at destination ports within the conference trade area. Any proceeds collected by any such agent will be allocated, after deduction of the costs of collection, to the members to whom the charges are owed.

Agreement No. 9984-12.

Filing Party: Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, N.Y. 10004.

Summary: Agreement No. 9984-12, among the members of the South Atlantic-North Europe Rate Agreement (SANE), modifies the basic agreement by placing a limitation on the scope of SANE's intermodal authority that it shall not extend to any joint rail-water or joint motor-water service from or to rail or motor carrier terminals located in coastal port cities outside the Hatteras/Key West range or areas proximate to such cities operated by any member line under tariffs filed with the Federal Maritime and Interstate Commerce Commissions.

Agreement No. T-2750-1.

Filing Party: Leslie E. Still, Jr., Deputy, City Attorney of Long Beach, 333 West Ocean Boulevard, Long Beach, Calif. 90802.

Summary: Agreement No. T-2750-1, between the City of Long Beach (Port) and United States Lines, Inc. (U.S.L.), modifies the parties' basic agreement providing for the Port's preferential assignment to U.S.L. of a marine container terminal at Berth 230, Pier G, and water area adjacent thereto at the Port of Long Beach, Calif. The purpose of the modification is to extend the term of the agreement to December 31, 1978, and to amend the area of the leased premises by deleting 100 feet of wharf space.

Agreement No. T-2750-B-1.

Filing Party: Leslie E. Still, Jr., Deputy, City Attorney of Long Beach, 333 West Ocean Boulevard, Long Beach, Calif. 90802.

Summary: Agreement No. T-2750-B-1, between the City of Long Beach (Port) and United States Lines, Inc. (U.S.L.), modifies the parties' basic agreement providing the Port's assignment to U.S.L. for the use of two container cranes for the handling of cargo containers at premises to be assigned to U.S.L. pursuant to the wharf assignment contained in Agreement No. T-2750. The purpose of the modification is to extend the term of the agreement to December 31, 1978.

Agreement No. T-3616-1.

Filing Party: Thomas A. Johnson, Esq., Galland, Kharasch, Calkins & Short, Canal Square, 1054 Thirty-First Street NW., Washington, D.C. 20007.

Summary: Agreement No. T-3616-1, between the Puerto Rico Ports Authority (Port) and Fred Imbert, Inc. (Imbert), modifies the parties' basic agreement providing for the Port's lease to Imbert of certain premises at Pier 13, San Juan, P.R., which includes the right of preference in the use of a berthing and open storage area and cargo sheds A and B, as well as the exclusive use of an office building, Gear Shed and additional open space. The purpose of the modification is to make adjustments to the term of the agreement, providing for a three-year term, with a two-year renewal option.

By Order of the Federal Maritime Commission.

Dated: May 31, 1978.

FRANCIS C. HURNEY
Secretary.

[FR Doc. 15668 Filed 6-5-78; 8:45 am]

[6730-01]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 422 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Cosdel International Co. (Cosmo S. Antista, d.b.a.), 655 Powell Street, San Francisco, Calif. 94111.

Edward J. Esposito, 90 West Street, Room 1104, New York, N.Y. 10006.

Interamerican Customs Broker Corp., 8339 Hindry Avenue, Los Angeles, Calif. 90045. Officers: W. P. Daetwyler, chairman, W. Guy Fox, Exec. Vice President, Len Guyt, Senior Vice President, Werner Schmid, Treasurer, Frank Stapleton, Secretary.

Aduana International (Francisco Alberto Perez, d.b.a.), 1946 Southwest 18th Avenue, Miami, Fla. 33145.

Swift International Forwarders (Microtron Industries, Inc., d.b.a.), 600 North Beltline Road, Irving, Tex. 75061. Officers: Robert G. Dawe, President, W. Newton Barnes, Secretary, Wilma Rhoades, Treasurer, D. C. Morrow, Vice President, J. W. Zadik, Director, Kenneth D. Reynolds, Director, Scottie Ashley, Director, J. A. Bozeman, Director, Michael R. Lewis, Director, Louis B. Iotspeich, Director.

William R. Garcia, 702 East Gage Avenue, Suite 5-F, Los Angeles, Calif. 90001.

Hermilo Mendoza, 4139 George Street, Schiller Park, Ill. 60176.

Inter-Port, Inc., Route 3, Box 617 M, Palm Harbor, Fla. 33563. Officers: John M. Norton, President, Barbara L. Norton, Secretary/Treasurer.

Globe Forwarders Inc., 5000 Southwest 69th Avenue, Miami, Fla. 33155. Officer: Jose Sust, President.

Path International, 900 West Florence Avenue, Inglewood, Calif. 90301. Officers: John P. Hall, President, Paul T. Horii, Vice President, Alex F. Hall, Secretary.

Cleveland Freight Services International, Inc., 6864 Engle Road, Middleburg Heights, Ohio 44130. Officers: Ismail K. Renno, President, Rafael Swift, Executive Vice President, Dennis M. Costin, Executive Vice President, Lester E. Kean, Secretary/Treasurer.

Oceanair Freight International, Inc., 833 Mahler Road, Burlingame, Calif. 94010. Officers: R. D. Sellentin, President/Director, Fred N. Chattey, Vice President/General Manager/Director, Jerome E. Rojas, Vice President, Beverley S. Sellentin, Secretary/Treasurer/Director.

Bresnan Shipping Co., Inc., 17 Battery Place, Suite 2229, New York, N.Y. 10004. Officers: Donald C. Bresnan, President, Carol L. Bresnan, Secretary, William S. Bresnan, Vice President/Treasurer.

Compass Forwarding Co., Inc., c/o Mr. Richard Shelala, 124 Battery Avenue, Brooklyn, N.Y. 11218. Officers: Richard Shelala, President/Treasurer, Lee Farnsworth, Vice President/Secretary.

Lasco Shipping Corp., 55-07 39th Avenue, Woodside, N.Y. 11377. Officers: Frank Salamone, President/Secretary, Alma Alvarez, Treasurer, William J. Horan, Director.

General Transportation Services Inc., 550 Division Street, Elizabeth, N.J. 07201. Officer: George Chatah, President.

J. D. MacDonald Jr., Custom House Broker, 239 Prescott Street, No. 317, East Boston, Mass. 02128.

Transintra International Forwarding Co., Inc., 351 Pacific Avenue, Staten Island, N.Y. 10312. Officer: Richard Healy, President/Vice President/Secretary/Treasurer.

A. P. Champagne & Co., (A. P. Champagne, Jr., d.b.a.), P.O. Box 2348, 344 Camp Street, Suite 511, New Orleans, La. 70176.

A. F. International (Andres Fleites, d.b.a.), 122 Calabria, No. 2, Coral Gables, Fla. 33134.

Cargo Transport Corp., 10606 Hempstead Highway, Suite 118-A, Houston, Tex. 77092. Officers: Ray C. B. Carlisle, President, Jacqueline M. Carlisle, Secretary, Fletcher L. Amidon, Vice President, Valeria Capparelli, Treasurer.

By the Federal Maritime Commission.

Dated: June 1, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-15667 Filed 6-5-78; 8:45 am]

[6210-01]**FEDERAL RESERVE SYSTEM****BALCH SPRINGS BANCSHARES, INC.****Formation of Bank Holding Company**

Balch Springs Bancshares, Inc., Balch Springs, Tex., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 99.95 percent or more (less directors' qualifying shares) of the voting shares of First Bank, Balch Springs, Tex. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 22, 1978.

Board of Governors of the Federal Reserve System, May 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-15576 Filed 6-5-78; 8:45 am]

[6210-01]**CITIZENS BANKSHARES, INC.****Formation of Bank Holding Company**

Citizens Bankshares, Inc., Louisville, Ky., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 87 percent or more of the voting shares of Citizens Deposit Bank, Calhoun, Ky. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 29, 1978.

Board of Governors of the Federal Reserve System, May 30, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-15575 Filed 6-5-78; 8:45 am]

[6210-01]**FIRST STATE BANCORPORATION****Formation of Bank Holding Company**

First State Bancorporation, Frederickburg, Iowa, has applied for the

Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 83.7 percent or more of the voting shares of First State Bank, Frederickburg, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 29, 1978.

Board of Governors of the Federal Reserve System, May 30, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-15574 Filed 6-5-78; 8:45 am]

[6210-01]**JACKSON HOLE BANKING CORP.****Formation of Bank Holding Company**

Jackson Hole Banking Corp., Jackson, Wyo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the common and of the preferred shares of The Jackson State Bank, Jackson, Wyo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 30, 1978.

Board of Governors of the Federal Reserve System, May 31, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-15579 Filed 6-5-78; 8:45 am]

[6210-01]**SECURITY BANCORP, INC.****Acquisition of Bank**

Security Bancorp, Inc., Southgate, Mich., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by consolidation to The Newport State Bank, Newport, Mich. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 26, 1978.

Board of Governors of the Federal Reserve System, May 31, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-15578 Filed 6-5-78; 8:45 am]

[1610-01]**GENERAL ACCOUNTING OFFICE****REGULATORY REPORTS REVIEW****Expiration of FTC Reporting Requirement**

Notice is hereby given that the clearance for a Federal Trade Commission (FTC) reporting requirement has expired and that extended approval has not been requested in accordance with the Federal Reports Act, 44 U.S.C. 3512 (Supp. V, 1975), and GAO's clearance review regulations, 4 CFR 10.5(e).

It has been brought to GAO's attention that FTC's Special Report on Mergers and Acquisitions in the Food Distribution Industries, dated February 14, 1973, may still be in use. This reporting requirement was last reviewed and approved by the Office of Management and Budget (OMB) on March 14, 1973. At that time, OMB assigned a clearance number 56-R0021 and stated that this reporting requirement's clearance would expire in December 1977. Since that expiration date, FTC has not requested that GAO renew the clearance of this reporting requirement.

To implement its Federal Reports Act responsibilities, GAO adopted clearance review regulations which became effective on July 2, 1974. Section 10.5(e) of these regulations, found in title 4, Code of Federal Regulations, provides:

Agencies may continue to use plans and report forms approved by OMB prior to November 16, 1973, until the OMB clearance expires. However, no plan or report form previously cleared by OMB may be used after its expiration date or materially revised for use prior to its expiration date without submission to and clearance by GAO.

Accordingly, since January 1, 1978, FTC's Special Report on Mergers and Acquisitions in the Food Distribution Industries has not had an effective clearance as required by GAO's regulations and the Federal Reports Act.

NORMAN F. HEYL,
*Regulatory Reports
Review Officer.*

[FR Doc. 78-15677 Filed 6-5-78; 8:45 am]

[1610-01]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 30, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before June 26, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new, single-time, voluntary Idea Promotion Survey questionnaire to be sent to the offices of the attorneys general in the 50 states. The questionnaire, part of a major project currently being conducted, requests information and material concerning the level of business activity of idea promotion, invention promotion, or patent development and marketing firms in the United States. The overall purpose of the Federal Trade Commission's major project is to determine the net effect, if any, of Federal Trade Commission enforcement activity and various state regulations on the idea promotion industry. The FTC estimates respondents to be the 50 state attorneys general and reporting time to average 3 hours per response.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc. 78-15678 Filed 6-5-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFAREAlcohol, Drug Abuse, and Mental Health
AdministrationALCOHOL ABUSE AND ALCOHOLISM
PROGRAMS

FY 1978 Alcohol Formula Grant Allotments

This notice provides information regarding the amounts allotted to the States in fiscal year 1978 for alcohol abuse and alcoholism programs.

On November 25, 1977, the Secretary of Health, Education, and Welfare promulgated final regulations setting forth a new formula for allotting to the States funds for alcohol abuse and alcoholism prevention, treatment, and rehabilitation appropriated pursuant to section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 as amended (see FEDERAL REGISTER, volume 42, No. 227, page 60398). As required by section 302(a)(1) of the Act, this formula provided for allotment of funds among the States "on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism." Consistent with the requirements of section 302(a)(1), the regulations defined State need for more effective prevention, treatment, and rehabilitation as "an estimate of the level of alcohol abuse based on multivariate statistical analysis of survey data on alcohol abuse, the results of which are applied to data on the demographic characteristics of each State."

In proposing this formula (see FEDERAL REGISTER, volume 42, No. 21, page 6066), the Secretary stated that, if the formula were adopted, he planned to use two equally weighted indices of problem drinking as the measure of relative State need for more effective prevention, treatment, and rehabilitation in computing 1977 allotments to the States. These indices were "frequent heavy drinking" (defined as the number of times per week that a person drinks five or more drinks on one occasion) and "current tangible consequences" (an additive score concerning problems with spouse, relatives, friends, job, police, finances, and health). Frequent heavy drinking (FHD) was to be based on a national sample survey conducted in 1971. Current tangible consequences (CTC) was to be based on a national sample survey conducted in 1967.

Several persons commenting on the proposed formula suggested that the survey data on alcohol abuse which the Secretary planned to use in applying the formula in fiscal year 1977 were too old to yield reliable estimates

of current State need. Setting forth the final regulations, the Secretary acknowledged the importance of these concerns. He explained that only data from 1967 and 1971 surveys were actually available for use in calculating State allotments for 1977 but committed the Department to analyzing data from several more recent surveys to determine their value in computing fiscal year 1978 allotments.

The results of this analysis are now complete and are explained in some detail below. Briefly stated, however, a 1975 survey by Opinion Research Corp., proved to yield an estimate of frequent heavy drinking (FHD) not only more current but preferable in several other ways to the estimate of FHD (based on 1971 data) used in calculating 1977 allotments.

ANALYSIS OF SURVEYS

Carrying out the Secretary's commitment to analyze more recent survey data on alcohol abuse for possible use in estimating State need and calculating fiscal year 1978 allotments, the National Institute on Alcohol Abuse and Alcoholism (NIAAA) reviewed the following national sample surveys.

Health Interview Survey, 1977. National Center for Health Statistics, U.S. Department of Health, Education, and Welfare.
Health and Nutrition Examination Survey, 1971-74. National Center for Health Statistics, U.S. Department of Health, Education, and Welfare.
Public Awareness of the NIAAA Advertising Campaign and Public Attitudes Toward Drinking and Alcohol Abuse. Louis Harris and Associates, Inc., February 1974.
The Public evaluates the NIAAA Public Education Campaign. Opinion Research Corp., July 1975.

These surveys were analyzed to determine if the data they contain could be used to develop indices of frequent heavy drinking or current tangible consequences and, thus, to estimate State need for more effective prevention, treatment, and rehabilitation as required by section 302(a)(1) of the act and the implementing regulations published in November 1977. Three of the surveys proved unsuitable for this purpose.

The health interview survey is inappropriate for two reasons. First, it does not reflect the makeup of the population of all the States and is therefore unsuitable for the kind of estimation processes required by the regulations. Second, the alcohol-related data are insufficient to permit computation of either an FHD scale encompassing all types of alcoholic beverages or a CTC scale of the sort used for computing the 1977 allotments.

The health and nutrition examination survey cannot be used because the respondents were asked only about the alcoholic beverage they consumed

most frequently. No questions were asked about other alcoholic beverages consumed, thus precluding the construction of an FHD scale of the sort used for computing the 1977 allotments.

Data from the 1974 Harris survey can be used to calculate FHD scores. However, the results of the calculation appear inconsistent with similar data collected both before and after 1974 both by Harris and others. Of course, samples taken in any survey involve random processes and degrees of chance, and it is always possible that one survey can yield inexplicably different results for reasons which cannot be readily identified. But doubts about the representativeness or accuracy of the 1974 Harris data on alcohol consumption raised by its inconsistency with other surveys argued against using it to compute 1978 allotments to the States.

The 1975 survey by Opinion Research Corp. (ORC), proved more useful. Statistical analysis of the ORC data identified 16 demographic subgroups based on their relative risk of frequent heavy drinking. Table 1 below lists these subgroups (which, together, comprise the entire population covered by the survey) and the mean FHD score identified for each subgroup.

This updated estimate of frequent heavy drinking in various demographic subgroups has several advantages over the FHD index used in calculating 1977 allotments.

(1) It is based on the most recent national sample survey containing the data on quantity and frequency of alcohol consumption necessary to construct an FHD scale including all types of alcoholic beverages.

(2) The survey on which it is based used a statistically refined weighting scheme to adjust the makeup of the actual sample surveyed to approximate an "ideal" sample.

(3) It is more elaborated, distinguishing far more demographic subgroups (16 rather than 10).

(4) It is more sensitive to geographic region as a variable in drinking behavior.

(5) Used in the formula for calculating allotments, it helps reveal a wider range of relative need among the States (even though the technique of statistical analysis used is quite conservative, tending to draw extremely high and extremely low estimates of need closer to the mean). As can be seen in table 3, the 1978 values of relative State need for more effective prevention, treatment, and rehabilitation (based in part on FHD scores derived from the 1975 ORC data) ranged from 0.5110 to 1.5646. The 1977 values of relative State need (based in part on FHD scores derived from 1971 data) ranged only from 0.7275 to 1.3640.

None of the recent surveys reviewed by NIAAA contained data which could be used to construct a scale of the social consequences of problem drinking similar to the CTC index (based on 1967 data) which was used in calculating 1977 allotments. Nevertheless, it remains desirable that estimates of relative State need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism continue to address the prevalence of problems with family, employment, police, and finances such as those captured by the CTC index.

TABLE 1.—Average frequent heavy drinking (FHD) score by demographic subgroup*

	Mean FHD score
1. Male, living in south Atlantic/east south central regions, earning \$15,000 or more.....	0.005
2. Male, living in east north central region, earning \$15,000 or more, 18 to 49 yr old..	.718
3. Male, living in east north central region, earning \$15,000 or more, 50 yr or older....	.240
4. Male, living in south Atlantic/east south central/east north central regions, earning less than \$15,000.....	.040
5. Male, living in mountain/Pacific regions, married.....	.007
6. Male, living in west south central/west north central/mid-Atlantic/New England regions, 21 to 49 yr old, less than high school education, married.....	1.044
7. Male, living in west north central/mid-Atlantic/New England regions, 21 to 34 yr old, high school education or more, earning more than \$5,000 but less than \$15,000, married.....	.025
8. Male, living in west north central/mid-Atlantic/New England regions, 21 to 34 yr old, high school education or more, earning \$15,000 or more, married.....	.987
9. Male, living in west north central/mid-Atlantic/New England regions, 35 to 49 yr old, high school education or more, married.....	.003
10. Male, living in west south central region, 21 to 49 yr old, high school education or more, married.....	.824
11. Male, living in west south central/west north central/mid-Atlantic/New England regions, over 50 yr of age, earning less than \$15,000, married.....	.105
12. Male, living in west south central/west north central/mid-Atlantic/New England regions, over 50 yr of age, earning \$15,000 or more, married.....	.514
13. Male, living in mountain/Pacific/west south central/west north central/mid-Atlantic/New England regions, greater than a high school education, single or formerly married.....	.185
14. Male, living in west south central/west north central/New England, high school education or less, single or formerly married.....	.873
15. Male, living in mid-Atlantic/mountain/Pacific regions, high school education or less, single or formerly married....	2.350
16. Female.....	.030

*Based on 1975 survey by Opinion Research Corp.

Thus, in estimating relative State "need for more effective prevention, treatment, and rehabilitation" for the purpose of calculating 1978 allotments to the States, the FHD index will be based on ORC's 1975 survey and the CTC index remain identical to that used in calculating 1977 allotments.

MIGRANT WORKERS

In promulgating final regulations on the new allotment formula in Novem-

ber 1977, the Secretary also took note of public comments objecting that the new formula did not take into account seasonal populations—for example, migrants and tourists—which local alcohol abuse and alcoholism programs must serve.

Responding to this concern, the Secretary pointed out that, if appropriate data are available, it is possible to take into account seasonal increases and decreases in State population without modifying the allocation formula. He further stated that NIAAA would explore the possibility of taking migrants into account in calculating allotments for fiscal year 1978.

TABLE 2.—Influx of migrants, by State*

Alabama.....	1,065
Alaska.....	0
Arizona.....	11,467
Arkansas.....	1,033
California.....	122,047
Colorado.....	10,216
Connecticut.....	951
Delaware.....	3,060
District of Columbia.....	0
Florida.....	94,725
Georgia.....	4,355
Hawaii.....	0
Idaho.....	10,852
Illinois.....	13,291
Indiana.....	4,166
Iowa.....	517
Kansas.....	(**)
Kentucky.....	206
Louisiana.....	861
Maine.....	(**)
Maryland.....	2,913
Massachusetts.....	611
Michigan.....	22,738
Minnesota.....	7,812
Mississippi.....	(**)
Missouri.....	292
Montana.....	4,542
Nebraska.....	1,058
Nevada.....	(**)
New Hampshire.....	86
New Jersey.....	7,410
New Mexico.....	1,565
New York.....	8,774
North Carolina.....	6,715
North Dakota.....	4,093
Ohio.....	12,685
Oklahoma.....	1,687
Oregon.....	15,164
Pennsylvania.....	2,503
Rhode Island.....	(**)
South Carolina.....	3,457
South Dakota.....	(**)
Tennessee.....	394
Texas.....	82,124
Utah.....	1,206
Vermont.....	31
Virginia.....	3,494
Washington.....	27,062
West Virginia.....	347
Wisconsin.....	4,552
Wyoming.....	904
All others.....	(**)

*Based on report prepared for Legal Services Corp., May 1977.

**No data available.

The 1978 allotments to the States shown in Table 3 reflect the impact of migrants in two ways:

(1) The population figures used in calculating allotments (see Column 1 of Table 3) include the figures on migrant population shown in Table 2.

(2) The population-weighted mean FHD score for the United States, which is used to convert the mean FHD score of each State into a rela-

tive index, includes the migrant populations shown in Table 2.

This adjustment of population figures is considered appropriate in view of the fact that migrant workers and their families must be served both in their home States and the States in which they temporarily live and work.

ALLOTMENTS FOR 1978

Table 3 below lists, by State, the value of each factor used in calculating fiscal year 1978 allotments in keeping with the requirements of section 302(a) of the Act and implementing regulations. It also lists the 1978 allotment for each State, the allotment per capita for each State, and the rank order of this per capita allotment.

TABLE 3
Values of Factors Used to Allot Alcohol Grants to States
for Fiscal Year 1978 (by State)
and Fiscal Year 1978 Allotment, Total and Per Capita (by State)

	Population		Financial Need 2/		Need for More Effective Prevention, Treatment, Rehabilitation 3/		FY 1978 Allotment 5/		Change from FY 1977	
	No. Persons 1/	Rank Order	Index	Rank Order	Index 4/	Rank Order	Total	Per Capita	Percent	Dollars
								Dollars	Rank Order	
Alabama	3,691,065	21	1.2667	3	0.6364	43	1,085,850	0.294	9	---
Alaska	407,000	50	0.6555	51	1.5646	1	200,000	0.491	2	---
Arizona	2,307,467	32	1.0869	19	1.0387	17	566,373	0.245	41	---
Arkansas	2,145,033	33	1.2892	2	1.2840	9	633,060	0.295	8	---
California	22,018,048	1	0.8969	44	1.2856	8	5,284,360	0.240	46	-1.33
Colorado	2,629,216	28	0.9893	35	1.0350	18	627,287	0.239	47	-71,101
Connecticut	3,108,951	24	0.8604	49	1.0210	20	695,294	0.224	51	---
Delaware	585,060	48	0.9027	42	0.5805	48	200,000	0.342	4	---
District of Columbia	690,000	44	0.7962	50	0.9780	23	200,000	0.290	13	---
Florida	8,546,725	8	1.0426	24	0.5675	49	2,074,445	0.243	45	---
Georgia	5,052,355	14	1.1546	15	0.6610	41	1,353,533	0.268	21	---
Hawaii	895,000	40	0.8890	46	1.5086	2	235,963	0.264	23	+5.95
Idaho	867,852	41	1.1171	17	0.9702	24	226,395	0.261	27	+13,252
Illinois	11,258,291	5	0.8696	47	0.7585	36	2,573,966	0.229	50	---
Indiana	5,334,166	12	1.0393	25	0.6812	39	1,368,101	0.256	30	---
Iowa	2,879,517	25	1.0136	30	0.8816	33	730,919	0.254	33	---
Kansas	2,326,000	31	0.9862	36	0.9108	31	567,692	0.244	42	---
Kentucky	3,458,206	23	1.1977	10	0.5316	50	987,606	0.286	14	---
Louisiana	3,921,861	20	1.2092	6	1.4492	3	1,146,455	0.292	11	+2.19
Maine	1,085,000	38	1.2089	7	0.9597	26	305,067	0.281	17	+24,595
Maryland	4,141,913	18	0.9244	41	0.6164	46	971,608	0.235	49	---
Massachusetts	5,782,611	10	0.9665	37	0.9613	25	1,405,761	0.243	44	---
Michigan	9,151,738	7	0.9608	39	0.7722	35	2,168,016	0.237	48	---
Minnesota	3,982,812	19	1.0180	29	0.9241	30	1,000,471	0.251	35	---
Mississippi	2,389,000	30	1.4308	1	0.6832	38	755,548	0.316	5	---
Missouri	4,801,292	15	1.0754	20	0.9922	21	1,241,105	0.258	28	---
Montana	765,542	43	1.1016	18	1.0687	14	200,000	0.261	26	---
Nebraska	1,562,058	35	1.0309	26	0.8952	32	390,391	0.250	38	---
Nevada	633,000	47	0.8918	45	1.2529	12	200,000	0.316	6	---
New Hampshire	849,086	42	1.0738	21	0.9498	28	212,211	0.250	37	---
New Jersey	7,336,410	9	0.8642	48	1.4124	5	1,836,663	0.250	36	-0.20
New Mexico	1,191,565	37	1.2210	5	1.0664	15	338,273	0.284	16	-3,769
New York	17,932,768	2	0.8998	43	1.4160	4	4,566,607	0.255	32	+0.44
North Carolina	5,539,715	11	1.1787	14	0.6338	44	1,517,529	0.274	19	+20,214
North Dakota	657,093	46	1.0005	33	0.9788	22	200,000	0.304	7	---
Ohio	10,713,685	6	1.0033	32	0.7117	37	2,693,046	0.251	34	---
Oklahoma	2,812,687	27	1.1207	16	1.2687	10	761,376	0.271	20	---
Oregon	2,391,164	29	1.0238	27	1.1687	13	589,023	0.246	40	-0.44
Pennsylvania	11,787,503	4	0.9981	34	1.3895	6	3,094,870	0.263	25	-2,611
Rhode Island	935,000	39	1.0189	28	1.0346	19	238,710	0.255	31	-0.50
South Carolina	2,879,457	26	1.2455	4	0.6714	40	842,797	0.293	10	-15,633
South Dakota	689,000	45	1.1876	12	0.9347	29	200,000	0.290	12	---
Tennessee	4,299,394	17	1.2000	9	0.5848	47	1,200,642	0.279	18	---
Texas	12,912,124	3	1.0503	22	1.3446	7	3,400,400	0.263	24	+4.30
Utah	1,269,206	36	1.2063	8	0.8680	34	339,428	0.267	22	+140,322
Vermont	483,031	49	1.1871	13	0.9575	27	200,000	0.414	3	---
Virginia	5,138,494	13	1.0123	31	0.6168	45	1,268,648	0.247	39	---
Washington	3,685,062	22	0.9440	40	1.2667	11	895,847	0.243	43	-1.86
West Virginia	1,859,347	34	1.1947	11	0.5110	51	530,308	0.285	15	-17,008
Wisconsin	4,655,552	16	1.0471	23	0.6490	42	1,195,419	0.257	29	---
Wyoming	406,904	51	0.9632	38	1.0439	16	200,000	0.492	1	---
American Samoa	29,000	0	1.4308	0	1.5646	0	9,128	0.315	0	-7.63
Guam	99,000	0	1.4308	0	1.5646	0	32,271	0.326	0	-754
Northern Mariana Islands	14,715	0	1.4308	0	1.5646	0	4,632	0.315	0	-4.34
Puerto Rico	3,096,000	0	1.4308	0	1.5646	0	974,494	0.315	0	-7.62
Trust Territory of Pacific	103,285	0	1.4308	0	1.5646	0	32,510	0.315	0	-382
Virgin Islands	95,000	0	1.4308	0	1.5646	0	29,902	0.315	0	-7.63
TOTAL	220,278,026						56,800,000	0.258 6/		-80,505

1/ Resident population of States plus influx of migrants

5/ Based on requirement of section 302(a) of the Act that allotments to States not be less than allotments in fiscal year 1976

2/ Per capita income of U.S. (3-year average)
Per capita income of State (3-year average)

6/ Average

3/ Need in State
Need in U.S.

7/ Change from pro-rated share of actual 1977 allotment to the Trust Territory of Pacific

4/ Relative FHD score + relative CTC score
2

Data on population were obtained from the following sources:

State population. July 1, 1977, Provisional Estimates, "Current Population Reports", Population Estimates and Projections, Series P25 (in press, Spring 1978). Bureau of the Census, U.S. Department of Commerce.

Territorial population. In general, these data are drawn from the Territories' own census data, gathered approximately in 1975, and are identical to the population data used to calculate the 1977 allotments. The population data used to calculate the 1977 allotment for the Trust Territory of the Pacific were pro-rated, for the 1978 calculation, between the Trust Territory of the Pacific (87.53 percent) and the new Commonwealth of the Northern Mariana Islands (12.47 percent), based on data contained in "Territorial Populations for the Trust Territory of the Pacific Islands", Office of Territorial Affairs, U.S. Department of the Interior, 1976.

Migrant workers. "An Estimate of the Number of Migrant and Seasonal Farmworkers in the U.S. and the Commonwealth of Puerto Rico," a report prepared for the Legal Services Corporation, May 1977. Supplied by the Subcommittee on Migratory Labor, Committee on Human Resources, U.S. Senate. The data used are on pages 69-72 of the report, for person-months of migrant influx, by State.

The index of financial need was calculated from the following data:

Per capita income, by State, for 1974, 1975, 1976. Unpublished data (revised August 1977) supplied by the Regional Economic Measurement Division, Bureau of Economic Analysis, Department of Commerce.

The index of State need for more effective prevention, treatment, and rehabilitation is based, in equal part, on relative FHD scores derived from ORC's 1975 survey and relative CTC scores derived from the Social Research Group's 1967 survey.

The allotments listed also reflect the statutory requirement that in any year for which the total appropriation for alcohol formula grants is equal to or greater than it was in fiscal year 1976, no State will receive an allotment less than the greater of \$200,000 or its allotment in fiscal year 1976.

Based on these data, four States receive a larger allotment in 1978 than they received in 1977. Five States and all the island jurisdictions receive a smaller allotment than they did in 1977.

These changes may be explained by the interaction of four factors.

(1) The appropriation for alcohol grants to States in fiscal year 1978 is the same as it was in 1977 (\$56.8 million). However, the population of the U.S. has increased (even without the addition of data on migrants). Therefore, the overall allotment per capita has decreased. This means that any State or other jurisdiction whose population has remained the same or whose rate of population growth has

been lower than the national average rate of growth receives a decreased proportion of the total funds available.

(2) As explained earlier, the 1978 values of relative State need for more effective prevention, treatment, and rehabilitation reflect a wider range of need among the States than they did in 1977, due in part to a greater sensitivity to regional differences in the data used in calculating the 1978 values. This means that State allotments calculated solely on the basis of the formula—without making adjustments to meet the statutory requirement that no allotment to any State (except the territorial jurisdictions) be less than the greater of \$200,000 or its allotment in fiscal year 1976—also display a wider range. Many States whose 1977 allotments based solely on the formula would have fallen below the statutory floor would have fallen even further below this floor in 1978 because of the wider range in the 1978 values of relative State need. To provide the statutory minimum for these States, it was necessary to reduce the amounts to States which solely on the basis of the formula would have received sums above the minimum.¹ In fact, States whose allotment increased most from 1976 to 1977 provided the greatest source of funds for this purpose. As a result, some of these States received less in 1978 than they did in 1977.

(3) Counter to the first two factors, some States increased in population at rates greater than the national average, and thus benefited.

(4) Finally, the impact of the influx of migrants served to accentuate this trend. For example, as shown in Table 3, the State of California will receive \$71,101 less in 1978 than it did in 1977. However, it would have lost an additional \$14,068 if migrants had not been added to its population.

More briefly, the 1978 allocation for each State shown in Table 3 is attributable to the complex interaction of several factors: new population data, new income data, new need data, and the inclusion of migrants. This responsiveness has been moderated in its potential decremental effects by the statutory floor on allotments, but that floor itself is responsible for changes in the allotments to other States, since the total funds available remain the same as in 1977.

¹This reduction was carried out in accord with the regulations published in November 1977. These regulations provide that if, after determining the allotment to each State in accord with the formula, any State would receive less than \$200,000, the shares of States which would receive more than \$200,000 be reduced by an equal percentage as required to assure that every State will receive at least \$200,000. A similar procedure is applied to assure that no State will receive less than it received in 1976.

It should be noted, however, that even if population and financial need had been the only factors changed in calculating 1978 allotments, several States would have received different allotments than they did in 1977.

FUTURE YEARS

In the future (as in the past), estimates of population and financial need used in calculating allotments to the States will be updated annually. Surveys containing data on alcohol abuse will be examined, as they become available, for possible use in estimating the third factor in the allotment formula: State need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism.

For example, NIAAA has already initiated a major new national survey of alcohol use and abuse. If it proves feasible, the results of this study will be used (among other purposes) to estimate State need for the purpose of calculating 1979 allotments to the States.

Dated: May 16, 1978.

DAVID F. KEFAUVER,
Acting Deputy Administrator.
[FR Doc. 78-15371 Filed 6-5-78; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 78P-0058]

ABBOTT LABORATORIES

Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Chemistry Device Classification Panel that the Cholyglycine RIA (PEG) Diagnostic Kit be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review of a reclassification petition filed by Abbott Laboratories, North Chicago, Ill. 60064, under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and any public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the FEDERAL REGISTER.

DATE: Comments by July 6, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Ad-

ministration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Kaiser Aziz, Bureau of Medical Devices (HFK-440), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION:

On December 23, 1977, Abbott Laboratories, North Chicago, Ill. 60064, submitted to the Food and Drug Administration (FDA) a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) stating that it intended to market a radioimmunoassay procedure for the quantitative measurement of total circulating serum cholyglycine, a device the manufacturer calls the "Cholyglycine RIA (PEG) Diagnostic Kit." After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified into class III under section 513(f)(1) (21 U.S.C. 360c(f)(1)) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On February 14, 1978, Abbott laboratories submitted to FDA a reclassification petition for the device under section 513(f)(2) of the act. On March 13, 1978, the Clinical Chemistry Device Classification panel (the panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the panel assigned to this generic type of device the name "radioimmunoassay for cholyglycine" and described this type of device as one that quantitatively determines the total circulating serum cholyglycine. Cholyglycine is a bile acid that promotes dietary fat digestion. Elevated serum bile acid levels are an indication of liver dysfunction.

The device is used as an adjunct in the diagnosis of liver disorders such as cirrhosis or obstructive liver disease.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The Panel made the following determinations in support of its recommendation:

1. The device neither life-supporting nor life-sustaining and is not an implant. General controls are not sufficient to provide reasonable assurance of the safety and effectiveness of the device, but sufficient scientific and medical data exist to establish a performance standard to provide such assurance.

2. Hazards to life or good health may result from the use of information derived from the device if it does not perform properly.

3. Safe and effective performance of the device depends upon user's awareness of limitations on the value of information derived from the device, as discussed in the "Risks to Health" section of this notice.

SUMMARY OF DATA ON WHICH THE RECOMMENDATION IS BASED

The safety and effectiveness of the device were determined on the basis of data presented on the performance characteristics of the product.

The precision of the test was evaluated by testing 4 serum pools with the device ten times each on 3 consecutive occasions. The panel believes that these tests adequately show the ability of the device to produce similar results within separate test runs of the same pool and within the same test run.

Four serum pools were tested in similar fashion across five lots of the device to show that different lots of the device would produce similar results. Coefficients of variation ranged from 2.5 to 6.9 percent.

The ability of the device to distinguish cholyglycine from 21 related steroids also was tested. Cross-reactivity with the cholyglycine antiserum in all but three cases was less than 4.0 percent.

The performance of the kit was tested in interference studies on over 40 common drugs. None was found to interfere. Additional studies determined that hemolysis (the dissolution of red cells allowing hemoglobin to appear in the plasma) and lipemia (an excess of fat or lipid in the blood) showed no interference.

In collaboration with other investigators, data were obtained for clinical evaluation of the device as an adjunct in the diagnosis of such liver disorders as cirrhosis and extra-hepatic obstructions. Two hundred and ten subjects clinically classified as normal were tested to establish expected values. These studies suggested the value of 60 micrograms per 100 milliliters (60

µg/100 ml) of cholyglycine as the approximate upper normal limit. In 43 patients clinically classified as having no liver disease, only 2 had values outside the suggested normal limit. In 26 patients clinically classified as having cirrhosis of the liver, 2 values were less than 60 µg/100 ml. The mean value was 924 µg/100 ml. In 10 patients clinically classified as having extra-hepatic obstruction, only 1 value was less than 60 µg/100 ml. The mean value was 834 µg/100 ml. The data suggest correlation with the assessed clinical status of the subjects with respect to liver function.

RISKS TO HEALTH

The panel noted that the risk of inaccurate results from use of the device may lead to misdiagnosis of liver diseases, such as cirrhosis and obstructive liver disease. Inaccurate results may occur because of the device's low specificity and sensitivity values. The panel recommended that the device be classified into class II and that the development of a standard that addresses the specificity, sensitivity, and lot-to-lot variability of the device be a medium priority.

Also, the panel noted that the labeling should direct that serum, instead of samples with anticoagulants, should be used.

The position and the transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15440 Filed 6-5-78; 8:45 am]

[4110-03]

[Docket No. 78P-0001]

DEPUY

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is publishing for public comment the recommendation of the Orthopedic Device Classification Panel that the M. E. Mueller ceramic hip prosthesis be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review of a reclassification petition filed by DePuy, Warsaw, Ind. 46580, under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). The Commissioner has reviewed the Panel recommendation and concludes that reclassification into class II is inappropriate. There-

fore, the Commission intends to deny the petition for reclassification unless new information is submitted during the comment period to justify the reclassification. After reviewing the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the *FEDERAL REGISTER*.

DATE: Comments by August 7, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

James G. Dillon, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

SUPPLEMENTARY INFORMATION: On June 16, 1977, DePuy, Warsaw, Ind. 46580, submitted to the Food and Drug Administration (FDA) a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) stating that it intended to market a device the manufacturer calls the M. E. Mueller ceramic hip prosthesis. After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device in commercial distribution before May 28, 1976, nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination the device is automatically classified into class III under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III because of section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On December 2, 1977, DePuy submitted a reclassification petition for the device. Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate classification panel and to receive a recommendation on whether to approve or deny the petition within 90 days after referral. The act also requires FDA to provide an opportunity for interested persons to submit data and views to the

Panel. The Food and Drug Administration ordinarily meets the latter requirement by scheduling an open panel meeting on the petition, but could not do so in this case, because the next meeting of the Orthopedic Device Classification Panel was tentatively scheduled for a date that was later than 90 days after referral. As a result, FDA obtained the Panel's recommendation on this petition by mailing it to voting Panel members. The agency also published in the *FEDERAL REGISTER* of February 24, 1978 (43 FR 7709) a notice inviting interested persons to submit data, information, and views for consideration by the Panel. This notice stated that any data, information, and views submitted by March 27, 1978, would be mailed to the Panel members for their consideration before recommendations were made. No data, information, and views were submitted. The recommendations of the Panel members were received by the agency by March 27, 1978. The Panel recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the Panel assigned to the device the name "prosthesis, hip, metal femoral component, ceramic self-locking femoral ball, polyethylene acetabular component." The device is an implant that is designed to replace the articulating (connecting) surfaces of the bones of the hip joint. The product uses an aluminum oxide ceramic ball held in position by a locking cone configuration on a metallic stem composed of multiphase alloy having the trade name Protosul 10TH. The Panel recommended that all devices meeting this description, and those substantially equivalent, be classified into class II.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The Panel made the following determinations in support of its recommendation:

1. The device is an implant. Although general controls are not sufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance.
2. Federal regulations applicable to the device will effectively avoid any known hazards, limitations, or shortcomings of the device.
3. The device has performance characteristics which should be maintained at a generally accepted satisfactory level.

SUMMARY OF DATA ON WHICH THE RECOMMENDATION IS BASED

The Panel recommended approval of the petition for reclassification. Their

recommendation was based on oral presentations before the Orthopedic Device Classification Panel on April 15, 1977. In three oral presentations about the properties of the ceramic material presentations, speakers stated that there were no complications due to the ceramic (aluminum oxide) material. They reported that their tests indicated that the ceramic material was a suitable implant material.

The Panel also heard an oral presentation regarding 44 implantations of a ceramic femoral component in conjunction with a ceramic screw-socket acetabular component. These presentations, on which the Panel based its evaluation of the device, are summarized below.

Two investigators who had evaluated the mechanical properties of the ceramic material reported that their studies show that high-purity, high-density aluminum oxide is strong enough to withstand the loads imposed on it in the body. One of these investigators, Dr. Erhard Dorre, studied the wear and friction behavior of the ceramic material and reported that wear rates of polyethylene acetabular components decreased from 10 to 1 when metal femoral components were replaced with ceramic femoral components. Dr. Dorre noted that 750 ceramic femoral components had been implanted since 1974; 200 of these were implanted in conjunction with a polyethylene acetabular component. He stated that no complications due to the ceramic material had been observed in any of the implant patients.

Dr. Jurgen Harm had evaluated the biocompatibility of the ceramic material and concluded that a microscopic evaluation of the structure of tissue obtained from laboratory animals and 15 implant patients showed that, to a great extent, the ceramic material is biologically inert and is not rejected by the patient's tissue.

Dr. Peter Griss presented his clinical data on 44 of his patients who had been implanted with a ceramic femoral component and a ceramic acetabular component. He reported that when these patients were evaluated for pain, mobility, and gait before the device was implanted, only 15.9 percent were evaluated as sufficient. After the device was implanted, 93 percent were sufficient or better. There were six postoperative complications: two hematomas (blood clots), one trochanteric pseudoarthrosis (development of a false joint at the end of the femur), one periarticular calcification (deposit of calcium salts around the joint), one deep vein thrombosis, and one dislocation. There have been no reoperations, infections, or instances of the components loosening.

RISKS TO HEALTH

The Panel noted that the following risks to health may be presented by this device:

1. Loss of limb function: Mechanical failure of the device, or of the surrounding bone or bone cement supporting the device, may result in pain and loss of limb function.

2. Infection: There is an increased risk of infection associated with the presence of an implant.

3. Toxic reactions: The material or substances produced by the material, such as corrosion or wear products, could produce an adverse reaction in the tissue surrounding the device.

RESTRICTIONS

The Panel recommended that the device be restricted to sale by, or on the order of, a physician and be labeled accordingly.

COMMISSIONER'S STATEMENT OF DISAGREEMENT

The Commissioner has reviewed the Panel's recommendation and the reasons and supporting data submitted by the petitioner. The Commissioner does not agree with the Panel's recommendation and intends to deny the petition to reclassify the device into class II because he has determined that the petitioner has not presented sufficient data to show that a performance standard can be developed to provide reasonable assurance of the safety and effectiveness of the device. Section 513(f)(2)(C) of the act (21 U.S.C. 360c(f)(2)(C)) requires the Commissioner to deny a petition to reclassify an implant into class I or class II, unless the Commissioner determines that the classification of the device into class III is not necessary to provide reasonable assurance of its safety and effectiveness. The Commissioner cannot make the required determination in this case.

The Commissioner observes that the clinical data submitted by the petitioner were not obtained using the M. E. Mueller ceramic hip prosthesis and that the clinical data which were provided were obtained by one surgeon, Dr. Peter Griss, from a test involving 44 patients who had received the Lindenhof prosthesis. The petitioner did not establish that the femoral and acetabular components of the M. E. Mueller hip prosthesis are equivalent to those of the Lindenhof prosthesis. The Commissioner observes that the acetabular component of the Lindenhof prosthesis is made of aluminum oxide, while the acetabular component of the M. E. Mueller hip prosthesis is made of polyethylene. The design of the two acetabular components is also different in that the acetabular component of the Lindenhof prosthesis is threaded and is designed to be insert-

ed into the bone without bone cement, while the acetabular component of the M. E. Mueller hip prosthesis does not contain threads and is designed to be cemented into place. Similarly, insufficient information was provided for a comparison of the femoral component of the two prostheses. The Commissioner concludes that the clinical data obtained using the Lindenhof prosthesis are insufficient to demonstrate the safety and effectiveness of the M. E. Mueller hip prosthesis. The Commissioner also believes that it is desirable to evaluate the safety and effectiveness of the device based on clinical results from more than one surgeon, as is generally required by section 513(a)(3) of the act.

The Commissioner notes that while Dr. Dorre stated that 200 femoral components of the Lindenhof prosthesis had been implanted with a polyethylene acetabular component without complication due to the ceramic material, the petitioner did not present the clinical results obtained in these 200 cases. The Commissioner concludes that the oral presentation concerning the implantation of these devices, without the submission to FDA of these clinical results, is insufficient to demonstrate the safety and effectiveness of the M. E. Mueller hip prosthesis.

The Commissioner also finds that some of the data submitted by the petitioner lacks sufficient detail to permit scientific evaluation. For example, the petitioner did not submit those experimental results which led the investigators to conclude that the ceramic material (aluminum oxide) " * * * is, to a great extent, biologically inert and provides no rejection reaction * * * " or that the wear rates decrease by a factor of 10 when ceramic rather than metal articulates with polyethylene.

Based on the legislative history of the medical device amendments, the Commissioner has stated in proposed § 860.7 (21 CFR 860.7) of the regulations on procedures for classification of medical devices, published in the FEDERAL REGISTER of September 13, 1977 (42 FR 46028), that it is the responsibility of each manufacturer and importer of a device to assure that adequate information exists to provide reasonable assurance that the device is safe and effective for its intended uses and conditions of use. Although any form of evidence may be submitted to the Food and Drug Administration to show whether a device is safe and effective, the agency relies only on valid scientific evidence to determine that there is reasonable assurance that a device is safe and effective. Valid scientific evidence, is evidence that includes sufficient detail to permit scientific evaluation.

The Commissioner has noted that the petitioner failed to address data

which is unfavorable to the petitioner's position as provided in § 860.123 (21 CFR 860.123) of the proposed classification regulation. The Commissioner is aware that several investigators mentioned in the petition have stated that the brittleness of the ceramic material could be a negative factor and could pose a hazard to a patient if the material is subjected to sudden impact, e.g., if the patient falls. The Commissioner concludes that such data which is unfavorable to the petitioner's petition are necessary to determine the safety and effectiveness of the M. E. Mueller hip prosthesis.

The Commissioner requests that scientific evidence, e.g., data from which it can fairly and responsibly be concluded that there is reasonable assurance of the safety and effectiveness of this device under its conditions of use, be submitted in the form of comments. The Commissioner has therefore allowed 60 days for comment instead of the 30 days usually allowed for comments on notices concerning reclassification petitions.

The petition and a transcript of the April 15, 1977 panel meeting are on file in the office of the hearing clerk, address noted above, and may be reviewed by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15441 Filed 6-5-78; 8:45 am]

[4110-03]

[Docket No. 78D-0121]

PITS IN OLIVES

Availability of Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs announces the availability of an administrative guideline representing the maximum level for natural or unavoidable defects for whole pitted olives and various styles of salad olives produced under good manufacturing and/or processing practices.

ADDRESS: For single copies of the guideline write: Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street

SW., Washington, D.C. 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The administrative guideline for olives was revised to include whole pits, as well as pit fragments, in determining the 1.3 percent reject defect action level for pitted whole olives. It was also revised to clarify that the term "salad" includes broken pieces, halved, quartered, sliced, and chopped or minced olives.

As field inspection activities identify changing problems, and as relevant technology changes, this guideline may be updated to reflect current policy as it relates to olives.

Copies of the administrative guideline and other pertinent information are available for public examination in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Requests for single copies of this guideline may be made in writing to that office.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, written comments (preferably four copies identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this defect action level. Received comments may be seen in the above-named office, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15438 Filed 6-5-78; 8:45 am]

[4110-03]

[Docket No. 78P-0011]

SIEMENS CORP.

Approval for Variance for Intraoral Source
Dental X-Ray System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the approval of a variance from the performance standard for diagnostic X-ray systems and their major components for the Status X intraoral source dental X-ray system manufactured by Siemens Corp., 186 Wood Avenue, South, Iselin, N.J. 08830. The Director of the Bureau of Radiological Health has determined that the field limitation and alignment provisions of the standard may be inappropriate for such X-ray systems and that the Status X system provides alternate means of radiation protection equal to or greater than products meeting all requirements of the standard.

DATES: Effective July 6, 1978, objections by July 6, 1978.

ADDRESS: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Harvey Rudolph, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1960.

SUPPLEMENTAL INFORMATION: Section 1020.31(f)(4) (21 CFR 1020.31(f)(4)) of the performance standard for diagnostic X-ray systems and their major components contains field limitation and alignment requirements for special purpose diagnostic X-ray systems not specifically covered by other portions of the standard. Such X-ray systems are required to provide means to limit the X-ray field in the plane of the image receptor so that the field does not exceed each dimension of the image receptor by more than 2 percent of the source-to-image receptor distance (SID) when the X-ray beam axis is perpendicular to the image receptor plane. In addition, means are required to be provided to align the center of the X-ray field with the center of the image receptor to within 2 percent of the SID. These provisions of the standard help minimize exposure to X-rays that are not used to form an image.

The Status X intraoral source dental X-ray system is a dedicated system designed for panoramic radiographs of the upper and lower jaw and for the right or left maxillary and mandibular views. The system uses as the source of X-rays a small hollow anode X-ray tube that is inserted into the patient's mouth. A beam-limiting device covering the X-ray tube is indexed for rotational positioning for the chosen exposure. The system is designed to be used with film placed in flexible cassettes containing X-ray intensifying screens.

The petitioner maintains that to provide an optimum quality radiograph, the image receptor must be placed in intimate contact with the facial tissue of the patient. The petitioner further maintains that this need in combination with the necessary X-ray tube design has thus far precluded the development of a film holder that would satisfy the requirement of § 1020.31(f)(4).

As an alternative means of radiation protection, the petitioner has proposed to provide markings on the flexible cassettes, to aid in proper positioning, and on the beam-limiting devices to measure the proper depth of insertion. In addition, the petitioner would provide explicit instructions to users regarding proper film placement, X-ray tube angulation, and orientation

of the patient's dental arch or occlusal plane so that a maximum fraction of the useful X-ray beam will reach the image receptor. The petitioner has provided data demonstrating that the dose a patient receives during an upper and lower jaw examination or a left and right lateral examination, when the image receptor is properly positioned, is less than the dose to the patient resulting from a full mouth series of conventional dental X-rays. The petitioner has noted that for conventional dental X-ray systems, the field limitation requirements of § 1020.31(f)(1) apply and that for such systems the standard allows a significant fraction of the incident X-ray beam to miss the image receptor.

The Director of the Bureau of Radiological Health has considered the X-ray field alignment requirement of § 1020.31(f)(4) as it relates to the Status X intraoral source dental X-ray system. The SID for this system is typically less than 10 centimeters, while the alignment requirement of § 1020.31(f)(4) was intended for X-ray systems that typically have SID's 10 times as large. Thus, the standard now requires that the Status X system must provide a means for aligning the center of the X-ray field and the image receptor that is approximately 10 times more accurate than other X-ray systems that must meet this requirement. The Director has determined that the accuracy implied by the standard is not necessary for this type of X-ray system and that the markings proposed by the petitioner for the flexible cassettes and for the beam-limiting device combined with the instructions to users will provide adequate alternate means for aligning the X-ray field and image receptor, thereby satisfying the intent of the standard.

The Director has also considered the field limitation requirements of § 1020.31(f)(4) as it relates to the Status X system and to the arguments given by the petitioner. Although the dosimetry data provided by the petitioner are not strictly comparable to that available in the literature for currently marketed dental X-ray systems, qualitative comparisons are possible. The Director has determined to be valid the petitioner's claim that the radiation dose delivered to the patient during an examination with the Status X system is less than from a conventional full mouth series. This results from two factors—the use of X-ray intensifying screens and greater percentage overlap of the beam area with the film area. In addition, the Director notes that the dose from the Status X system appears to be less than or comparable to the dose from other X-ray systems designed to provide panoramic radiographs of the dental arch.

For these reasons, the Director has determined that the Siemens Status X

intraoral source dental X-ray system would provide alternate means of radiation protection equal to or greater than systems designed to meet all the requirements of § 1020.31(f)(4). Therefore, he has approved the request for variance from § 1020.31(f)(4), provided that X-ray systems marketed under the variance be provided with markings and instructions to users as described in the petition. As requested by the petitioner, the variance is granted for a period of 1 year and for a maximum of 100 units.

The applicant has been directed to modify, in accordance with § 1010.4(d) (21 CFR 1010.4(d)), the tags, labels, or other certification required by § 1010.2 (21 CFR 1010.2), which are permanently affixed to or inscribed upon products marketed under this variance, to state the following: "This product complies with Variance No. 78002, effective on July 6, 1978."

The Commissioner of Food and Drugs has reviewed the potential environmental impact of this variance and has concluded that the action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. A copy of the environmental impact analysis report is on file in the office of the Hearing Clerk, Food and Drug Administration.

Variance No. 78002 shall become effective on July 6, 1978, shall terminate on July 6, 1979, and shall be effective for the manufacture of a maximum of 100 product units, unless written objections and supporting documentation are filed with the Hearing Clerk, Food and Drug Administration, on or before July 6, 1978, requesting that the variance be modified or not granted. Upon receipt of such objections and supporting documentation, the effective date of the variance will be stayed until the Director, Bureau of Radiological Health, rules on them. Pursuant to § 1010.4(c)(3), the applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review under section 358(d) of the Public Health Service Act (42 U.S.C. 263f(d)), as amended by the Radiation Control for Health and Safety Act of 1968.

The application for this variance and all related correspondence, except information covered by the confidentiality provisions of section 360A(e) of the Act (42 U.S.C. 263i(e)), have been placed on public display in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15439 Filed 6-5-78; 8:45 am]

[4110-03]

[Docket No. 78P-0003]

SIGMA CHEMICAL CO.

Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is publishing for public comment the recommendation of the Clinical Chemistry Device Classification Panel that Sigma Chemical Co. 195 for Galactose-1-Phosphate Uridyl Transferase be reclassified from class III (Premarket Approval) into class II (Performance Standards). This recommendation was made after review of a reclassification petition filed by Sigma Chemical Co., St. Louis, Mo. under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the Panel recommendation and any public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the FEDERAL REGISTER.

DATE: Comments by July 6, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Kaiser Aziz, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On March 28, 1977, Sigma Chemical Co., St. Louis, Mo., submitted to the Food and Drug Administration (FDA) a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) stating that it intended to market a reagent system for the qualitative screening of Galactose-1-Phosphate Uridyl Transferase in blood, a device the manufacturer calls the "Galactose-1-Phosphate Uridyl Transferase (Gal-PUT) Procedure No. 195." After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified into class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On December 9, 1977, Sigma Chemical Co. submitted to FDA a reclassification petition for the device under section 513(f)(2) of the act. On March 13, 1978, the Clinical Chemistry Device Classification Panel (the Panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the Panel assigned to this generic type of device the name "qualitative fluorescent procedure for galactose-1-phosphate uridyl transferase" and described this type of device as a qualitative screening procedure for the detection of galactose-1-phosphate uridyl transferase (Gal-PUT) deficiency in blood. Gal-PUT is an enzyme occurring in normal blood. This qualitative determination of Gal-PUT deficiency may indicate galactosemia, a hereditary disorder characterized by enlargement of the liver, cataracts, and mental retardation.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The Panel made the following determinations in support of its recommendation:

1. The device is neither life-supporting nor life-sustaining, and is not an implant. General controls are not sufficient to provide reasonable assurance of the safety and effectiveness of the device, but sufficient scientific and medical data exist to establish a performance standard to provide such assurance.

2. Hazards to life or good health may result from the use of information derived from the device when it does not perform properly.

3. Safe and effective performance of the device should be maintained by the following precautions discussed in the "Risks to Health" and "Restrictions" sections of this document.

SUMMARY OF DATA ON WHICH THE RECOMMENDATION IS BASED

The safety and effectiveness of the device was determined on the basis of data presented on the performance characteristics of the product.

Effectiveness was evaluated on 31 normal subjects and 10 Gal-PUT-deficient subjects. Blind studies were employed so that the technologist had no knowledge of the clinical status of the study subjects. Test samples from 30 of the normal subjects exhibited bright fluorescence, indicating the presence of Gal-PUT. Test samples from eight of the deficient subjects showed no fluorescence, and two showed trace fluorescence, indicating Gal-PUT deficiency.

Additional studies were conducted to determine the reproducibility, stability, and recovery aspects of the device.

The Panel believes that reproducibility was adequately demonstrated at each level. Samples applied to filter papers and stored at refrigerator temperature for 4 days were assayed on 10 occasions. These replicate assays were performed on one normal and one deficient subject as well as on a subject suspected of being a heterozygote (a person who has inherited the defect from only one parent) for the defect.

Stability of the reconstituted Gal-PUT screening substrate (substance acted upon) was evaluated by repeated testing for a period of 7 days. Half of the substrate was kept refrigerated; the other half was kept frozen. The frozen material, which was thawed and refrozen each day, yielded essentially the same fluorescent response during the 7-day period as did the freshly prepared material. The substrate stored at refrigerator temperature yielded the same results for 4 days, as did the freshly prepared material. After more than 4 days storage, it gave about 10 to 20 percent less fluorescence with the normal test specimen than did freshly prepared material.

A recovery study was performed to demonstrate that the addition of pure enzyme (Gal-PUT) to negative blood specimens at levels expected in normal blood will yield positive results. Pure enzyme added to blood samples in which the enzyme present had been inactivated by heat produced a fluorescent response when assayed by the device.

The Panel believes that the data presented comparing this qualitative procedure to a quantitative test relating degree of fluorescence to quantitative values are acceptable. The Panel also believes that the data compiled to show that elevated plasma bilirubin levels have no effect on the fluorescence response are acceptable.

RISKS TO HEALTH

The Panel noted that there is a risk of inaccurate results from the use of

the device which may lead to misdiagnosis or improper treatment. Inaccurate results may occur because of the device's low specificity and sensitivity values. Failure to detect and treat galactosemia may lead to liver damage, cataracts, or mental retardation.

The Panel recommended that the device be classified into class II and that the development of a standard directed to the specificity and sensitivity of the device be a medium priority. A method for the development of a performance standard may be found in "A Simple Spot Screening Test for Galactosemia," by Beutler and Baluda, *Journal of Laboratory and Clinical Medicine* 68:137, 1966.

RESTRICTIONS

The Panel noted that the following warnings, precautions, or restrictions should be made clear:

1. If the results of this test suggest that a patient might be Gal-PUT deficient, a quantitative test should be performed;

2. The device should not be used in detection of Heterozygotes;

3. A vast number of commonly used drugs are fluorescent and may interfere with the test results.

The petition, the transcript of the Panel meeting, and the article by Beutler and Baluda discussed above are on file in the office of the Hearing Clerk, address noted above.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-15442 Filed 6-5-78; 8:45 am]

[4110-83]

Health Resources Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Date and time: June 26-29, 1978, 10:30 a.m.
Place: Conference Room 7-32, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

Type of meeting: Open June 26, 1978, 10:30 a.m. to 12:15 p.m. Closed remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda: Agenda items for the open portion of the meeting include announcements; consideration of minutes of previous meetings; discussion of future meeting dates; and administrative and staff reports. The remainder of the meeting will be devoted to the review of grant applications for Federal assistance, and will therefore be closed to the public in accordance with provisions set forth in section 552b(c)(6), title 5 U.S. Code, and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Mary S. Hill, Bureau of Health Manpower, Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6681.

Agenda items are subject to change as priorities dictate.

Date: May 30, 1978.

MONTE B. NICHOL,
*Acting Associate Administrator
for Operations and Management.*
[FR Doc. 78-15486 Filed 6-5-78; 8:45 am]

[4110-08]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS, NIEHS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, July 12, 13, and 14, 1978, Building 18 Conference Room National Institute of Environmental Health Sciences, Research Triangle Park, N.C.

This meeting will be open to the public from 9 a.m. to 4 p.m. on July 12 and 13, for the purpose of discussing recent developments in the Institute's budget, personnel, permanent facilities, contracts, scientific programs, and plans of the Laboratory of Pharmacokinetics, Environmental Mutagenesis Test Development Program (Laboratory of Environmental Mutagenesis), and the Chemistry Section (Environmental Biology and Chemistry Branch). Attendance by the Public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6) Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9 a.m. to adjournment on July 14 for the evaluation of the program of the Laboratory of Pharmacokinetics, Environmental Mutagenesis Test Development Program (LEM), and the Chemistry Section (EBCB) including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of

which would constitute a clearly unwarranted invasion of personal privacy.

The Acting Executive Secretary, Dr. David G. Hoel, Acting Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, N.C. 27709, telephone 919-541-3205, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: May 24, 1978.

SUSANNE L. FREMEAUX,
Committee Management
Officer,
National Institutes of Health.

[FR Doc. 78-15539 Filed 6-5-78; 8:45 am]

[4110-08]

PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Research Program Committee, National Institute of General Medical Sciences, June 22-23, 1978, National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Md.

This meeting will be open to the public on June 22 from 9 a.m. to 10 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on June 22 from 10 a.m. to 5 p.m. and on June 23 from 9 a.m. to 5 p.m. or adjournment for the review, discussion and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Md. 20014, telephone: 301-496-7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. John C. Dalton, Director, Review Unit, Westwood Building, Room 949, Bethesda, Md., telephone: 301-496-7061.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health).

Dated: May 30, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-15534 Filed 6-5-78; 8:45 am]

[4110-08]

REPORT ON IN VITRO CARCINOGENESIS

Availability

A report on in vitro carcinogenesis has been prepared as one of the series of Technical Reports from the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. The report is available to the public.

The report provides an extensive bibliography on the subject of neoplastic transformation of cells in culture by chemical and physical agents, with brief papers serving as a guide to the literature on different topics. Selected papers give more extensive reports of previously unpublished new advances. In addition, a section is devoted to detailed laboratory procedures which are not available in the current literature.

The publication is based on presentations made at the "Seminar and Workshop on In Vitro Carcinogenesis," held at the Given Institute of Pathobiology, Aspen, Colo., from July 18 to 23, 1976.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: May 30, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-15531 Filed 6-5-78; 8:45 am]

[4110-08]

RESEARCH MANPOWER REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, July 10, 11, 1978, Conference Room 6, Building 31, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on July 10, 1978 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on July 10, 1978 from 9:30 a.m. until adjournment on July 11, 1978 for the review, discussion and

evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Md. 20014, phone 301-496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health).

Dated: May 30, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-15537 Filed 6-5-78; 8:45 am]

[4110-08]

REVIEW OF CONTRACT PROPOSALS AND GRANT APPLICATIONS

Meetings

Pursuant to Pub. L. 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 provisions set forth in Sections 552b(c)(4) and 552b(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 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, Md. 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, Md. 20014, unless otherwise stated.

Name of Committee: Cancer and Nutrition Scientific Review Committee.

Dates: July 10-12, 1978; 8:30 a.m.

Place: Building 31C, Conference Room 9, National Institutes of Health.

Times: Open: July 10, 8:30 a.m.-9 a.m.; July 11, 8:30 a.m.-9 a.m.; and July 12, 8:30 a.m.-9 a.m. Closed: July 10, 9 a.m.-5 p.m.; July 11, 9 a.m.-5 p.m.; and July 12, 9 a.m.-5 p.m.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Gio B. Gori, Building 31, Room 11A03, National Institutes of Health, 301-496-6616.

(Catalog of Federal Domestic Assistance No. 13.393, National Institutes of Health.)

Name of Committee: Committee on Cancer Immunotherapy.

Dates: July 13, 1978; 1:30 p.m.

Place: Building 10, Room 4B14, National Institutes of Health.

Times: Open: July 13, 1:30 p.m.-2 p.m. Closed: July 13, 2 p.m.-adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. George M. Steinberg, Building 10, Room 4B09, National Institutes of Health, 301-496-1791.

(Catalog of Federal Domestic Assistance No. 13.395, National Institutes of Health.)

Name of Committee: Large Bowel and Pancreatic Cancer Review Committee (Pancreatic Subcommittee).

Dates: July 13, 1978; 8:30 a.m.

Place: La Salle Building, Suite 1521, 1440 Canal Street, New Orleans, La.

Times: Open: July 13, 8:30 a.m.-9:30 a.m. Closed: July 13, 9:30 a.m.-adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. William E. Stralle, Westwood Building, Room 853, National Institutes of Health, 301-496-7194.

(Catalog of Federal Domestic Assistance Nos. 13.393; 13.394; and 13.395, National Institutes of Health.)

Name of Committee: Virus Cancer Program Scientific Review Committee.

Dates: July 20-21, 1978; 9 a.m.

Place: Landow Building, Room 4C18, 7910 Woodmont Avenue, Bethesda, Md. 20014.

Times: Open: July 20, 9 a.m.-9:30 a.m. Closed: July 20, 9:30 a.m.-5 p.m., and July 21, 9 a.m.-adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. Maurice L. Guss, Landow Building, Room 9A10, National Institutes of Health, 301-496-4533.

(Catalog of Federal Domestic Assistance No. 13.393, National Institutes of Health.)

Name of Committee: Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Center Support Review Subcommittee).

Dates: July 20-21, 1978; 8:30 a.m.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open: July 20, 8:30 a.m.-10 a.m. Closed: July 20, 10:00 a.m.-6 p.m., and July 21, 8:30 a.m.-adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Robert Manning, Westwood Building, Room 803, National Institutes of Health, 301-496-7721.

(Catalog of Federal Domestic Assistance No. 13.397, National Institutes of Health.)

Name of Committee: Clinical Cancer Program Project and Cancer Center Support

Review Committee (Clinical Cancer Program Project Review Subcommittee).

Dates: July 31, August 1, August 2, 1978; 8:30 a.m.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open: July 31, 8:30 a.m.-10:30 a.m. Closed: July 31, 10:30 a.m.-5:30 p.m.; August 1, 8:30 a.m.-5:30 p.m.; and August 2, 8:30 a.m.-adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Louise Thomson, Westwood Building, Room 809, National Institutes of Health, 301-496-7924.

(Catalog of Federal Domestic Assistance No. 13.397, National Institutes of Health.)

Dated: May 30, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-15538 Filed 6-5-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Bilingual Education. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: June 22, 1978—Committees of the National Advisory Council on Bilingual Education—9 a.m. until 12 noon. June 22, 1978—Full Council—1:30 p.m. until 5 p.m. June 23, 1978—Full Council—9 a.m. until 5 p.m.

ADDRESS: Reporter's Building, Room 402, 300 7th Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. Gloria V. Becerra, Reporter's Building, Room 421, Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-447-9227.

The National Advisory Council on Bilingual Education is established under section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meetings on June 22 and 23, 1978 will be open to the public from 9 a.m. until 5 p.m. each day.

June 22, 1978: Meetings of the following committees are scheduled from 9 a.m. until 12 noon; Committee on Legislation, Committee on the November 1 Report to Congress, Committee on Public Hearings and the Committee on the Budget. A meeting of the Full Council on the following subjects is scheduled from 1:30 p.m. until 5 p.m.:

- (1) Review/approval of previous meeting minutes;
- (2) Committee reports;
- (3) Response to correspondence;
- (4) Review of Zero-Base Budget;
- (5) Information up-date of ESEA, Title VII Legislation;
- (6) New Business.

June 23, 1978: A meeting of the Full Council will convene with the following agenda:

- (1) Office of Bilingual Education Report—Acting Director, OBE;
- (2) Presentation of *Bilingual Education Story*—Division Directors;
- (3) Welcome and swearing-in of new Council members;
- (4) Farewell to out-going members.

Records will be kept of all Council proceedings and shall be available for public inspection after approval, by the full Council, of said records has been obtained. These records will be available in Room 421, Reporter's Building, 300 7th Street SW., Washington, D.C. Written requests for such records should be sent to 400 Maryland Avenue SW., Reporter's Building, Room 421, Washington, D.C. 20202.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C. on May 31, 1978.

GLORIA V. BECERRA,
Program Delegate,
Office of Bilingual Education.

[FR Doc. 78-15734 Filed 6-5-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Extension and Continuing Education and its two standing committees. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend, with the exception of a one and one-half hour period for a closed session on Wednesday, June 21, from 4:30 p.m. to 6 p.m.

DATE: Meeting: June 21, 22, and 23, 1978.

ADDRESS: The Olympic Hotel, Fourth at Seneca, Seattle, Wash.

FOR FURTHER INFORMATION CONTACT:

Richard F. McCarthy, Associate Director, National Advisory Council on Extension and Continuing Education, 425 Thirteenth Street NW., Suite 529, Washington, D.C. 20004, telephone 202-376-8888.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I (HEA) including policies and procedures governing the approval of State plans under Section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all Federally supported extension and continuing education programs.

The meeting of the Council will be open to the public beginning on Wednesday, June 21 from 9 a.m. until 4:30 p.m.; on Thursday, June 22, from 9 a.m. to 10:30 a.m., and on Friday, June 23, from 9 a.m. until 12 Noon. On Thursday, June 22 at 10:30 a.m., members and special guests of the Council will depart for McNeil Federal Penitentiary as special guests of the Bureau of Prisons, Department of Justice, and of the Warden of the Penitentiary to receive a special briefing on the education program for prison inmates. The full Council will convene its meeting on Friday, June 23, at 9 a.m. and adjourn at Noon.

The agenda for the Council meeting is summarized as follows:

(a) *Wednesday, June 21 (a.m.)*.—Meeting of the Continuing Education Policy Committee to review Council position paper on "Federal Policies for Postsecondary Continuing Education and Lifelong Learning," and to develop plans for a national invitational conference on public policy development for continuing education.

Meeting of the Title I Committee to conduct the third and last public hearing during fiscal 1978 on community needs for continuing education and adult learning opportunities.

(b) *Wednesday, June 21 (p.m.)*.—Full Council formally convenes to conduct normal business, including final approval of Council's twelfth annual report to the President, and approval of the outline and contents for the release of a Special Council Report during the summer of 1978. This Special Report will contain the results of the public hearings sponsored by the Council during the course of the year, and the results of its analysis of the Federal role in postsecondary continuing education and lifelong learning.

(c) *Thursday, June 22*.—Council members and special guests will visit the McNeil Island Federal Penitentiary to review educational programs conducted for prison inmates. The trip is being arranged with the cooperation of the Department of Justice's Bureau of Prisons.

(d) *Friday, June 23*.—Continuation of normal Council business, including reports of the two standing committees of the Council; Council discussion of its proposed national conference on continuing education; report of the university community service program of the U.S. Office of Education; and other matters to be brought before the Council. The meeting will adjourn at noon.

On Wednesday, June 21, from 4:30 to 6 p.m., the meeting of the Council will be closed to the public in order to review personnel matters relating to the replacement of the Council's executive director, who resigned March 31, 1978. Procedures followed by the Selection Committee in selecting final candidates will be discussed, resumes containing personal information of the applicants, and relative merits of the applicants will be discussed in detail. This portion of the meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and under the exemptions contained in the Government in the Sunshine Act, Section 552(b)(2) and (6) of Title 5, U.S.C. (Pub. L. 94-409).

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5, U.S.C. 552(b)(2) will be available to the public within fourteen days of the meeting.

All records of the Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street NW., Washington, D.C.

Dated: May 24, 1978.

RICHARD F. MCCARTHY,
Associate Director.

[FR Doc. 78-15733 Filed 6-5-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6677-A]

ALASKA NATIVE CLAIMS SELECTION

Notice for Publication

I. State Selection Application Rejected in Part

The State of Alaska filed general purposes selection application AA-439, as amended, on November 2, 1966, pursuant to Section 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)). The application selected lands near the Native village of Larsen Bay.

On December 18, 1971, Section 11 of the Alaska Native Claims Settlement Act (85 Stat. 688, 696; 43 U.S.C. 1601, 1610 (Supp. V, 1975)), withdrew the lands surrounding the village of Larsen Bay, including the lands in the subject State selection, for Native selection.

The following described lands, which are State selected, have been properly selected under village selection application AA-6677-A as set forth in Part II of this decision. Further, as to lands within the Kodiak National Wildlife Refuge (Public Land Order 1634), the State application, as amended, fails to properly select vacant, unappropriated, and unreserved lands (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)).

Additionally, Public Land Order 2417 provided that lands within an area one mile square surrounding the village of Larsen Bay would not be subject to State selection until so provided by order of an authorized officer of the Bureau of Land Management. There has been no such opening orders. Accordingly, State selection application AA-439 is rejected as to the following described lands:

LANDS OUTSIDE THE KODIAK NATIONAL WILDLIFE REFUGE (PLO 1634)

SEWARD MERIDIAN, ALASKA

Surveyed

That portion of Lot 3 of Block 1, Tract A, outside PLO 1634 and Block 11, Tract A, U.S. Survey No. 4872, Alaska.

Containing approximately 5 acres.

T. 30 S., R. 29 W.,

Sec. 29, lots 1, and 2;

Sec. 31, lots 12, 13, 14, lot 15, that portion outside PLO 1634, lot 16, that portion outside PLO 1634, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, that portion outside PLO 1634;

Sec. 32, lot 7, that portion outside PLO 1634, lot 8, that portion outside PLO 1634, lots 9, 10, 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, that portion outside PLO 1634, SW $\frac{1}{4}$, that portion outside PLO 1634.

Containing approximately 281 acres.

Unsurveyed

T. 30 S., R. 29 W.,

Sec. 25 (fractional), all;

Sec. 36 (fractional), all.

Containing approximately 840 acres.

Aggregating approximately 1,126 acres outside PLO 1634.

LANDS WITHIN THE KODIAK NATIONAL WILDLIFE REFUGE (PLO 1634)

SEWARD MERIDIAN, ALASKA

Surveyed

That portion of Lot 3 of Block 1, Tract A, within PLO 1634, and Tract D, U.S. Survey No. 4872, Alaska.

Containing approximately 8 acres.

T. 30 S., R. 29 W.,

Sec. 29, lot 3, excluding Native allotment AA-7396, parcel A, lots 4, and 5, lot 6, excluding Native allotment AA-7396, parcel A, lot 7;

Sec. 30, lots 1, 2, 4, 5, 6, 7, 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 31, lots 10, and 11, lot 15, that portion within PLO 1634, lot 16, that portion within PLO 1634, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, that portion within PLO 1634;
 Sec. 32, lots 1, and 6, lot 7, that portion within PLO 1634, lot 8, that portion within PLO 1634, SE $\frac{1}{4}$ NW $\frac{1}{4}$, that portion within PLO 1634, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, that portion within PLO 1634, SE $\frac{1}{4}$.
 Containing approximately 921 acres.

Unsurveyed

T. 30 S., R. 29 W.,
 Sec. 5 (fractional), excluding U.S. Survey 2586;
 Sec. 6, all;
 Sec. 7, excluding Native allotment AA-7448 parcel A;
 Secs. 8 and 17 (fractional), all;
 Secs. 18 and 19, all;
 Sec. 20 (fractional), excluding Native allotment AA-7123, parcel A;
 Secs. 28, 33, and 34 (fractional), all.
 Containing approximately 3,504 acres.
 Aggregating approximately 4,432 acres within PLO 1634.

The State-selected lands herein aggregate approximately 5,558 acres, of which approximately 847 acres were properly selected by the State outside the Kodiak National Wildlife Refuge and outside an area one mile square surrounding the village of Larsen Bay prior to the lands' being withdrawn by the Alaska Native Claims Settlement Act. Further action on the subject State selection application, as to those lands not rejected herein, will be taken at a later date.

II. Lands Proper for Village Selection.

Approved for Interim Conveyance or Patent.

On September 24, 1974, Nu-Nachk Pit, Inc., filed village selection application AA-6677-A, as amended, under the provisions of Section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (Supp. V, 1975)), for lands located near the village of Larsen Bay, including lands within the above-referenced State selection and within the Kodiak National Wildlife Refuge (Public Land Order 1634). The application was amended on December 16, 1974, to give a new description to the lands to be selected and to supersede the previously filed application.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Section 11(a). Section 11(a)(2) withdrew for possible selection by the Native corporation those lands that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act. Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by Section 11(a)(2) and not more than 69,120 acres from the National Wildlife Refuge System.

As to the lands described below, the application, as amended, submitted by Nu-Nachk Pit, Inc., is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

This decision approves approximately 64,252 acres of National Wildlife Refuge System lands for conveyance to Nu-Nachk Pit, Inc., for a cumulative total of approximately 64,252 acres, and approximately 847 acres of land that has been properly selected by the State, for a cumulative total of 847 acres. Neither of these exceed the 69,120 acres permitted under Section 12(a)(1).

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Section 12(a) and aggregating approximately 72,145 acres, is considered proper for acquisition by Nu-Nachk Pit, Inc., and is hereby approved for conveyance pursuant to Section 14(a) of the Alaska Native Claims Settlement Act:

LANDS OUTSIDE THE KODIAK NATIONAL WILDLIFE REFUGE (PLO 1634)

SEWARD MERIDIAN, ALASKA

Surveyed

That portion of lot 3 of Block 1, Tract A, outside PLO 1634 and Block 11, Tract A, U.S. Survey No. 4872, Alaska.

Containing approximately 5 acres.

T. 30 S., R. 28 W.,
 Sec. 30, lot 1;
 Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 Containing 284.57 acres.

T. 31 S., R. 28 W.,
 Sec. 6, lots 1, 2, 3, 4, 8, 9, 10, 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 8, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 18, lots 1, 2, 3, 4, 5, 6, 7, 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1, 2, 3, 4, 5, 6, 7, 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, E $\frac{1}{2}$ W $\frac{1}{2}$.
 Containing 2,822.81 acres.

T. 32 S., R. 28 W.,
 Sec. 6, lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 7, lots 1 and 3;
 Sec. 18, lots 1, 3, 4.
 Containing 217.75 acres.

T. 30 S., R. 29 W.,
 Sec. 29, lots 1 and 2;
 Sec. 31, lots 12, 13, 14, lot 15, that portion outside PLO 1634, lot 16, that portion outside PLO 1634, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, that portion outside PLO 1634;
 Sec. 32, lot 7, that portion outside PLO 1634, lot 8, that portion outside PLO 1634, lots 9, 10, 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, that portion outside PLO 1634, SW $\frac{1}{4}$, that portion outside PLO 1634.

Containing approximately 281 acres.

T. 32 S., R. 29 W.,
 Sec. 1, lot 1.

Containing 6.76 acres.

Unsurveyed

T. 31 S., R. 28 W.,
 Sec. 20 (fractional), that portion outside PLO 1634 and excluding U.S. Survey No. 3971.

Containing approximately 5 acres.

T. 32 S., R. 28 W.,
 Sec. 18 (fractional), that portion outside PLO 1634 and excluding Native allotment AA-7448, parcel C and Lots 1, 2, 3, and 4;
 Sec. 19 (fractional), that portion outside PLO 1634 and excluding U.S. Survey No. 1866 and Native allotment AA-7448, parcel C;
 Sec. 20 (fractional), that portion outside PLO 1634 and excluding Native allotment AA-7448, parcel C.

Containing approximately 55 acres.

T. 30 S., R. 29 W.,
 Sec. 25 (fractional), all;
 Sec. 36 (fractional), all.
 Containing approximately 840 acres.

T. 31 S., R. 29 W.,
 Secs. 1 and 2 (fractional), all;
 Secs. 11 and 12 (fractional), excluding Native allotment AA-7396, parcel B;
 Sec. 13, excluding Native allotment AA-7449;
 Sec. 14 (fractional), excluding Native allotment AA-7449;
 Secs. 23, 24, 25, and 26 (fractional), all;
 Secs. 35 and 36 (fractional), all.
 Containing approximately 3,375 acres.
 Aggregating approximately 7,893 acres outside PLO 1634.

LANDS WITHIN THE KODIAK NATIONAL WILDLIFE REFUGE (PLO 1634)

SEWARD MERIDIAN, ALASKA

Surveyed

That portion of lot 3 of Block 1, Tract A within PLO 1634, and Tract D, U.S. Survey No. 4872, Alaska.

Containing approximately 8 acres.

T. 30 S., R. 29 W.,
 Sec. 29, lot 3, excluding Native allotment AA-7396, parcel A, lots 4, 5, Lot 6, excluding Native allotment AA-7396, parcel A; lot 7;
 Sec. 30, lots 1, 2, 4, 5, 6, 7, 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 31, lots 10, 11, lot 15, that portion within PLO 1634, lot 16, that portion within PLO 1634, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, that portion within PLO 1634;
 Sec. 32, lots 1, 6, lot 7, that portion within PLO 1634, lot 8, that portion within PLO 1634, SE $\frac{1}{4}$ NW $\frac{1}{4}$, that portion within PLO 1634, SW $\frac{1}{4}$, that portion within PLO 1634, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.

Containing approximately 921 acres.

T. 30 S., R. 30 W.,
 Sec. 33, lot 6, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, excluding Native allotment AA-7462.
 Containing 212.30 acres.

Unsurveyed

T. 30 S., R. 28 W.,
 Secs. 18, 19, and 20 (fractional), all;
 Sec. 28 (fractional), all;

- Sec. 29, all;
Secs. 30, 31, and 32 (fractional), those portions within PLO 1634.
Containing approximately 2,764 acres.
- T. 31 S., R. 28 W.,
Sec. 5 (fractional), excluding Native allotment AA-7318;
Sec. 8 (fractional), all;
Sec. 9, all;
Secs. 14, 15, and 16, all;
Sec. 17 (fractional), all;
Sec. 20 (fractional), that portion within PLO 1634 and excluding U.S. Survey 3971;
Secs. 22, 23, and 24, all;
Secs. 29 and 32 (fractional), all.
Containing approximately 7,135 acres.
- T. 32 S., R. 28 W.,
Sec. 18 (fractional), that portion within PLO 1634;
Sec. 19 (fractional), that portion within PLO 1634 and excluding U.S. Survey 1866;
Sec. 20 (fractional), that portion within PLO 1634;
Sec. 21 (fractional), all;
Secs. 28, 29, and 30 (fractional), all;
Secs. 32, 33, and 34 (fractional), all.
Containing approximately 2,420 acres.
- T. 30 S., R. 29 W.,
Sec. 5 (fractional), excluding U.S. Survey 2586;
Sec. 6, all;
Sec. 7, excluding Native allotment AA-7448, parcel A;
Secs. 8 and 17 (fractional), all;
Secs. 18 and 19, all;
Sec. 20 (fractional), excluding Native allotment AA-7123, parcel A;
Secs. 28, 33, and 34 (fractional), all.
Containing approximately 3,504 acres.
- T. 31 S., R. 29 W.,
Sec. 3 (fractional), excluding U.S. Survey 1829;
Secs. 5, 6, 7, and 8, all;
Secs. 10 and 15 (fractional), all;
Secs. 22 and 27 (fractional), all;
Sec. 34 (fractional), all.
Containing approximately 5,019 acres.
- T. 32 S., R. 29 W.,
Sec. 2 (fractional), excluding U.S. Survey 2208;
Sec. 3, all;
Secs. 11 and 12 (fractional), excluding Native allotment AA-7395;
Sec. 13 (fractional), excluding Native allotments AA-7395 and AA-7448, parcel B;
Sec. 24 (fractional), excluding Native allotment AA-7448, parcel B;
Secs. 30, 31 and 32, all.
Containing approximately 3,942 acres.
- T. 30 S., R. 30 W.,
Secs. 1 to 4, inclusive, all;
Secs. 9 to 13, inclusive, all;
Secs. 15 to 18, inclusive, all;
Sec. 24, all;
Secs. 25 and 26 (fractional), excluding Native allotment AA-7460;
Sec. 29, all;
Sec. 31, excluding Native allotment AA-7458;
Sec. 32, all;
Sec. 34 (fractional), all;
Sec. 35 (fractional), excluding Native allotment AA-7457;
Sec. 36 (fractional), all.
Containing approximately 12,343 acres.
- T. 31 S., R. 30 W.,

Sec. 2, excluding Native allotment AA-7457;
Secs. 3 and 4 (fractional), all;
Secs. 5 to 9, inclusive, all;
Secs. 16 to 21, inclusive, all;
Secs. 27 to 34, inclusive, all.
Containing approximately 13,869 acres.

T. 32 S., R. 30 W.,
Secs. 2, 3, and 4, all;
Secs. 9, 10, and 11, all;
Secs. 13 to 16, inclusive, all;
Secs. 22, 23, and 24, all;
Sec. 25, excluding Alaska Native Claims Settlement Act, Sec. 3(e) application AA-12697;
Secs. 26 and 27, all;
Secs. 34 and 35, all;
Sec. 36, excluding Alaska Native Claims Settlement Act, Sec. 3(e) application AA-12697.

Containing approximately 12,115 acres.
Aggregating approximately 64,252 acres within PLO 1634.
Total aggregated acreage approximately 72,145 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)).

2. Pursuant to Section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6677-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 6 D9, L) An easement for a proposed access trail twenty-five (25) feet in width beginning in Sec. 8, T. 30 S., R. 29 W., Seward Meridian on the shore of Uyak Bay and extending westerly along the left bank of an unnamed creek to Salmon Creek Lake, thence along the shore of the lake, and then southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

b. (EIN 7 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Uyak Bay in Sec. 32, T. 30 S., R. 29 W., Seward Meridian, southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN 8 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Larsen Bay in Sec. 35, T. 30 S., R. 30 W., Seward Meridian, southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

d. (EIN 9 D9) An easement for a proposed access trail twenty-five (25) feet

in width from the mean high tide line of Larsen Bay in Sec. 33, T. 30 S., R. 30 W., Seward Meridian, at site EIN 10 D9, L southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

e. (EIN 10 D9, L) A two and one-half (2½) acre site easement upland of the mean high tide line in Sec. 33, T. 30 S., R. 30 W., Seward Meridian, on the shore of Larsen Bay. The site is for camping, staging, and vehicle use.

f. (EIN 11 D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 10 D9, L in Sec. 33, T. 30 S., R. 30 W., Seward Meridian northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

g. (EIN 12 C6, D9, L) An easement for an existing access trail twenty-five (25) feet in width from site EIN 10 D9, L in Sec. 33, T. 30 S., R. 30 W., Seward Meridian, on the shore of Larsen Bay westerly to site EIN 13a C6, D9, L on the bank of the Karluk River. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

h. (EIN 13a C6, D9, L) A site easement upland of the ordinary high water mark in Secs. 30 and 31, T. 30 S., R. 30 W., Seward Meridian, on the right bank of the Karluk River at the portage area. The site is ten (10) acres in size with an additional 25 foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

i. (EIN 13b C6, D9, L) A site easement upland of the ordinary high water mark in Sec. 31, T. 30 S., R. 30 W., Seward Meridian on the left bank of the Karluk River in the portage area. The site is two and one-half (2½) acres in size with an additional 25 foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

j. (EIN 16 C1, C6, D9, L) A stream-side easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Karluk River from the outlet of Karluk Lake to the northern border of Sec. 31, T. 30 S., R. 30 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

k. (EIN 17 D9 C6) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 13a C6, D9, L on the Karluk River in Sec. 31, T. 30 S., R. 30 W., Seward Meridian, southerly to site EIN 21 C1, C6, D9, L at the outlet of Karluk Lake in Sec. 30, T. 31 S., R. 30 W., Seward Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

l. (EIN 18 C6, L) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 20 C1, C6, D9, L at the outlet of Karluk Lake in Sec. 33, T. 31 S., R. 30 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

m. (EIN 20 C1, C6, D9, L) A fishery management and public use easement upland of the ordinary high water mark in Sec. 33, T. 31 S., R. 30 W., Seward Meridian on the northwest shore of Karluk Lake and the left bank of the Karluk River. The easement is five (5) acres in size with an additional twenty-five (25) foot wide extension on the bed of the river and lake along the entire waterfront of the easement. The easement is used for camping, staging, vehicle use, and for fishery management purposes.

n. (EIN 21 C1, C6, D9, L) A site easement upland of the ordinary high water mark in Sec. 33, T. 31 S., R. 30 W., Seward Meridian on the Northwest shore of Karluk Lake and the right bank of the Karluk River. The site is fifteen (15) acres in size with an additional twenty-five (25) foot wide easement on the bed of the river and lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

o. (EIN 22 C6, D9, L) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Uyak Bay beginning in Sec. 15, T. 31 S., R. 29 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal Law or regulation.

p. (EIN 23 C5, D9) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

q. (EIN 24 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mouth of

Brown's Lagoon northeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

r. (EIN 25 C6) A streamside easement twenty-five (25) feet in width on both banks and the entire bed of Brown's Lagoon (a river) from the mouth of the lagoon to the southern border of Sec. 24, T. 31 S., R. 28 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

s. (EIN 27 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Amook Bay in Sec. 20, T. 31 S., R. 28 W., Seward Meridian, easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

t. (EIN 29 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Uyak Bay in Sec. 28, T. 32 S., R. 28 W., Seward Meridian, easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

u. (EIN 30a D9) A one (1) acre site easement upland of the mean high tide line in Sec. 32, T. 32 S., R. 28 W., Seward Meridian on the shore of Uyak Bay. The site is for camping, staging, and vehicle use.

v. (EIN 30b D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Uyak Bay at site EIN 30a D9 in Sec. 32, T. 32 S., R. 28 W., Seward Meridian, westerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

w. (EIN 32 C6, L) An easement for a proposed access trail twenty-five (25) feet in width from Uyak Bay westerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulations.

x. (EIN 33b C6, L) A streamside easement twenty-five (25) feet in width on both banks and the entire bed of the Thumb River from its mouth to the outlet on Thumb Lake. Purpose is to provide for public use of waters having highly significant present recreational use.

y. (EIN 34 C6, L) A site easement upland of the ordinary high water mark in Sec. 31, T. 32 S., R. 29 W., Seward Meridian, on the right bank of the Thumb River at the confluence with Karluk Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river and lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

z. (EIN 36 D9) An easement for a proposed access trail twenty-five (25)

feet in width from the shore of Karluk Lake in Sec. 14, T. 32 S., R. 30 W., Seward Meridian easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

aa. (EIN 37 D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 39 C4 in Sec. 3, T. 32 S., R. 30 W., Seward Meridian, northeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ab. (EIN 38 D9) An easement for a proposed access trail twenty-five (25) feet in width from the shore of Karluk Lake in Sec. 27, T. 32 S., R. 30 W., Seward Meridian southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ac. (EIN 39 C4) A site easement upland of the ordinary high water mark in Sec. 3, T. 32 S., R. 30 W., Seward Meridian, on the shore of Karluk Lake at the mouth of Moraine Creek. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

ad. (EIN 40 C4) An easement for a proposed access trail twenty-five (25) feet in width along the north shore of Karluk Lake from site EIN 21 C1, C6, D9, L at the outlet of Karluk Lake in Sec. 33, T. 31 S., R. 30 W., Seward Meridian to site EIN 39 C4 in Sec. 3, T. 32 S., R. 30 W., Seward Meridian at the mouth of Moraine Creek. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ae. (EIN 41a C4) A site easement upland of the ordinary high water mark in Sec. 23, T. 31 S., R. 28 W., Seward Meridian, on the shore of a small unnamed lake at the head of Brown's Lagoon. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

af. (EIN 41b C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 41a C4 in Sec. 23, T. 31 S., R. 28 W., Seward Meridian, southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ag. (EIN 43 C4, C6) An easement for a proposed access trail twenty-five (25) feet in width from the shore of the Karluk River in Sec. 18, T. 31 S., R. 30 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ah. (EIN 44 C) The right of the United States to enter upon the lands

herein granted for cadastral, geodetic, or other survey purposes is reserved together with the right to do all things necessary in connection therewith.

ai. (EIN 47 C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 13b C6, D9, L in Sec. 31, T. 30 S., R. 30 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation *Calista, et al. v. Andrus* and implementation of the Secretary's new easement policy. The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease issued under sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. ch. 2, sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Those rights for water pipeline purposes as have been granted to Alaska Packers Association, its successors or assigns, by right-of-way A-017337, located in Sec. 31, T. 30 S., R. 29 W., Seward Meridian, under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

4. Public airport lease AA-9087, containing approximately 100.06 acres, located in Secs. 31 and 32 of T. 30 S., R. 29 W., Seward Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation, under provisions of the act of May 24, 1928 (45 Stat. 728-729; 49 U.S.C. 211-214 (1970));

5. The following third-party interests created and identified by the U.S. Fish and Wildlife Service as provided by sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(g) (supp. V, 1975)):

a. Free use permit to State of Alaska, Department of Public Works, Division of Aviation, for the purpose of removing 6,000 cubic yards of borrow materials from lands in Sec. 32, T. 30 S., R. 29 W., Seward Meridian.

b. Permit M-1 for airport right-of-way to State of Alaska, Department of Public Works, Division of Aviation, for the purpose of establishing, operating, and maintaining the Larsen Bay Air-

port on lands in Sec. 32, T. 30 S., R. 29 W., Seward Meridian.

6. Requirements of sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g) (supp. V, 1975)), that: (a) The above-described lands which are within the boundaries of the Kodiak National Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;

7. Requirements of sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

8. The terms and conditions of the agreement dated November 12, 1976, between the Secretary of the Interior, Koniag, Inc., Nu-Nachk Pit, Inc., and other Koniag village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Nu-Nachk Pit, Inc., serialized AA-6677-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Nu-Nachk Pit, Inc., is entitled to conveyance of 115,200 acres of land selected pursuant to sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 72,145 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 43,055 acres will be conveyed at a later date.

Conveyance to the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO 1634 and which are reserved thereby as a national wildlife refuge, shall be granted to Koniag, Inc., when conveyance is granted to Nu-Nachk Pit, Inc., for the surface estate, and shall be subject to the same conditions as the surface conveyance. Sec. 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by sec. 11(a) within the region.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with departmental regulation 43 CFR 2650.7(d), notice of

this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Times and in the Kodiak Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until July 6, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Nu-Nachk Pit, Inc., or Koniag, Inc., objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a request for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510. A copy of the request should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a request for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

If an appeal is taken, the adverse parties to be served with a copy of the notice of appeal are:

Nu-Nachk Pit, Inc., Larsen Bay, Alaska 99624.

Koniag, Inc., P.O. Box 746, Kodiak, Alaska 99615.

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555

Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-15545 Filed 6-5-78; 8:45 am]

[4310-55]

Fish and Wildlife Service THREATENED SPECIES PERMIT Receipt of Application

Applicant: The Albany Medical College, International Center of Environmental Safety, P.O. Box 1027, Holoman AFB, N. Mex. 88330.

The applicant is applying for a permit authorizing the importation of 30 chimpanzees (*Pan troglodytes*) per year for 5 years. The reason for the request is to acquire animals for research programs and to increase the size of the breeding colony at Holoman so that the annual birthrate can be eventually increased from approximately 25 to 70 per year. Chimpanzees from this colony are used for scientific research. The colony is expected to eventually be able to supply all the research animals needed with no need for additional imports.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., 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 2-1673. 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: May 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc. 78-15542 Filed 6-5-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in room

534, 1717 H Street NW., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Applicant: Mrs. Cecelia Kalaukoa, 401 B. Kawaiul Street, Kailua, Hawaii 96734, PRT 2-2534.

Applicant: John F. Kaufman, 380 North Gulling Street, P.O. Box 457 Portola, Calif. 96122, PRT 2-2532.

Applicant: Alfred L. Cuming, Box 356, Watkinsville, Ga. 30677, PRT 2-2491.

Please refer to the individual applicant and the appropriately assigned PRT 2-file number when submitting comments.

Dated: June 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc. 78-15541 Filed 6-5-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants and mammals listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications on or before July 6, 1978 by submitting written data, views, or arguments to the Director at the above address.

Applicant: Gerald G. Miller, Potter Park Zoo, 1301 S. Pennsylvania Avenue, Lansing, Mich. 48933, PRT 2-2525.

Applicant: Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati, Ohio 54220, PRT 2-2527.

Please refer to the individual applicant and the appropriately assigned PRT 2-file number when submitting comments.

Dated: June 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc. 78-15540 Filed 6-5-78; 8:45 am]

[4310-03]

Heritage Conservation and Recreation Service NATIONAL REGISTER OF HISTORIC PLACES Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 7, 1978, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

ROBERT B. RETTIG,
Acting Keeper of the
National Register.

The following list of properties has been added to the National Register of Historic Places since notice was last given in the February 7, 1978, Federal Register. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; properties recorded by the Historic American Engineering Record are designated by HAER; properties receiving grants-in-aid for historic preservation are designated by G.

ALABAMA

Dallas County

Selma, Old Town Historic District, roughly bounded by the Alabama River, Jefferson Davis Ave., Pettus, Broad, and Franklin Sts., (5-3-78).

ALASKA

Fairbanks Division

Fairbanks, Harding Railroad Car, Alaska-land, (4-6-78).

Juneau Division

Taku Harbor vicinity, Fort Durham Site, N of Taku Harbor, (5-5-78).

Wrangell-Petersburg Division

Wrangell, Wrangell Public School, 2nd and Bevier Sts., (5-16-78).

ARIZONA

Navajo County

Keams Canyon vicinity, Inscription Rock, E of Keams Canyon off AZ 264, (4-6-78).

ARKANSAS

Columbia County

Magnolia, Columbia County Courthouse, Court Sq., (4-15-78).

Conway County

Morrilton, *Conway County Library*, 101 W. Church St., (4-15-78).

Greene County

Paragould vicinity, *Old Bethel Methodist Church*, W of Paragould off AR 141, (4-19-78).

Logan County

Booneville, *Bank of Booneville Building*, 1 W. Main St., (4-26-78).

Marion County

Yellville, *Layton Building*, 1110 Mill St., (4-26-78).

Pulaski County

Little Rock, *Ward, Zeb, Building*, 1001-1003 W. Markham St., (4-19-78).

CALIFORNIA**Alameda County**

Berkeley, *Studio Building*, 2045 Shattuck Ave., (4-6-78).

Livermore, *Murphy, D. J., House*, 291 McLeod St., (4-6-78).

Piedmont, *Wetmore House*, 342 Bonita Ave., (4-14-78).

Del Norte County

Klamath vicinity, *Radar Station B-71*, W of Klamath, (4-19-78).

Humboldt County

Eureka, *Odd Fellows Hall (French Empire Mansard Building)*, 12 F St., (5-3-78).

Los Angeles County

Monrovia, *Oaks, The*, 250 N. Primrose Ave., (4-6-78).

Pomona, *La Casa Alvarado*, 1459 Old Settlers Lane, (4-19-78).

Mariposa County

El Portal vicinity, *Glacier Point Trailside Museum*, E of El Portal in Yosemite National Park, (4-4-78).

Mendocino County

Branscomb vicinity, *Lovejoy Homestead*, N of Branscomb, (4-26-78).

Monterey County

Pebble Beach, *Olvida Penas*, 1061 Majella Rd., (4-3-78).

Napa County

Yountville, *French Laundry*, 6640 Washington St., (4-19-78).

Plumas County

Chester vicinity, *Warner Valley Ranger Station*, N of Chester in Lassen Volcanic National Park, (4-3-78).

San Francisco County

San Francisco, *Calvary Presbyterian Church*, 2501-2515 Fillmore St., (5-3-78).

San Joaquin County

Stockton, *Rogers, Moses, House*, 921 S. San Joaquin St., (4-26-78).

San Mateo County

Burlingame, *Burlingame Railroad Station*, Burlingame Ave. and California Dr., (4-19-78) HABS.

Santa Barbara County

Lompoc, *Mission de la Purissima Concepcion de Maria Santisima Site*, bounded by Locust Ave., city limits, E and G Sts., (5-5-78).

Santa Clara County

Saratoga, *Villa Montalvo*, 14800 Montalvo Rd., (5-1-78).

Santa Cruz County

Felton, *Felton Presbyterian Church*, 6299 Gushee St., (4-6-78).

Shasta County

Chester vicinity, *Horseshoe Lake Ranger Station*, N of Chester in Lassen Volcanic National Park, (5-5-78).

Mineral vicinity, *Summit Lake Ranger Station*, NE of Mineral in Lassen Volcanic National Park, (4-3-78).

Stanislaus County

Modesto, *McHenry Mansion*, 906 15th St., (4-4-78).

Tulare County

Mineral King vicinity, *Pear Lake Ski Hut*, N of Mineral King in Sequoia National Park, (5-5-78).

Silver City vicinity, *Hockett Meadow Ranger Station*, S of Silver City in Sequoia National Park, (4-27-78).

Three Rivers vicinity, *Ash Mountain Entrance Sign*, N of Three Rivers in Sequoia National Park, (4-27-78).

Three Rivers vicinity, *Giant Forest Lodge Historic District*, NE of Three Rivers in Sequoia National Park, (5-5-78).

Wilsonia vicinity, *Cabin Creek Ranger Residence and Dormitory*, SE of Wilsonia on Generals Hwy. in Sequoia National Park, (4-27-78).

CONNECTICUT**Hartford County**

Bristol, *Forestville Passenger Station*, 171 Central St., (4-19-78).

DELAWARE**New Castle County**

Middletown, *Reading, Philip, Tannery*, 201 E. Main St., (4-26-78).

Sussex County

Bridgeville vicinity, *Trinity Methodist Episcopal Church*, NW of Bridgeville on DE 31, (5-5-78).

Seaford, *Burton Hardware Store*, High St. and Spring Alley, (4-20-78).

DISTRICT OF COLUMBIA**Washington**

Auditor's Building Complex, 14th St. and Independence Ave., (4-27-78).

FLORIDA**Duval County**

Jacksonville, *Bethel Baptist Institutional Church*, 1058 Hogan St., (4-6-78).

Putnam County

Melrose, *Melrose Woman's Club*, Pine St., (4-6-78).

GEORGIA**Baldwin County**

Milledgeville vicinity, *Rockwell, Samuel, House*, 165 Allen Memorial Dr., (4-19-78) HABS.

Rockdale County

Conyers vicinity, *Dial Mill*, NE of Conyers off GA 138, (4-6-78).

Whitfield County

Dalton, *Western and Atlantic Depot*, Depot St., W end of King St., (4-6-78).

Dalton vicinity, *Prater's Mill*, N of Dalton on GA 2, (4-25-78).

HAWAII**Kauai County**

Waimea, *Gulick-Rowell House*, Missionary Row, (4-15-78).

IDAHO**Adams County**

New Meadows, *Pacific and Idaho Northern Railroad Depot*, U.S. 95, (4-19-78).

Bear Lake County

Montpelier, *Montpelier Odd Fellows Hall*, 843 Washington St., (4-15-78).

Elmore County

Atlanta, *Atlanta Historic District*, Quartz Creek, Pine and Main Sts., (4-6-78).

Payette County

Payette, *St. James Episcopal Church*, 1st Ave. N. and 10th St., (4-20-78).

Payette, *Woodward Building*, 23 8th St., (4-26-78).

ILLINOIS**De Kalb County**

Sycamore, *Sycamore Historic District*, irregular pattern along Main and Somonauk Sts., (5-2-78).

Hamilton County

McLeansboro, *Cloud, Aaron G., House*, 164 S. Washington St., (4-15-78).

Lake County

Waukegan, *Near North Historic District*, roughly bounded by Ash St., RR. tracks, Glen Flora Ave. and City Hall, (5-3-78).

Livingston County

Pontiac, *Jones House*, 314 E. Madison St., (5-5-78).

McLean County

Normal, *Fell, Jesse, House*, 502 S. Fell St., (4-19-78) NABS.

Madison County

Alton, *Upper Alton Historic District*, Seminary St., College, Leverett, and Evergreen Aves., (5-2-78).

Marion County

Centralia, *Sentinel Building*, 232 E. Broadway, (4-15-78).

Rock Island County

Moline, *Huntton, Joseph, Homestead*, 821 16th St., (5-5-78).

Winnebago County

Rockton, *Rockton Historic District*, roughly bounded by River, Warren, Cherry, and West Sts., (5-2-78).

INDIANA**Hamilton County**

Noblesville, *Hamilton County Courthouse Square*, bounded by Logan, 8th, 9th, and Conner Sts., (5-10-78).

IOWA**Appanoose County**

Centerville, *Vermilion Estate*, Valley Dr., (4-26-78).

Johnson County

Iowa City, *Oakes-Wood House*, 1142 E. Court St., (4-14-78).

KENTUCKY**Franklin County**

Frankfort vicinity, *Giltner-Holt House*, 5 mi. (8 km) N of Frankfort, (5-5-78).

McCracken County

Paducah, *Paducah Market House District*, 2nd St. between Broadway and Kentucky Ave., (4-3-78).

LOUISIANA**East Baton Rouge Parish**

Baton Rouge, *St. James Episcopal Church*, 208 N. 4th St., (5-5-78).

MAINE**Androscoggin County**

Auburn, *Engine House*, Court and Spring Sts., (5-22-78).

Cumberland County

Gorham, *Gorham Campus Historic District*, College Ave., (5-5-78).

Oxford County

Lovell, *Knight's Country Store*, ME 5A, (4-14-78).

Piscataquis County

Sebec, *Burgess House*, off ME 11, (5-3-78).

MARYLAND**Baltimore (independent city)**

Chizuk Amuno Synagogue, 27-35 Lloyd St., (4-19-78).
Lloyd Street Synagogue, 11 Lloyd St., (4-19-78).

Baltimore County

Monkton and vicinity, *My Lady's Manor*, MD 138, (4-15-78), (also in Hartford County).

Caroline County

Denton, *Schoolhouse*, 104 S. 2nd St., (4-19-78).

Hartford County

My Lady's Manor, Reference-see Baltimore County.

Prince Georges County

Upper Marlboro, *Buck House*, off MD 4, (4-20-78) HABS.

Washington County

Hagerstown vicinity, *Dorsey-Palmer House*, N of Hagerstown on MD 60, (4-15-78).

MASSACHUSETTS**Franklin County**

New Salem, *New Salem Common Historic District*, S. Main St., (4-12-78).

Middlesex County

Cambridge, *Carpenter Center for the Visual Arts*, 19 Prescott St., (4-20-78).

Plymouth County

Brockton, *Dean, Dr. Edgar Everett, House*, 81 Green St., (5-5-78).

Worcester County

Fitchburg, *Monument Park Historic District*, Monument Park and environs N of Main St., (5-16-78).

MINNESOTA**Hennepin County**

Minneapolis, *Hewitt, Edwin H., House*, 126 E. Franklin Ave., (4-6-78)
Minneapolis, *Martin, Charles J., House*, 1300 Mount Curve Ave., (4-26-78).

Ramsey County

St. Paul, *Woodland Park District*, roughly bounded by Marshall and Selby Aves., Arundel and Dale Sts., (5-12-78).

Rice County

Northfield, *Seiver Block Building*, Bridge Sq. and Division St., (5-5-78).

St. Louis County

Duluth, *Duluth Public Library*, 101 W. 2nd St., (5-5-78).

Stearns County

Fairhaven, *Fairhaven Flour Mill*. Reference—see Wright County.
St. Cloud, *Foley-Brower-Bohmer House*, 385 3rd Ave. S., (5-5-78).
St. Cloud, *Majerus, Michael, House*, 404 9th Ave. S., (5-5-78).

Wright County

Fairhaven, *Fairhaven Flour Mill*, off MN 55 on Clearwater River, (4-14-78) (also in Stearns County).

MISSISSIPPI**Adams County**

Natchez, *Dubs, Dr. Charles H., Townhouse*, 311 N. Pearl St., (5-5-78).
Washington, *Assembly Hall*, Assembly and Main Sts., (4-19-78).

Amite County

Rosetta vicinity, *Sturdivant Fishweir*, E of Rosetta, (4-14-78).

Rankin County

Brandon, *Stevens-Buchanan House*, 505 College St., (5-5-78).
Brandon vicinity, *Hebron Academy*, S of Brandon on MS 18, (5-5-78).

MISSOURI**Jackson County**

Grandview, *Young, Solomon, Farm (Truman Farm)*, 12121 and 12301 Blue Ridge Extension, (5-5-78).

Kansas City, *Scarritt, Rev. Nathan, House*, 4038 Central St., (5-8-78).

St. Louis County

Frontenac, *Des Peres Presbyterian Church*, Geyer Rd., (4-14-78).

NEBRASKA**Lancaster County**

Lincoln, *Tyler, William H. House*, 808 D St., (4-6-78).

Sarpy County

Bellevue vicinity, *Blacksmith Shop*, S of Bellevue on Offutt Air Force Base, (5-12-78).

NEVADA**Storey County**

Sparks vicinity, *Derby Diversion Dam*, 19 mi. (30.4 km) E of Sparks on I-80, (4-26-78). (also in Washoe County).

Washoe County

Derby Diversion Dam. Reference—see Storey County.

NEW JERSEY**Bergen County**

Paramus, *Midland School*, 239 W. Midland Ave., (4-7-78).

Burlington County

Burlington, *Pearson-How, Cooper, and Lawrence Houses*, 453-459 High St., (4-26-78).

Essex County

Bloomfield, *Bloomfield Green Historic District*, bounded by Belleville Ave., Montgomery, Spruce, State, Liberty, and Franklin Sts., (4-20-78).

Monmouth County

Holmdel vicinity, *Holmes-Hendrickson House*, N of Holmdel, (4-26-78).

NEW MEXICO**Bernalillo County**

Albuquerque, *Vigil, Antonio, House*, 413 Romero St., (5-5-78).

Catron County

Red Hill vicinity, *Mogollon Pueblo*, N of Red Hill, (5-5-78).

Rio Arriba County

Abiquiu vicinity, *Santa Rosa de Lima de Abiquiu*, E of Abiquiu on U.S. 84, (4-14-78).

San Juan County

Fruitland vicinity, *Site No. OCA-CGP-54-1*, SW of Fruitland, (4-19-78).

NEW YORK**Columbia County**

Germantown vicinity, *Stone Jug*, S of Germantown at NY 9G and Jug Rd., (4-20-78).

Jefferson County

Alexandria Bay vicinity, *Boldt, George C., Yacht House*, NW of Alexandria Bay on Wellesley Island, (4-26-78).

Lewis County

yons Falls, *Gould Mansion Complex*, Main St., (4-19-78).

New York County

New York, *Radio City Music Hall*, 1260 Avenue of the Americas, (5-8-78).

NORTH CAROLINA**Allegheny County**

Amelia vicinity, *Hash, Bays, Site*, N of Amelia, (4-19-78).

Wake County

Raleigh, *Capitol Area Historic District*, state capitol building and environs, (4-15-78).

OHIO**Athens County**

Athens vicinity, *Athens State Hospital Cow Barn*, SW of Athens off U.S. 33/50, (4-25-78).

Clinton County

Lumberton vicinity, *Hurley Mound*, W of Lumberton, (5-5-78).

Cuyahoga County

Chagrin Falls, *March, George, House*, 126 E. Washington St., (4-20-78).
Cleveland, *Stager-Beckwith House*, 3813 Euclid Ave., (4-20-78).

Erie County

Birmingham, *Starr-Truscott House*, OH 133, (4-20-78).

Fairfield County

Baltimore vicinity, *Musser, Henry, House*, SE of Baltimore at 7079 Millersport Rd., (5-5-78).

Franklin County

Columbus, *Drake, Elam, House*, 2738 Ole Country Lane, (4-6-78).

Lorain County

Avon, *Cahoon, Wilbur, House*, 2940 Stoney Ridge Rd., (4-6-78).

Lucas County

Maumee, *Eckenrode and Breisach Houses*, 202 and 204 E. Dudley St., (4-6-78).
Maumee, *Reed, Henry Jr., House*, 511-513 White St., (4-20-78).

Montgomery County

Dayton, *Kuhns, Benjamin F., Building*, 43 S. Main St. (4-24-78).
Vandalia vicinity, *Beard, John, Farm*, S of Vandalia on Mulberry Lane, (5-5-78).

Muskingum County

New Concord, *Harper, William Rainey, Log House*, E. Main St., (4-6-78).
Zanesville vicinity, *Headley Inn, Smith House and Farm*, 5255 West Pike, (4-26-78).

Pickaway County

Circleville, *Circleville Historic District*, Main and Court Sts., (5-16-78).

Seneca County

Tiffin, *Downtown Tiffin Historic District*, roughly bounded by Riverside Dr., Jeffer-

son, Monroe, Sycamore and Coe Sts., (5-2-78).

Stark County

Canton, *Third Street Bridge*, 3rd St., SE., (5-5-78).

Summit County

Akron vicinity, *Barker Village Site*, N of Akron, (4-19-78).

OKLAHOMA**Atoka County**

Wapanucka vicinity, *McAlister, Bo, Site*, E of Wapanucka, (4-21-78).

Comanche County

Fort Sill, *Chiefs Knoll*, Macomb and Burrill Rds., (5-16-78).

Oklahoma County

Oklahoma City, *Union Depot*, 300 SW. 7th St., (5-16-78).

OREGON**Columbia County**

Rainier, *Moeck, George F., House*, 713 B St., W., (4-14-78).

Wheeler County

Fossil, *Hoover, Thomas Benton, House*, 1st St. between Adams and Washington Sts., (4-14-78).

PENNSYLVANIA**Allegheny County**

Glenshaw, *Lightner, Isaac, House*, 2407 Mt. Royal Blvd., (4-20-78).

Bucks County

New Hope vicinity, *Eagle Tavern*, S of New Hope, (4-20-78).

Centre County

Centre Hall vicinity, *Penn's Cave and Hotel*, 5 mi. (8 km) E of Centre Hall off PA 192, (4-14-78).

Chester County

Kennett Square vicinity, *Harvey, Peter, House and Barn*, E of Kennett Sq. on Hillendale Rd., (4-20-78).
Phoenixville vicinity, *Charlestown Village Historic District*, SW of Phoenixville on Charlestown Rd., (5-16-78).

Greene County

Waynesburg, *Miller Hall*, 51 W. College St., (4-14-78).

Lancaster County

Safe Harbor vicinity, *Big and Little Indian Rock Petroglyphs*, S of Safe Harbor, (4-3-78).

Monroe County

Shawnee-on-the-Delaware, *Worthington Hall*, Worthington Ave., (4-14-78).

Perry County

Newport vicinity, *Little Buffalo Historic District*, SW of Newport off PA 34, (4-3-78).

Philadelphia County

Philadelphia, *Chateau Crillon Apartment House*, 222 S. 19th St., (4-25-78).

Venango County

Franklin, *Plumer Block*, 1205 Liberty St., (4-20-78).

Washington County

Marianna vicinity, *Ulery Mill*, SE of Marianna, (4-20-78).

PUERTO RICO

Ponce vicinity, *Centro Ceremonial Indigena*, N of Ponce off SR 503, (4-14-78).

RHODE ISLAND**Newport County**

Newport vicinity, *Paradise School*, E of Newport at Paradise and Prospect Aves., (5-5-78).

Providence County

Central Falls, *Valley Falls Mill*, 1363 Broad St., (4-26-78).
Johnston vicinity, *Ochee Spring Quarry*, E of Johnston, (5-5-78).

Washington County

Carolina vicinity, *Horsie, John, House*, N of Carolina, (5-5-78).
West Kingston, *Kingston Railroad Station*, Kingston Rd., (4-26-78).

SOUTH CAROLINA**Charleston County**

Charleston, *Kahal Kadosh Beth Elohim Synagogue*, 90 Hasell St., (4-4-78) HABS.

Dorchester County

Ridgeville vicinity, *Cypress Methodist Camp Ground*, E of Ridgeville on SC 182, (4-26-78).

Georgetown County

Georgetown vicinity, *Brookgreen Gardens*, 18 mi. (28.8 km) NE of Georgetown on U.S. 17, (4-15-78).

Kershaw County

Boykin vicinity, *Midfield Plantation*, NE of Boykin on SR 23, (4-20-78).

Marlboro County

Bennettsville, *Bennettsville Historic District*, irregular pattern along Main St. from Everett to Lindsey and from Parsonage to Murchison, (4-20-78).

SOUTH DAKOTA**Brookings County**

Bruce, *Walters, Solomon, House*, off U.S. 77, (4-26-78).

Grant County

Milbank, *First Congregational Church of Milbank*, E. 3rd Ave., (4-19-78).
Milbank, *First National Bank of Milbank*, 225 S. Main St., (4-19-78).

Hughes County

Pierre, *Brink-Wagner House*, 110 E. 4th St., (4-26-78).

Hyde County

Highmore, *Old Hyde County Courthouse*, 110 Commercial St., SE., (4-19-78).

Jerauld County

Wessington Springs, *Vessey, Robert S., House*, 118 College Ave., (4-26-78).

NOTICES

Minnehaha County

Sioux Falls, *South Dakota State Penitentiary Historic Buildings*, 1600 North Dr., (4-20-78).

TENNESSEE

Grundy County

Pelham vicinity, *Elkhead Stone Arch Bridge*, N of Pelham, (4-19-78).

Loudon County

Greenback vicinity, *McCullum Farm*, SW of Greenback on Morganton Rd., (4-15-78).

Sumner County

Gallatin, *Rosemont*, 810 S. Water St., (4-26-78).

TEXAS

Bastrop County

Bastrop, *Crocheron-McDowall House*, 1502 Wilson St., (4-20-78) HABS.

Crockett County

Iraan vicinity, *Archeological Site 41-CX-110*, E of Iraan, (5-5-78).

Galveston County

Galveston, *Beissner, Henry, House*, 2818 Ball Ave., (4-3-78).

Houston County

Crockett, *Downes-Aldrich House*, 206 N. 7th St., (4-19-78).

Jefferson County

Beaumont, *Beaumont Commercial District*, roughly bounded by Orleans, Bowie, Neches, Crockett, Laurel, Willow, Broadway, Pearl, Main, and Gilbert Sts., (4-14-78).

Reagan County

Stiles, *Old Reagan County Courthouse*, off TX 137, (5-5-78).

Robertson County

Calvert, *Calvert Historic District*, roughly bounded by Main, Garritt, Pin Oak, Maple, and Barton Sts., (4-3-78).

Tom Green County

San Angelo, *San Angelo National Bank, Johnson and Taylor, and Schwartz and Raas Buildings*, 20-22, 24, 26 E. Concho Ave., (4-7-78).

Travis County

Austin, *Smith, B. J., House*, 700 W. 6th St., (4-19-78).

Wilson County

Floresville, *Wilson County Courthouse and Jail*, Public Sq., (5-5-78).

UTAH

Salt Lake County

Salt Lake City, *Converse Hall*, 1840 S. 13th East, (4-20-78).
Salt Lake City, *University of Utah Circle*, University of Utah campus, (4-20-78).

Washington County

Washington, *Covington, Robert D., House*, 200 N. 200 East, (4-20-78).

VIRGINIA

Botetourt County

Springwood, *Springwood Truss Bridge*, VA 630 over James River, (4-15-78).

Brunswick County

Lawrenceville vicinity, *Gholson Bridge*, S of Lawrenceville on VA 715 at Meherrin River, (5-5-78).

Campbell County

Mansion vicinity, *Mansion Truss Bridge*, VA 640 over Staunton River, (4-15-78).

Fairfax County

Vienna, *Moorefield*, Moorefield Hill Pl., (4-19-78).

Nelson County

Shipman vicinity, *Oak Ridge Railroad Overpass*, SW of Shipman on VA 653, (4-15-78).

Prince William County

Nokesville vicinity, *Nokesville Truss Bridge*, NE of Nokesville on VA 646, (4-15-78).

Rockbridge County

Goshen vicinity, *Goshen Land Company Bridge*, E of Goshen on VA 746, (5-15-78).

Rockingham County

Broadway vicinity, *Linville Creek Bridge*, S of Broadway on SR 1421, (4-15-78).

South Boston (independent city)

Reedy Creek Site, (4-26-78).

WASHINGTON

Island County

Port Townsend vicinity, *Smith Island Light Station*, N of Port Townsend, (4-6-78).

Pacific County

Tokeland, *Tokeland Hotel*, Kindred Ave. and Hotel Rd., (4-11-78).

Spokane County

Spokane, *First Congregational Church of Spokane*, W. 311-329 4th Ave., (4-26-78).

WEST VIRGINIA

Kanawha County

Charleston, *East End Historic District*, roughly bounded by the Kanawha River, Bradford, Quarrier, and Greenbrier Sts., (4-20-78).

Lewis County

Weston, *Weston State Hospital*, River St., (4-19-78).

WISCONSIN

Lincoln County

Merrill, *Lincoln County Courthouse*, 1110 E. Main St., (4-19-78).

Racine County

Racine, *Shoop Building (Dr. Shoop Family Medicine Building)*, 215 State St., (4-26-78).

* * * * *

Determinations of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for requesting determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures, 36 CFR Part 800. Properties determined to be eligible under section 63.3 of the procedures for requesting determinations of eligibility are designated by 63.3.

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accordance with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the list of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

ALABAMA

Limestone County

Athens, *Founders' Hall*, Athens College campus (63.3).

ARIZONA

Navajo County

Fort Apache Indian Reservation vicinity, *Amos Ranch at Big Spring*, near Faught Ridge Rd. and AZ 73 (63.3).
Fort Apache Indian Reservation vicinity, *Archeological Sites AZ P:16:3, 12, 13 (ASU) and AZ Q:13:1, 4, 5, 9, 12, 16 (ASU)*, near Faught Ridge Rd. and AZ 73 (63.3).
Fort Apache Indian Reservation vicinity, *Archeological Sites AZ P:16:5, 8, 9, 10, 11, 16 (ASU)*, near Indian Rte. 65 and U.S. 60 (63.3).

CALIFORNIA

Alameda County

Oakland, *Oakland Hotel*, 260 13th St.

Contra Costa County

Richmond, *Winehaven*, Point Molate, Fuel Depot, NSCO.

Humboldt County

Redwood Creek vicinity, *Noledin Village Site*, Redwood National Park.

San Francisco County

San Francisco, *Aronson Historic District*, 87 3rd St., 693 and 710 Mission St.
San Francisco, *Jessie Hotel*, 179-181 Jessie St.

San Francisco, *Mercantile Building*, 710 Mission St.
 San Francisco, *Salvation Army Building*, 360 4th St.
 San Francisco, *St. Patrick Church*, 748 Mission St.

Santa Barbara County

Santa Barbara, *501 Chapala St.* (63.3).
 Santa Barbara, *409 State St.* (63.3).
 Santa Barbara, *435 Chapala St.* (63.3).
 Santa Barbara, *412 W. Montecito St.* (63.3).
 Santa Barbara, *111 Gutierrez St.* (63.3).
 Santa Barbara, *S. P. Railroad Depot*, W of State St. (63.3).
 Santa Barbara, *Santa Barbara Turn of the Century Architectural District*, roughly bounded by Canon Perdido, Hwy. 101, and Cota and Bath Sts. (63.3).
 Santa Barbara, *17 W. Haley St.* (63.3).
 Santa Barbara, *315 Castillo St.* (63.3).
 Santa Barbara, *315 State St.* (63.3).
 Santa Barbara, *317 Chapala St.* (63.3).
 Santa Barbara, *333 Anacapa St.* (63.3).
 Santa Barbara, *324-330 State St.* (63.3).
 Santa Barbara, *23 W. Haley St.* (63.3).
 Santa Barbara, *208 Palm St.* (63.3).
 Santa Barbara, *217 State St.* (63.3).
 Santa Barbara, *212 Palm St.* (63.3).
 Santa Barbara vicinity, *Archeological Site CA-SBa-822*, Los Padres National Forest (63.3).
 Santa Barbara vicinity, *Archeological Site CA-SBa-1437*, Los Padres National Forest (63.3).
 Santa Barbara vicinity, *Archeological Site CA-SBa-1444*, Los Padres National Forest (63.3).

COLORADO

Denver County

Denver, *31st Street Overflow Structure*, 31st St. and Atkins Ct. (63.3).

CONNECTICUT

Fairfield County

Bridgeport, *Pixlee Tavern*, 590 Boston Ave. (63.3).

New Haven County

East Haven, *Old Stone Church*, NE corner of Main and High Sts.
 New Haven, *Post Office and Courthouse*, Church and Court Sts.

FLORIDA

Duval County

Jacksonville, *Fairfield School No. 3*, 525 Florida Ave.

GEORGIA

Dougherty County

Oakfield vicinity, *Archeological Site 9Dt3* (63.3).

Fulton County

Atlanta, *All Saints Episcopal Church*, 634 W. Peachtree St. (63.3).
 Atlanta, *Crum and Forster Building*, 771 Spring St. (63.3).
 Atlanta, *Fire Station No. 11*, 30 North Ave. (63.3).
 Atlanta, *Winecoff Hotel*, 176 Peachtree St. (63.3).

INDIANA

Marion County

Indianapolis, *Hannah, Alexander Moore, House*, 3801 S. Madison Ave. (63.3).
 Indianapolis vicinity, *Parker Covered Bridge*, SR 700 S., spans county line (also in Putnam County) (63.3).

IOWA

Black Hawk County

Waterloo, *Chicago, Rock Island, and Pacific RR.: Waterloo Station*, W. 4th and Bluff Sts. (63.3).

LOUISIANA

Orleans Parish

New Orleans, *Algiers Courthouse*, 225 Morgan St. (63.3).
 New Orleans, *Columbia Steam Fire Company*, 830 Julia St. (63.3).

MASSACHUSETTS

Essex County

Lawrence, *South Canal and Associated Gatehouse Structure*, Roughly between Duck and O'Leary Bridges (63.3).

MICHIGAN

Shiawaksee County

Shafterburg, *Van Riper House*, 12370 Shafterburg Rd. (63.3).

MISSOURI

Jasper County

Joplin, *Joplin Carnegie Library*, 9th and Wall Sts.

Macon County

Macon, *Long Branch Lake Archeological District*, (63.3).

NEW JERSEY

Passaic County

Clifton, *Animal Quarantine Facility*, bounded by Clifton and Van Houten Aves., and the Erie RR.

NEW YORK

Ulster County

Saugerties, *Upper Dock Site*, Esopus Creek (63.3).

OREGON

Clackamas County

Government Camp vicinity, *Laurel Hill Segment*, Barlow Road Historic District, Off U.S. 26.

PENNSYLVANIA

Adams County

Irishtown, *Lilly's Mill Covered Bridge*.

Allegheny County

Pittsburgh, *Heinz, Sarah, House*, Bounded by E. Ohio, Heinz, and N. Canal Sts.
 Pittsburgh, *1134 E. Ohio St.*
 Pittsburgh, *1144 E. Ohio St.*
 Pittsburgh, *1148 E. Ohio St.*
 Pittsburgh, *St. Mary's Church*, Lockhart and Pressley Sts.
 Sewickley Borough vicinity, *Sewickley Bridge*, spans the Ohio River.

Susquehanna County

Montrose, *Montrose Inn*, Church and Chestnut Sts.

RHODE ISLAND

Providence County

Lincoln, *Milk Can*, Louisquisset Pike (63.3).
 Pawtucket, *Art's Auto*, 5-7 Lonsdale Ave. (63.3).

SOUTH CAROLINA

Berkeley County

Lake Marion, *Spiers Landing Site* (38 BK 160) (63.3).

VIRGINIA

Bath County

Warm Springs vicinity, *McClintic House* (63.3).

WISCONSIN

Brown County

Green Bay, *Archeological Site 47 BR-115* (63.3).

La Crosse County

La Crosse, *Healey's Block*, Main at 2nd St., SE. (63.3).
 La Crosse, *Michel Building*, 111 S. 2nd St. (63.3).
 La Crosse, *Pamperin Cigar Company*, 113 S. 2nd St. (63.3).
 La Crosse, *Schwarz Building*, 205, 207, 209 Pearl St. (63.3).
 La Crosse, *201 Pearl Street Building*, 201 Pearl St. at 2nd, NE. (63.3).
 La Crosse, *Voegle Block*, 211, 213, 215 Pearl St. (63.3).

Milwaukee County

Greenfield, *Furlong Lime Kiln (Welsh Kiln)*, N side of W. Grange Ave. between 84th and 92nd Sts. (63.3).
 Greenfield, *Trimborn Farm*, S side of W. Grange Ave. between 84th and 92nd Sts. (63.3).
 Milwaukee, *Engelmann Hall*, 20-33 E. Hartford Ave.

WYOMING

Lincoln County

Reliance, *Comberland (Camp Muddy)* (63.3).

Sweetwater County

Cedar Canyon vicinity, *Cedar Canyon Petroglyphs* (63.3).
 Point of Rocks vicinity, *Black Buttes Stage Station*, Black Butte Mine Project (63.3).
 Point of Rocks vicinity, *Gibraltar Townsite and Mine* (63.3).
 Point of Rocks vicinity, *Hallville Townsite and Mine* (63.3).

The following properties have been either demolished or placed on the National Register and are therefore removed from the Determinations of Eligibility listing.

CALIFORNIA

Shasta County

Mineral vicinity, *Summit Lake Ranger Station*, NE of Mineral in Lassen Volcanic

National Park) placed on National Register 4-3-78.

NEVADA

Storey County

Sparks vicinity, *Derby Diverson Dam*, 19 mi. (30.4 km) E of Sparks on I 80 (placed on National Register 4-26-78).

OKLAHOMA

Atoka County

Fort Sill, *Chief's Knoll*, Macomb and Burrill Rds. (placed on National Register 5-16-78).

[FR Doc. 78-15165 Filed 6-5-78; 8:45 am]

[4310-03]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 26, 1978. Pursuant to section 60.13(a) of 36 part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted on or before June 16, 1978.

ROBERT B. RETTIG,
Acting Keeper of the
National Register.

ALABAMA

Lauderdale County

Florence, *Wilson Park Complex*, 209, 217, and 223 E. Tuscaloosa St.

ALASKA

Anchorage Division

Anchorage, *Federal Building*, 601 W. 4th Ave.

Fairbanks Division

Fairbanks, *Federal Building*, Cushman St. and 3rd Ave.

ARIZONA

Maricopa County

Phoenix, *St. Mary's Church*, 231 N. 3rd St.

CONNECTICUT

Fairfield County

Shelton, *Plum Memorial Library*, 47 Wooster St.

Hartford County

Kensington, *Hooker, Henry, House*, 111 High Rd.

NOTICES

Middlesex County

Old Saybrook, *Bushnell, Elisha, House*, 1445 Boston Post Rd.
Old Saybrook vicinity, *Parker House*, 680 Middlesex Tpke.

New London County

Norwich vicinity, *Taftville*, N of Norwich at CT 93 and CT 97.

DELAWARE

New Castle County

St. Georges vicinity, *Biddle House*, S of St. Georges on U.S. 13.

GEORGIA

Troupe County

LaGrange, *McFarland-Render House*, 612 Hines St.

INDIANA

Marion County

Indianapolis, *Hannah-Oehler-Elder House*, 3801 Madison Ave.

KENTUCKY

Bourbon County

Paris, *Paris Cemetery Gatehouse*, U.S. 68.

Harrison County

Berry vicinity, *Stoney Castle*, W of Berry on Lafferty Pike.

Henderson County

Henderson, *St. Paul's Episcopal Church*, 338 Center St.

Jefferson County

Louisville, *College Street Presbyterian Church*, 113 W. College St.
Louisville, *Knights of Pythias Temple*, 928-932 W. Chestnut St.

Livingston County

Grand Rivers, *Lawson, Thomas, House*, Wabash Ave.

McCracken County

Paducah, *Hotel Irvin Cobb*, Broadway and 6th St.

Mason County

Maysville vicinity, *Woodlawn*, S of Maysville on KY 11.

Pulaski County

Somerset, *Somerset City School and Carnegie Library*, 300 College St.

Warren County

Bowling Green, *Rauscher House*, 818 Adams St.

Woodford County

Midway, *Midway Historic District*, U.S. 62.

MARYLAND

Cecil County

Perryville vicinity, *Woodlands*, E of Perryville on MD 7.

Frederick County

Emmitsburg vicinity, *Fourpoints Bridge*, SE of Emmitsburg.

Middletown vicinity, *Poffenberger Road Bridge*, S of Middletown over Catoclin Creek.

Prince Georges County

Clinton vicinity, *Wyoming*, S of Clinton on Thrift Rd.

Washington County

Williamsport vicinity, *Tammany*, NE of Williamsport off U.S. 11.

MASSACHUSETTS

Essex County

Lawrence, *Mechanics Block Historic District*, 107-139 Garden St., 6-38 Orchard St., 38-52 Union St. (boundary increase).

MISSISSIPPI

Adams County

Natchez vicinity, *Bedford Plantation*, NE of Natchez off U.S. 61.

MISSOURI

Buchanan County

St. Joseph, *German-American Bank Building*, 624 Felix St.

Franklin County

Washington, *Schwarzer, Franz, House*, 2 Walnut St.

Jackson County

Kansas City, *Gumbel Building*, 801 Walnut St.
Kansas City, *Henderson, Dr. Generous, House*, 1016 The Paseo.
Kansas City, *Mutual Musician's Foundation Building*, 1823 Highland Ave.
Kansas City, *Sacred Heart Church, School, and Rectory*, 2540-2544 Madison Ave., and 910 W. 26th St.

Lafayette County

Lexington, *Cumberland Presbyterian Church*, 112 S. 13th St. HABS.

Macon County

LaPlata, *Gilbreath-McLorn House*, 225 N. Owenby St.
Macon, *Macon County Courthouse and Annex*, Courthouse Sq.

St. Charles County

St. Charles, *Stumberg, Dr. John H., House*, 100 S. 3rd St.

NEW HAMPSHIRE

Hillsborough County

Merrimack vicinity, *Signer's House and Matthew Thornton Cemetery*, S of Merrimack on U.S. 3.

Sullivan County

Newport, *Reed, Isaac, House*, 30-34 Main St.

NORTH CAROLINA

Vance County

Williamsboro vicinity, *Pool Rock Plantation*, NE of Williamsboro on SR 1380.

Wilkes County

Traphill vicinity, *Holbrook Farm*, W of Traphill on SR 1743.

NORTH DAKOTA**Ramsey County**

Devils Lake, *U.S. Post Office and Courthouse*, 502 4th St.

Ohio**Brown County**

Ripley vicinity, *Burgett House and Barn*, W of Ripley on White Rd.

Coshocton County

Coshocton vicinity, *Rodrick Bridge*, SE of Coshocton on SR 144.

West Lafayette vicinity, *Ferguson, Andrew, House*, E of West Lafayette on OH 751.

Crawford County

Crestline, *Calvary Reformed Church*, Thoman and John Sts.

Crestline, *Hoffman House (Crestline Shunk Museum)*, 211 Thoman St.

Crestline, *Methodist Episcopal Church*, Thoman and Union Sts.

Cuyahoga County

East Cleveland, *First Church of Christ in Euclid*, 16200 Euclid Ave.

Guernsey County

Pleasant City vicinity, *Bethel Methodist Episcopal Church*, W of Pleasant City on OH 146.

Hamilton County

Cincinnati, *Prospect Hill Historic District*, roughly bounded by Liberty, Highland, Pueblo, Channing, and Sycamore Sts.

Holmes County

Fredericksburg vicinity, *Armstrong, Joseph, Farm*, SE of Fredericksburg.

Licking County

Newark, *Shield's Block*, 23-29 S. Park Pl.

Lorain County

Avon, *Williams, Henry Harrison, House*, 37392 Detroit Rd.

Elyria, *Starr, Horace C., House and Carriage Barns*, 276 Washington Ave.

Grafton vicinity, *Breckenridge, Justin, House*, 37174 SE, Main St.

Oberlin, *Oberlin College Historic Resources*, irregular pattern along Professor, Main, and College Sts.

Lucas County

Toledo, *First Church of Christ, Scientist*, 2705 Monroe St.

Toledo, *St. Paul's United Methodist Church*, Madison and 13th St.

Toledo, *Toledo Club*, 14th St. and Madison Ave.

Medina County

Westfield Center, *Universalist Church of Westfield Center*, LeRoy and Greenwich Rds.

Pickaway County

Williamsport vicinity, *Bazore Mill*, S of Williamsport on OH 138 at Deer Creek.

Putnam County

Leipsic, *Edwards, John, House*, 305 W. Main St.

Sandusky County

Woodville, *Cronenwett, Georg, House*, 606 W. Main St.

Shelby County

Botkins, *Shelby House*, 403 W. State St.

Van Wert County

Van Wert, *Brumback Library*, 215 W. Main St.

TENNESSEE**Davidson County**

Nashville, *Woodlawn*, 127 Woodmont Blvd.

Franklin County

Cowan, *Cowan Depot*, Front St.

Monroe County

Vonore vicinity, *Citico Site*, E of Vonore at Little Tennessee River.

Vonore vicinity, *Toqua Site*, SE of Vonore at Little Tennessee River.

Vonore vicinity, *Tuskegee Site*, E of Vonore at Little Tennessee River.

Obion County

Trimble vicinity, *Parks Covered Bridge*, N of Trimble off U.S. 51.

TEXAS**Bexar County**

Live Oak vicinity, *Live Oak Park Site*, SE of Live Oak on Salitrillo Creek.

Brazoria County

Brazoria vicinity, *Ellerslie Plantation*, SE of Brazoria off TX 36.

Jasper County

Jasper vicinity, *Hen House Ridge Site*, SW of Jasper off U.S. 190.

UTAH**Salt Lake County**

Riverton, *Danstie, George Henry, Farmstead*, 12494 S. 1700 West.

Salt Lake City, *Tracy Loan and Trust Company Building*, 151 S. Main St.

VIRGIN ISLANDS**St. Thomas Island**

Charlotte Amalie, *Hamburg-America Shipping Line Administrative Offices*, 48B Tolbod Gade.

WISCONSIN**Dane County**

Paoli, *Paoli Mills*, 6890 Sun Valley Pkwy.

[FR Doc. 78-15419 Filed 6-5-78; 8:45 am]

[4510-28]

DEPARTMENT OF LABOR**Office of the Secretary**

[TA-W-3092]

ALLEN SHOE CO., INC., HAVERHILL, MASS.**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department

of Labor herein presents the results of TA-W-3092: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 9, 1978, in response to a worker petition received on January 30, 1978, which was filed on behalf of workers and former workers producing women's shoes at the Allen Shoe Co., Inc., Haverhill, Mass.

The notice of investigation was published in the **FEDERAL REGISTER** on February 24, 1978 (43 FR 7743). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Allen Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear, except athletic, increased, in absolute terms, from 1975 to 1976 and declined in 1977 compared to 1976. The ratios of imports to domestic production and consumption declined in 1976 compared to 1975 and increased in 1977 compared to 1976.

The International Trade Commission recently found that certain footwear articles, including women's non-rubber shoes, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to domestic producers. In the women's nonrubber footwear industry, the ratio of imports to domestic production has been greater than 99 percent in each of the past 5 years, reaching a peak level of 122.8 percent in 1977.

A survey of customers revealed that respondents decreased purchases from Allen Shoe Co. and increased purchases of imported women's shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I concluded that increases of imports like or directly competitive with women's shoes produced at the Allen Shoe Co., Inc., Haverhill, Mass., contributed importantly to the decline in sales or production and to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Allen Shoe Co., Inc., Haverhill, Mass., who became totally or partially separated from employment on or after January 25, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15636 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2839]

ARMCO STEEL CORP., ASHLAND, KY.

**Determinations Regarding Eligibility To Apply
for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2839: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 4, 1978 in response to a worker petition received on December 19, 1977, which was filed by the United Steelworkers Union on behalf of workers and former workers producing basic carbon sheet and coil, blooms, and coated sheet and coil at the Ashland, Kentucky Works of the Armco Steel Corp. During the course of the investigation it was revealed that the plant also produces carbon steel plates. It was also established that steel coil is a form of steel sheet and is thus included under the sheet and strip category.

On May 19, 1977 the Department denied the workers of the Ashland Works of Armco Steel Corp. eligibility to apply for adjustment assistance under the Trade Act of 1974 (TA-W-1465).

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3777). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Ashland, Kentucky Works of Armco Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to workers engaged in employment related to the production of coated steel sheet and strip and blooms:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

The Department's investigation revealed that sales and production of

coated steel sheet and strip increased in terms of quantity and value in 1977 compared to 1976. Sales and production of blooms increased in terms of quantity and value in 1977 compared to 1976.

With respect to workers producing uncoated steel sheet and strip and carbon steel plate, all of the group eligibility requirements of section 222 of the Act have been met.

Imports of uncoated hot and cold rolled steel sheet and strip increased from 3620.0 thousand tons in 1975 to 4052.2 thousand tons in 1976, a gain of 11.9 percent. Imports further increased from 2747.8 thousand tons in the first three quarters of 1976 to 4017.7 thousand tons in the first three quarters of 1977, a rise of 46.2 percent. The ratio of imports to domestic shipments decreased from 14.5 percent in 1975 to 11.8 percent in 1976, but increased from 10.3 percent in the first three quarters of 1976 to 16.0 percent in the same period of 1977.

Imports of carbon steel plate increased from 1353.0 thousand tons in 1975 to 1555.4 thousand tons in 1976, a gain of 15.0 percent. Imports further increased from 1083.2 thousand tons in the first three quarters of 1976 to 1355.9 thousand tons in the first three quarters of 1977, a rise of 25.2 percent.

Customers of uncoated sheet and strip, accounting for a significant proportion of the Ashland Works' sales of this product, indicated that they increased purchases of imported uncoated sheet and strip and decreased purchases of this product from the subject firm in 1975 compared to 1976 and in 1977 compared to 1976.

Customers of the carbon steel plates produced at the subject plant indicated that they increased purchases of imported plates and decreased purchase of this product from the subject firm in 1976 compared to 1975 and in 1977 compared to 1976. On October 3, 1977, the U.S. Department of Treasury issued a finding of dumping of carbon steel plates.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with uncoated hot and cold rolled steel sheet and strip and with carbon steel plate produced at the Ashland, Kentucky Works of Armco Steel Corp., contributed importantly to the decrease in sales and production and to the separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Ashland, Kentucky Works of Armco Steel Corp. engaged in employment related to the production of uncoated hot and cold rolled steel sheet and strip, and carbon steel plate who became totally or partially separated from employ-

ment on or after July 2, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that workers engaged in employment related to the production of coated hot and cold rolled steel sheet and strip, and blooms of the Ashland, Kentucky Works of Armco Steel Corp. are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15637 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-3093]

**BETHLEHEM STEEL CORP. REINFORCING BAR
FABRICATING SHOP, ELIZABETH, N.J.**

**Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3093: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 9, 1978, in response to a worker petition received on January 25, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing fabricated reinforcing bars at the Reinforcing Bar Fabricating Shop, Elizabeth, N.J., of Bethlehem Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7743). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

U.S. imports of concrete reinforcing bars decreased both absolutely and relative to domestic shipments in 1977 compared to 1976.

A survey of customers of reinforcing bars produced by the Elizabeth, N.J., plant of Bethlehem Steel Corp. indicated that they reduced purchases from the Elizabeth plant and increased purchases from other domestic manufacturers. The customers did not purchase imported reinforcing bars.

CONCLUSION

After careful review I conclude that all workers at the Reinforcing Bar Fabricating Shop, Elizabeth, N.J., of Bethlehem Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15638 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-3271]

THE BUNKER HILL CO. PEND OREILLE MINE AND MILL, METALINE FALLS, WASH.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3271: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 1, 1978, in response to a worker petition received on February 7, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing zinc and zinc concentrate at the Bunker Hill Co. Pend Oreille Mine and Mill, Metaline Falls, Wash. The Notice of Investigation cited Kellogg, Idaho rather than Metaline Falls, Wash., as the petitioning workers location.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1978 (43 FR 10649). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Bunker Hill Co., Metals Week, Metal Bulletin, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The Bunker Hill Co. Pend Oreille Mine and Mill produces zinc concen-

trate from ores mined at the Pend Oreille Mine. These concentrates are shipped to Bunker Hill's zinc refinery in Kellogg, Idaho, where they are refined into zinc metal for sale by Bunker Hill.

The ratio of imports of slab zinc to domestic production increased from 76.7 percent in 1975 to 127.0 percent in 1976 and 127.9 percent in 1977.

Industry sources maintain that domestic suppliers of zinc can remain competitive with foreign suppliers as long as the domestic price is within five cents per pound of the London Metal Exchange price. Except for brief periods in the spring and summer of 1976 and 1977, the price differential between U.S. producers and the LME has exceeded five cents per pound. The average U.S. production price for zinc was 7.6 cents per pound higher than the average LME zinc price in 1977, well above the five cent limit at which domestic suppliers can remain competitive.

Evidence developed during the course of the investigation indicates that imports of refined zinc metal have been an important factor affecting domestic sales of zinc and depressing the price of zinc. The depressed price of zinc has brought about a reduction in the domestic production of refined zinc and has resulted in cutbacks and shutdowns at many mines and concentrators producing zinc concentrate, including the Bunker Hill Co. Pend Oreille Mine and Mill, at Metaline Falls, Wash.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with zinc concentrate produced by the Bunker Hill Co. Pend Oreille Mine and Mill, Metaline Falls, Wash., contributed importantly to the total or partial separations of workers at that mine and mill. In accordance with the provisions of the Act, I make the following certification:

All workers at the Bunker Hill Co. Pend Oreille Mine and Mill, Metaline Falls, Wash., who became totally or partially separated from employment on or after January 10, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15639 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-3485]

THE BUNKER HILL CO.

PAN AMERICAN MINE AND CASELTON CONCENTRATOR PIOCHE, NEV.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3485: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 30, 1978 in response to a worker petition received on March 27, 1978 which was filed on behalf of workers and former workers producing zinc concentrate at the Bunker Hill Co. Pan American Mine and Caselton Concentrator, Pioche, Nev.

The Notice of Investigation was published in the FEDERAL REGISTER on May 2, 1978, (43 FR 18791-2). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from The Bunker Hill Co., Metals Week, Metal Bulletin, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certificate of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The Bunker Hill Co. Pan American Mine and Caselton Concentrator produces zinc concentrate from ores mined at the Pan American Mine. These concentrates are shipped to Bunker Hill's zinc refinery in Kellogg, Idaho where they are refined into zinc metal for sale by Bunker Hill.

The ratio of imports of slab zinc to domestic production increased from 76.7 percent in 1975 to 127.0 percent in 1976 and 127.9 percent in 1977.

Industry sources maintain that domestic suppliers of zinc can remain competitive with foreign suppliers as long as the domestic price is within 5 cents per pound of the London Metal Exchange price. Except for brief periods in the spring and summer of 1976 and 1977, the price differential between U.S. producers and the LME has exceeded 5 cents per pound. The average U.S. production price for zinc was 7.6 cents per pound higher than the average LME zinc price in 1977, well above the 5 cent limit at which domestic suppliers can remain competitive.

Evidence developed during the course of the investigation indicates

that imports of refined zinc metal have been an important factor affecting domestic sales of zinc and depressing the price of zinc. The depressed price of zinc has brought about a reduction in the domestic production of refined zinc and has resulted in cutbacks and shutdowns at many mines and concentrators producing zinc concentrate, including the Bunker Hill Co. Pan American Mine and Caselton Concentrator at Pioche, Nev.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with zinc concentrate produced by the Bunker Hill Co. Pan American Mine and Caselton Concentrator, Pioche, Nev., contributed importantly to the total or partial separation of workers at those facilities. In accordance with the provisions of the Act, I make the following certification:

All workers at the Bunker Hill Co. Pan American Mine and Caselton Concentrator, Pioche, Nev. who became totally or partially separated from employment on or after March 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15640 Filed: 6-5-78 8:45 am]

[4510-28]

[TA-W-2760]

CEDAROCK COMPANY, INC., PONCE, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2760: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977, in response to a worker petition received on December 5, 1977, which was filed by former workers at the Cedarock Co., Inc. producing costume jewelry.

The Notice of Investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cedarock Co., Inc., the Royal Bead Novelty Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of costume jewelry increased absolutely in each year from 1973 to 1977. The ratio of imports to domestic production of costume jewelry remained unchanged from 1976 to 1977, at 9.3 percent.

The Department conducted a survey of some of the firms that purchased costume jewelry from the marketing affiliate of the Royal Bead Novelty Co. Royal Bead Novelty Co. is the parent firm of the Cedarock Co., Inc. Several of the customers responding to the survey revealed that they reduced their purchases of costume jewelry made by Royal Bead in 1977 compared to 1976 and increased their purchases of that product from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the costume jewelry produced by the Cedarock Co., Inc. in Ponce, contributed importantly to the decline in production and total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Cedarock Co., Inc., Ponce, P.R., who became totally or partially separated from employment on or after November 23, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15641 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-3129]

CITIES SERVICE CO., COPPER CITIES OPERATIONS, MIAMI, ARIZ.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3129: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 15, 1978, in response to a worker petition received on February 2, 1978, which was filed on behalf of workers and former workers performing copper mining and milling operations at the Copper Cities Operations of the Cities Service Co., Miami, Ariz.

The notice of investigation was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8209). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Cities Service Co. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that there have been no involuntary separations at the Copper Cities mine since October 25, 1975.

Pit reserves at Copper Cities were exhausted by the end of April 1975. Milling operations on stockpile continued until September 1975 when all operations except leaching were terminated. By the end of 1975, most of the equipment and buildings housing milling operations were sold. The bulk of employees involved in mining, milling and support groups were laid off on September 15, 1975, with a few employees retained for clean-up. On October 25, 1975, the last of these employees retained for clean-up were laid off. Thereafter, the employees were involved in leaching, a low-cost form of extracting copper.

The petitioning group of workers are seeking adjustment assistance benefits for unemployment experienced subsequent to the shutdown of the Copper Cities operations of the Cities Service Co. in 1975. Section 223 (b) of the Act states that a certification shall not apply to any worker whose last total or partial separation from employment occurred more than one year prior to the date of the petition. The petition is dated January 26, 1978.

CONCLUSION

After careful review I conclude that all workers at the Copper Cities Operations of Cities Service Co., Miami, Ariz. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15642 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2953]

THE CONSOLIDATED RAIL CORP., MINGO JUNCTION SUBDIVISION, MINGO JUNCTION, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2953: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 25, 1978 in response to a worker petition received on January 4, 1978, which was filed on behalf of workers and former workers engaged in transport operations at the Mingo Junction Subdivision of Consolidated Rail Corp., Mingo Junction, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7068). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Consolidated Rail Corp. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act, and that independent firms for which the subject firm provides services cannot be considered to be the "workers' firm".

The Mingo Junction Subdivision of Consolidated Rail Corp. was founded April 1, 1976, and incorporated in the State of Pennsylvania. The Mingo Junction Subdivision is solely and directly controlled by Consolidated Rail Corp.

Consolidated Rail provides rail transportation in 15 States. The railroad owns, leases, and operates various buildings, warehouses, offices, yards, and equipment.

Consolidated Rail Corp., including all regions, divisions, and subdivisions thereof, is licensed and regulated by the Interstate Commerce Commission as a rail common carrier. Consolidated Rail transports all commodities in accordance with the published tariffs on file with the Interstate Commerce Commission.

Consolidated Rail Corp. including all regions, divisions, and subdivisions thereof, has no capital or financial investment in any of its customers.

All workers engaged in the provision of transport services by the Consoli-

dated Rail Corp., Mingo Junction, Ohio, are employed by that firm. All personnel action and payroll transactions are controlled by Consolidated Rail Corp. company personnel. All employment benefits are provided and maintained by the Consolidated Rail Corp. Workers are not at any time under employment or supervision by any customer of the Consolidated Rail Corp. Thus, Consolidated Rail Corp. must be considered the "workers' firm."

CONCLUSION

After careful review, I determine that all workers at the Consolidated Rail Corp., Mingo Junction, Ohio, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15643 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2785 and TA-W-2786]

E.T. IRVIN WORKS, U.S. STEEL CORP., DRAVOSBURG AND BRADDOCK, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2785 and TA-W-2786: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1977, in response to worker petitions received on December 9, 1977, which were filed by the United Steelworkers of America on behalf of all workers engaged in the production of carbon steel products at the Dravosburg (TA-W-2785) and Braddock (TA-W-2786), Pennsylvania plants of the E.T. Irvin Works of the U.S. Steel Corp. The investigation revealed that the Braddock plant produces semi-finished steel products, in the form of carbon steel slabs, all of which are shipped to the Dravosburg plant where carbon steel hot and cold rolled strip and sheet, coated sheet and tin plated steel are the only products produced.

The Notices of Investigation were published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of the U.S. Steel Corp. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. With respect to workers producing cold rolled strip and sheet and coated sheet, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

Plant sales of both cold rolled strip and sheet and of coated sheet increased in the first 11 months of 1977 compared to the like period in the previous year. Plant sales approximate plant production.

Furthermore, with respect to workers engaged in the production of hot rolled strip and sheet and tin plated steel at the Dravosburg plant and with the respect to workers engaged in the production of slabs at the Braddock plant, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or an appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

Most of the customers of hot rolled strip and sheet of the Dravosburg plant who responded to a survey conducted by the Department reported that imports of hot rolled strip and sheet weren't adversely affecting the market served by the Dravosburg plant. Domestic auto producers consume large quantities of this product and domestic auto production increased approximately 10 percent in 1977 compared to 1976. The Dravosburg plant's sales of hot rolled strip and sheet followed the trend for domestic auto production and increased in the January through November period of 1977 compared to the like 1976 period.

A survey of some of the customers of tin plated steel of the Dravosburg plant was conducted by the Department. None of the respondents reported a reduction in purchases of tin plated steel from the Dravosburg plant and an increase of purchases of imported tin-plated steel in 1977 compared to 1976. Most of the respondents reported that imports of tin plated steel have not adversely affected the domestic production of tin plated steel. Their reports are consistent with

the finding that total domestic production of tin plated steel declined less than 2 percent in 1977 compared to 1976. This decline is partially due to the fact that most of the tin plated steel is used in the production of steel cans. The production of steel cans declined in both 1975 and 1976 compared to the respective preceding years.

Evidence developed during the Department's investigation revealed that the work performed at the Braddock plant is an earlier stage of production in the processing of the steel products produced at the Dravosburg plant. Because it has been determined that production at the Dravosburg plant has not been adversely affected by imports, it is further concluded that the earlier stages of production at the Braddock plant have not been adversely affected by imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers of the Braddock and Dravosburg, Pa., plants of the E.T. Irvin Works of the U.S. Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15644 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2581]

GENERAL ELECTRIC CO. LARGE TRANSFORMER BUSINESS DIVISION, PITTSFIELD, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2581: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977 in response to a worker petition received on October 27, 1977 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers and former workers engaged in employment related to the production of power transformers at the Power Transformer Department and the Relations and Utilities Operation of General Electric's Large Transformer Business Division, Pittsfield, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the General Electric Co., the National Electrical Manufacturers Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

General Electric's Large Transformer Business Division has its division headquarters and operates the Power Transformer Department and the Relations and Utilities Operation at Pittsfield, Mass. The Power Transformer Department produces power transformers, ranging in size from 230 to 1100 MVA (million volt-amperes), and distribution transformers, ranging in size from 50 to 500 KVA (thousand volt-amperes). Workers in the Relations and Utilities Operation perform maintenance, repair, and tooling support services for the production of power transformers.

The evidence developed in the Department's investigation revealed that imports of distribution transformers (1-500 KVA) are negligible. Industry analysts indicate that imports of power transformers (over 10,000 KVA) accounted for a constant, 5 to 6 percent share of the U.S. market during the 1972-1977 period. Furthermore, industry analysts estimate that imports of power transformers decreased in quantity from 126 units in 1975 to 78 units in 1976 and remained unchanged in level from 66 units in January-October 1976 to 66 units in January-October 1977.

Domestic demand for power transformers depends primarily on the maintenance and expansion programs of electric utility companies. Since 1973 there has been a decline in the long-term growth rate of electricity use in the U.S., caused partly by higher energy costs and partly by a decrease in new construction of residential and office buildings. In addition, the large number of equipment orders made when electricity use was high has created overcapacity in the utility industry since the 1974-1975 recession. In 1976 and 1977, therefore, electric utility companies reduced capital spending on new and replacement equipment, causing demand for power transformers to decline.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers at the Power Transformer Department and the Relations and Utilities Operation of General Electric's Large Transformer Business Division, Pittsfield, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15645 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-3194]

HARRY IRWIN, INC., NEW YORK CITY, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3194: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 6, 1978, in response to a worker petition received on February 22, 1978, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers producing sportcoats, suitcoats and overcoats at Harry Irwin, Inc., New York City, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8863). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Harry Irwin, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

A certification applicable to the petitioning group of workers was issued on January 29, 1976 (TA-W-308) and expired on January 29, 1978.

The Department's investigation revealed that average employment of all workers at Harry Irwin, Inc., New York City, N.Y., increased 6.7 percent from 1976 to 1977 and 8.0 percent in the first quarter of 1978 compared to the same period in 1977. Average hours worked declined only slightly in the first quarter of 1978 compared to the same period in 1977.

CONCLUSION

After careful review I conclude that all workers at Harry Irwin, Inc., New York City, N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15646 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-3261]

JAMES H. BEANS FOUNDRY CO., MARTINS FERRY, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3261: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 27, 1978, in response to a worker petition received on February 13, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel castings at James H. Beans Foundry Co., Martins Ferry Ohio. The investigation revealed that grey iron castings are produced at the plant.

The Notice of Investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10648). No public hearing was requested and one was held.

The information upon which the determination was made was obtained principally from officials of James H. Beans Foundry Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles pro-

duced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

The James H. Beans Foundry Co. produces grey iron cast ingot molds which are used principally by ferro-alloy producers. Imports of these molds have been negligible from 1973 through 1977.

CONCLUSION

After careful review I conclude that all workers of James H. Beans Foundry Co., Martins Ferry, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15647 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2855]

JONES & LAUGHLIN STEEL CORP., HAMMOND, IND.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2855: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 5, 1978, in response to a worker petition received on December 19, 1977, which was filed by the United Steelworkers of America on behalf of workers producing steel reinforcing bars at the Hammond, Ind., plant of Jones & Laughlin Steel Corp. The investigation revealed that the Hammond plant produces cold finished bars.

The notice of investigation was published in the FEDERAL REGISTER on January 20, 1978 (43 FR 2952). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jones & Laughlin Steel Corp., the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, or such firm or subdivision have decreased absolutely.

Sales of cold finished bars by the Hammond plant increased 23 percent in quantity from 1975 to 1976, increased 10 percent from 1976 to 1977, and increased 25 percent during the first 2 months of 1978 compared to the first 2 months of 1977.

Production of cold finished bars by the Hammond plant increased 15 percent from 1975 to 1976, increased 11 percent from 1976 to 1977, and increased 31 percent during the first 2 months of 1978 compared to the same period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation I determine that workers of the Hammond, Ind., plant of Jones & Laughlin Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15648 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2338]

MAYFLOWER COAT CO, PATERSON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2338: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 13, 1977 in response to a worker petition received on September 7, 1977 which was filed on behalf of workers and former workers producing women's and children's coats at the Mayflower Coat Co., Paterson, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mayflower Coat Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The investigation has re-

vealed that all of the criteria have been met.

Imports of women's, misses' and children's coats and jackets increased from 1.5 million dozen in 1975 to 2.2 million dozen in 1976 and increased to 2.7 million dozen in 1977. Imports increased relative to domestic production from 38.9 percent in 1975 to 57.5 percent in 1976.

A manufacturer for which Mayflower produced under contract, reduced orders with Mayflower and increased orders with foreign contractors. A customer of Mayflower's major manufacturer increased purchases of imports while reducing purchases from that manufacturer.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's and children's coats produced by Mayflower Coat Co., Paterson, N.J., contributed importantly to the decline in production and the separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Mayflower Coat Co., Paterson, N.J., who became totally or partially separated from employment on or after September 2, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15649 Filed 6-5-78; 8:45]

[4510-28]

[TA-W-2967; 2969]

**NORMAL SHOE CO., INC., AUBURN, N.Y., AND
SCHMANKE SHOE CO., INC., ROCHESTER,
N.Y.**

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2967 and 2969: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 26, 1978, in response to a worker petition received on January 11, 1978, which was filed on behalf of workers and former workers engaged in the selling of shoes at Normal Shoe Co., Inc., Auburn, N.Y. (TA-W-2967) and Schmanke Shoe Co., Inc., Rochester, N.Y. (TA-W-2969). The investigation revealed the Schmanke Shoe Co. was one of several branch retail stores

owned and operated by Normal Shoe Co.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7070). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Normal Shoe Co., Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Evidence developed during the Department's investigation revealed that Normal Shoe Co., Inc., was a chain of retail shoe stores headquartered in Auburn, N.Y. Normal Shoe Co. was founded and incorporated on June 12, 1930. Normal Shoe Co., Inc., is a wholly owned subsidiary of Dunn & McCarthy, Inc., a shoe manufacturer headquartered in Auburn, N.Y. By March 1978 all but one of the retail stores of Normal Shoe Co., Inc., had been closed.

Normal Shoe Co., Inc., sells shoes which are manufactured by Dunn & McCarthy, Inc., by other domestic shoe manufacturers and, to a small extent, by foreign manufacturers. Normal Shoe Co. has no contractual agreement to purchase shoes manufactured by Dunn & McCarthy, Inc., and is free to purchase shoes from any source including foreign manufacturers. Total purchases by all of the retail stores of the Normal Shoe Co. from Dunn & McCarthy constituted only 2 percent of total Dunn & McCarthy sales in 1975 and 1976. In addition, in the 1975-77 period the predominant volume of Normal's shoe purchases were from domestic manufacturers other than Dunn & McCarthy.

Employees of Normal's retail stores were engaged in the retail sales of shoes purchased predominantly from domestic source other than Dunn & McCarthy, and to some extent from foreign manufacturers. Since only a small percentage of Dunn & McCarthy's sales were to Normal Shoe and since Normal's retail stores handled shoes purchased predominantly from sources other than Dunn & McCarthy, it has been determined that Normal is not an "appropriate subdivision" of Dunn & McCarthy within the meaning of section 222 of the Trade Act of 1974. Furthermore, the retail stores of Normal Shoe did not produce any articles and the Department of labor has previously determined that the performance of services is not included within the term "articles" as used in section 222(3) of the Act.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that Normal Shoe Co., Inc., Auburn, N.Y., and Schmanke Shoe Co., Inc., Rochester, N.Y., are not "appropriate subdivisions" of Dunn & McCarthy within the meaning of section 222 of the Trade Act of 1974. Moreover, the services provided by Normal Shoe Co.'s retail stores are not articles within the meaning of section 222(3) of the Trade Act.

Signed at Washington, D.C. this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15650 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2767]

ONONDAGA SILK CO., INC., NEW YORK, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2767: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977, in response to a worker petition received on December 1, 1977, which was filed by the Distributive Workers of America (Ind.) on behalf of workers and former workers producing natural and synthetic fabric and also treating and printing grey goods at Onondaga Silk Co., Inc., New York, N.Y. The investigation revealed that the workers produced folded, finished fabric.

The Notice of Investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Onondaga Silk Co., Inc., its customers, the American Textile Manufacturers Institute, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

U.S. imports of finished fabric decreased absolutely in 1977 compared to 1976. The ratio of imports to domestic production has been less than two percent during the 1974 through 1976 period.

Customers of Onondaga Silk Co. are manufacturers of designer apparel. A survey of customers revealed that most respondents did not purchase imported finished fabric. The respondents that increased purchases of imported fabric also increased purchases from Onondaga Silk Co., and/or other domestic firms.

CONCLUSION

After careful review, I conclude that all workers of Onondaga Silk Co., New York, N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration, and Planning.*

[FR Doc 76-15651 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2768]

PONCE PEARL, INC., PONCE, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2768: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977, in response to a worker petition received on December 5, 1977, which was filed by former workers at the Ponce Pearl, Inc. producing costume jewelry.

The Notice of Investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ponce Pearl, Inc., the Royal Bead Novelty Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of costume jewelry increased absolutely in each year from 1973 to 1977. The ratio of imports to domestic production of costume jewelry remained unchanged from 1976 to 1977, at 9.3 percent.

The Department conducted a survey of some of the firms that purchased costume jewelry from the marketing affiliate of the Royal Bead Novelty Co. Royal Bead Novelty Co. is the parent firm of the Ponce Pearl, Inc. Several of the customers responding to the survey revealed that they reduced their purchases of costume jewelry made by Royal Bead in 1977 compared to 1976 and increased their purchases of that product from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the costume jewelry produced by the Ponce Pearl, Inc. in Ponce, P.R., contributed importantly to the decline in production and total or partial separation of workers of the that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Ponce Pearl, Inc., Ponce, P.R., who became totally or partially separated from employment on or after November 23, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978:

JAMES F. TAYLOR,
*Director, Office of Management,
Administration, and Planning.*

[FR Doc. 15652 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2983]

PRECISION BALL BEARING CO., STONE PARK, ILL.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 30, 1978, in response to a worker petition received January 12, 1978, which was filed on behalf of workers and former workers producing ball and roller bearings at Precision Ball Bearing Company, Stone Park, Ill.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7096). No public hearing was requested and none was held.

Precision Ball Bearing Co. acted as a selling agent for bearings purchased from Western Bearings Corp. Precision does not have any employees or facilities. All services performed by

Precision Ball Bearing Co. were purchased for an annual fee from Western Bearings Corp. In essence employees of Precision and Western were identical. Only the names of the firms were different. These workers are covered by another petition, Western Bearings Corp. (TA-W-2993). The investigation has therefore been terminated.

Signed at Washington, D.C., this 24th day of May 1978.

HAROLD A. BRATT,
*Acting Director, Office of
Trade Adjustment Assistance.*

[FR Doc. 78-15653 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2431]

F/V "MEMCO," PROVINCETOWN, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2431: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 6, 1977, in response to a worker petition received on September 30, 1977, which was filed on behalf of fishermen and former fishermen catching scallops and fish for the F/V Memco, Provincetown, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56375). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the F/V Memco, his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706 thousand pounds. Imports in 1977 were 696,261 thousand pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Imports of scallop meat increased from 19,737 thousand pounds in 1975 to 25,253 thousand pounds in 1976. Imports increased from 19,812 thousand pounds in the first 9 months of 1976 to

23,001 thousand pounds in the first 9 months of 1977. Imports of scallop meat as a percentage of production decreased from 150.9 percent in 1975 to 104.2 percent in 1976.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962 thousand pounds in 1975 to 331,044 thousand pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206 thousand pounds in 1975 to 474,015 thousand pounds in 1976 to 478,470 thousand pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian groundfish, flatfish, and scallops either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish and scallops by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian groundfish, flatfish, and scallops as leverage in bidding down the ex-vessel prices paid to domestic fishermen for the same species of groundfish, flatfish, and scallops.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with scallops, groundfish, and flatfish caught by the F/V *Memco*, Provincetown, Mass., contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the Act, I make the following certification:

All workers of the F/V *Memco*, Provincetown, Mass., who became totally or partially separated from employment on or after September 20, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15654 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2173]

PROXIMITY PRINT WORKS

CONE MILLS CORP., GREENSBORO, N.C.

Negative Determination on Reconsideration

On January 17, 1978, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Proximity Print Works of Greensboro, N.C. This determination was published in *FEDERAL REGISTER* on January 24, 1978, (43 FR 3322).

The petitioner in this case raised two issues of substance. The first was that since the beginning of the Trade Act program or worker adjustment assistance on April 3, 1975, workers of a number of other print shops have been certified as eligible to apply for adjustment assistance. The petitioner claims that its workers are in basically the same situation as workers in those other print shops.

Each petition must be considered on its own merits. The circumstances of each trade adjustment assistance case, including the relevant time period, may differ substantially between individual cases.

The second issue raised by the petitioner appears to be that the Department of Labor should have limited its evaluation of increased imports of "like or directly competitive articles" to imports of cotton broad woven print cloth and man-made woven printed fabric, rather than the broader classification of finished fabric (which included, in addition to print cloth and printed fabric, cotton and man-made dyed and flocked fabric.)

Proximity performed both dyeing and printing on cotton and cotton synthetic fabrics for use in a variety of clothing as well as in home furnishings. The Department does not agree with the petitioner's apparent contention that the category of "like or directly competitive" imported articles was too broad. In the reconsideration, however, it deleted the specialized import category of flocked fabric and made corrections in other categories. Imports under the revised overall category, "finished fabric," were down in the first half of 1977 compared to the same period in 1976 and were lower the whole year, 1977, than in 1976.

In its reconsideration, the Department conducted another customer survey. In this survey, customers of those converters (which were direct customers of Proximity) whose overall sales declined were contacted. Little or no displacement of the converters' sales by imported fabric was noted.

CONCLUSION

After reconsideration, I reaffirm the original denial of eligibility to apply

for adjustment assistance to workers and former workers at the Greensboro, N.C., plant of Proximity Print Works.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15655 Filed 6-5-78; 8:45]

[4510-28]

[TA-W-2583]

PULLMAN BERRY CO., HARMONY, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2583: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on November 2, 1977, which was filed by the Berry Metal Employees' Association on behalf of workers and former workers producing oxygen lances at the Harmony, Pa., plant of the Pullman Berry Co.

The notice of investigation was published in the *FEDERAL REGISTER* on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Pullman Berry Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Pullman Berry Co. manufacturers and repairs oxygen lances that are used in steelmaking furnaces.

A Department survey of steel manufacturers revealed that they reply almost exclusively on domestically produced oxygen lances. Imports declined from 1976 to 1977. Imports of steel are not "like or directly competitive" with oxygen lances within the meaning of section 222(3) of the Trade Act of 1974.

CONCLUSION

After careful review I conclude that all workers at the Harmony, Pa., plant of the Pullman Berry Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
*Acting Director, Office of
Foreign Economic Research.*

[FR Doc. 78-15656 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2713]

**REPUBLIC STEEL CORP., STEEL AND TUBES
DIVISION, CLEVELAND, OHIO**

**Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2713: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Cleveland, Ohio, plant in the Steel and Tubes Division of Republic Steel Corp. The investigation revealed that welded carbon and alloy steel pipe and tubing are produced.

In a determination signed on July 12, 1976, workers at the Cleveland, Ohio, plant were denied eligibility to apply for adjustment assistance (see TA-W-749).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and shipments increased in the last quarter of 1976 compared

to the same quarter in 1975 and increased from 1976 to 1977. Production and shipments increased in each quarter of 1977 compared to the respective quarter of 1976.

CONCLUSION

After careful review, I conclude that all workers at the Cleveland, Ohio, plant in the Steel and Tubes Division of Republic Steel Corp., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
*Acting Director, Office of
Foreign Economic Research.*

[FR Doc. 78-15657 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2714]

**REPUBLIC STEEL CORP., STEEL AND TUBES
DIVISION, DETROIT, MICH.**

**Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2714: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Detroit, Mich. plant in the Steel and Tubes Division of Republic Steel Corp. The investigation revealed that welded carbon steel pipe and tubing are produced.

In a determination signed on June 9, 1976, workers at the Detroit (Fernald) plant were denied eligibility to apply for adjustment assistance (see TA-W-750).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have

been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and shipments increased in the last quarter of 1976 compared to the same quarter in 1975 and increased from 1976 to 1977. Production and shipments increased in each quarter of 1977 compared to the respective quarter of 1976.

CONCLUSION

After careful review, I conclude that all workers at the Detroit, Mich. plant in the Steel and Tubes Division of Republic Steel Corp., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
*Acting Director, Office of
Foreign Economic Research.*

[FR Doc. 78-15658 Filed 6-5-78; 8:45 am]

4510-28]

[TA-W-2718]

**REPUBLIC STEEL CORP., UNION DRAWN
DIVISION, PLANT NO. 1, MASSILLON, OHIO**

**Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2718: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977 in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Massillon, Ohio plant in the Union Drawn Division of Republic Steel Corp. The petition covers workers producing cold finished carbon and alloy steel bars and bar shapes in plant No. 1 in Massillon.

In a determination signed on July 27, 1976, workers engaged in employment related to the production of stainless and specialty steel products at plant No. 2 in Massillon were certified as eligible to apply for adjustment assistance (see TA-W-833).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic

Steel, Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and shipments increased in the last quarter of 1976 compared to the same quarter in 1975 and increased from 1976 to 1977.

CONCLUSION

After careful review, I conclude that all workers engaged in employment related to the production of carbon and alloy steel products at plant No. 1 in Massillon, Ohio, in the Union Drawn Division of Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers producing stainless and specialty steel products at plant No. 2 in Massillon continue to be covered under the existing certification (TA-W-833).

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
*Acting Director, Office of
Foreign Economic Research.*

[FR Doc. 15659 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2720]

REPUBLIC STEEL CORP., UNION DRAWN DIVISION, BEAVER FALLS, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2720: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing various steel products at the Beaver Falls, Pa. plant in the Union Drawn Division of Republic Steel Corp. The investigation revealed that cold finished carbon and alloy steel bars and bar shapes are produced.

The notice of investigation was published in the FEDERAL REGISTER on De-

cember 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and shipments increased in the last quarter of 1976 compared to the same quarter in 1975 and increased from 1976 to 1977. Production and shipments increased in each quarter of 1977 compared to the respective quarter of 1976.

CONCLUSION

After careful review, I conclude that all workers at the Beaver Falls, Pa., plant in the Union Drawn Division of Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
*Acting Director, Office of
Foreign Economic Research.*

[FR Doc. 78-15660 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-3187]

SEA-LAND SERVICE, INC., SOUTH KEARNEY, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3187: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 6, 1978, which was filed on behalf of workers formerly engaged in transport operations at Sea-Land Service, Inc., South Kearney, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sea-Land Service, Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act.

The Department's investigation revealed that Sea-Land Service, Inc., is a common carrier of containerized ocean-going cargo.

The South Kearney, N.J. facility was a trucking terminal which provided transport services to and from the corresponding port facilities of Sea-Land. Each trucking terminal of Sea-Land was located near a port facility. Workers at the firm are engaged in transport operations and perform no production functions.

CONCLUSION

After careful review, I conclude that workers at the South Kearney, N.J. facility of Sea-Land Service, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of May 1978.

HARRY J. GILMAN,
*Acting Director, Office of
Foreign Economic Research.*

[FR Doc. 78-15661 Filed 6-5-78; 8:45]

[4510-28]

[TA-W-3188]

SEA-LAND SERVICE, INC., LINDEN, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3188: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 6, 1978, which was filed on behalf of workers formerly engaged in transport operations at Sea-Land Service, Inc., Linden, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sea-Land Service, Inc., and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act.

The Department's investigation revealed that Sea-Land Service, Inc., is a common carrier of containerized ocean-going cargo.

The Linden, N.J., facility was a trucking terminal which provided transport services to and from the corresponding port facilities of Sea-Land. Each trucking terminal of Sea-Land was located near a port facility. Workers at the firm are engaged in transport operations and perform no production functions.

CONCLUSION

After careful review, I conclude that workers at the Linden, N.J. facility of Sea-Land Service, Inc., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of May 1978.

HARRY J. GILMAN,
*Acting Director, Office of
Foreign Economic Research.*

[FR Doc. 78-15662 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2680]

U.S. STEEL CORP., HOMESTEAD PLANT, HOMESTEAD, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2680: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1977, in response to a worker petition received on November 17, 1977, which was filed by the United Steelworkers of America on behalf of all workers and former workers producing railroad wheels and axles and carbon steel at the Homestead Works of U.S. Steel Corp., in Homestead, Pa. The investigation revealed that the following carbon steel products are produced at the Homestead plant: structurals, plate, pilings, and forgings. Workers engaged in the production of plate, structurals, and pilings were previously certified eligible for adjustment assistance on September 22, 1977 (see TA-W-1439). Workers engaged in the production of forgings have not previously been considered.

The investigation further revealed that railroad wheels and axles are pro-

duced at the Wheel and Axle Division of the Homestead Works of U.S. Steel Corp. The Wheel and Axle Division is located in McKees Rocks, Pa. A separate investigation has been instituted under the same petition on behalf of workers at the McKees Rocks plant (see TA-W-3417).

The Notice of Investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production of forgings at the Homestead plant increased in the last quarter of 1976 compared to the last quarter of 1975 and increased in 1977 compared to 1976.

CONCLUSION

After careful review I conclude that all workers at the Homestead, Pa., plant of U.S. Steel Corp., engaged in employment related to the production of steel forgings are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
*Acting Director, Office of
Foreign Economic Research.*

[FR Doc. 15663 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-1989]

WEBSTER ENTERPRISES, INC., CLEVELAND, OHIO

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on August 15, 1977, applicable to workers and former workers at Webster Enterprises, Inc., Cleveland, Ohio. The Notice of Certification was published in the FEDERAL REGISTER on August 23, 1977 (42 FR 42411).

At the request of the Employment and Training Administration, a further investigation was made by the Director of the Office of Trade Adjustment Assistance. A review of the case revealed that some layoffs of corporate officers who were completing the shutdown of the plant occurred as late as January 1977. These layoffs were not covered by the original certification period of April 12, 1976, through October 1, 1976.

The intent of the Certification is to cover all workers at Webster Enterprises, Inc., who were affected by the decline in production of squeeze toys related to import competition. The certification, therefore, is revised providing a new termination date of February 15, 1977.

The revised certification applicable to TA-W-1989 is hereby issued as follows:

All workers at Webster Enterprises, Inc., Cleveland, Ohio, who became totally or partially separated from employment on or after April 12, 1976, and before February 15, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration, and Planning.*

[FR Doc. 78-15664 Filed 6-5-78; 8:45 am]

[4510-28]

RELATIVE INCREASES OF IMPORTS

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance

under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such

request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 16, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 16, 1978.

The petitions filed in this case are available for inspection at the Office

of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 23rd day of May 1978.

HAROLD A. BRATT,
Acting Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
ASARCO, Inc. (USWA)	East Helena, Mont	May 19, 1978	May 1, 1978	TA-W-3,742	Converts slag to zinc.
Big Yank Corp. (ACTWU)	Tyrone, Pa.	May 15, 1978	May 11, 1978	TA-W-3,743	Men's shirts and work pants.
Brown Shoe Co. (workers)	Piedmont, Mo.	May 18, 1978	May 15, 1978	TA-W-3,744	Shoe components.
Butte Knitting Mills (workers)	Walnut Ridge, Ariz.	May 16, 1978	May 4, 1978	TA-W-3,745	Ladies' sportswear and dresses.
Cornelius Weiss Co., Inc. (ACTWU)	Brooklyn, N.Y.	May 15, 1978	May 11, 1978	TA-W-3,746	Contractor of ladies' slacks.
Crescent Wire & Cable Co. Division of T.R.W. (IAM)	Trenton, N.J.	May 18, 1978	May 16, 1978	TA-W-3,747	Building wire.
E & W of Ilmo, Inc. (ACTWU)	Ilmo, Mo.	May 15, 1978	May 11, 1978	TA-W-3,748	Boys' and men's blue jeans.
Pemia Fashions, Inc. (Blouse, Skirt & Sportswear Workers' Union)	Brooklyn, N.Y.	May 18, 1978	May 15, 1978	TA-W-3,749	Ladies' sportswear.
McGregor Doniger, Inc. (ACTWU)	Berwick, Pa.	May 15, 1978	May 11, 1978	TA-W-3,750	Distribution of men's winter coats and lightweight spring jackets shipped to the customers.
Miami-Inspiration Hospital, Inc. (USWA)	Miami, Ariz.	May 8, 1978	May 1, 1978	TA-W-3,751	Hospital, medical, and surgical needs for City Services Mine Co.
Pisces Fashions (workers)	Deer Park, N.Y.	May 5, 1978	May 2, 1978	TA-W-3,752	Ladies' coats.
Rochester Button Co. (ACTWU)	Rochester, N.Y.	May 15, 1978	May 11, 1978	TA-W-3,753	Buttons.
W & W Electronics (workers)	Boston, Mass.	Apr. 14, 1978	Mar. 14, 1978	TA-W-3,754	Electronic assembly.
Werthan Industries, Inc. (workers)	North Nashville, Tenn.	May 18, 1978	May 16, 1978	TA-W-3,755	Printing and finishing of materials.
Western Publishing Co., Inc. (workers)	St. Louis, Mo.	do	May 15, 1978	TA-W-3,756	Commercial printing.
M. Wile & Co., Inc. (ACTWU)	Buffalo, N.Y., Elmwood Ave	May 15, 1978	May 11, 1978	TA-W-3,757	Men's tailored clothing.
Do	Dunkirk, N.Y.	do	do	TA-W-3,758	Do.
Do	Buffalo, N.Y., Goodell St.	do	do	TA-W-3,759	Do.

[FR Doc. 78-15519 Filed 6-5-78; 8:45 am]

[4510-28]

RELATIVE INCREASE OF IMPORTS

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers'

firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such

request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 16, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 16, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alstate Lawn Products (workers)	Duluth, Minn.	Apr. 25, 1978	Apr. 17, 1978	TA-W-3,760	Women's and children's raincoats.
Ancur Textile Printing Corp.	East Newark, N.J.	May 22, 1978	May 19, 1978	TA-W-3,761	Printing textile screens.
ASARCO, Inc. (USWA)	Perth Amboy, N.J.	Feb. 7, 1978	Jan. 15, 1978	TA-W-3,762	Copper rod and tubes and atomic shielding.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Atrax Cemented Carbide (USWA).....	West Mifflin, Pa.....	May 19, 1978	May 18, 1978	TA-W-3,763	Cemented tungsten carbide.
Fur Modes, Inc. (ILGWU).....	Jersey City, N.J.....	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,764	Contractor of ladies; manmade fur coats.
Kennecott Copper Co. Corp., Ray Mines Division (USWA).	Hayden, Ariz.....	May 19, 1978	May 18, 1978	TA-W-3,765	Mines copper bearing ores and produces copper anodes and cathodes.
Do.....	Ray, Ariz.....	do.....	do.....	TA-W-3,766	Do.
Koppers Co., Inc., Corrugated Box Machinery Operation (workers).	Cranford, N.J.....	May 22, 1978	May 15, 1978	TA-W-3,767	Auxiliary products for the production of corrugated boxes.
Philadelphia Bethlehem & New England RR. Co. (USWA).	Bethlehem, Pa.....	May 18, 1978	May 16, 1978	TA-W-3,768	Transports raw materials and finished products within the Bethlehem, Pa., plant of Bethlehem Steel Corp., and to the customers.
River St. Sportswear Corp. (workers).....	Lowell, Mass.....	May 22, 1978	May 5, 1978	TA-W-3,769	Women's dresses and sportswear.
Victoria Fashion (workers).....	Springfield, Mass.....	May 16, 1978	May 11, 1978	TA-W-3,770	Women's apparel.
Weyerhaeuser Co. (workers).....	Ridgway, Pa.....	May 23, 1978	May 15, 1978	TA-W-3,771	Sliced veneer.

[FR Doc. 78-15520 Filed 6-5-78; 8:45 am]

[4510-23]

NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

Public Hearing

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold a public hearing on July 11, 1978, in Room 276, 1375 Peachtree Street NE., Atlanta, Ga. 30309.

The National Commission on Employment and Unemployment Statistics was established under section 13 of the Emergency Jobs Program Extension Act of 1976, Pub. L. 94-444. Its purpose is to advise the President and the Congress on reliable and comprehensive measurements of employment and unemployment by examining the procedures, concepts, and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

Both producers and users of employment and unemployment statistics are invited to testify regarding the adequacy of current concepts and methods involved in producing these statistics for the Nation, regions, States, and local areas. Testimony is invited on the usefulness of current statistics to policymaking and the specific needs of users.

The hearing will begin at 9:30 a.m. The public is invited to attend. Persons desiring to testify should submit a written request at least seven days before the hearing date. Written statements should be provided 24 hours in advance of the scheduled appearance. These materials and additional questions regarding the hearings or the National Commission on Employment and Unemployment Statistics may be addressed to: Marc Rosenblum, Staff

Economist, National Commission on Employment and Unemployment Statistics, 2000 K Street NW., Suite 550, Washington, D.C. 20006.

Signed at Washington, D.C. this 1st day of June, 1978.

SAR A. LEVITAN,
Chairman.

[FR Doc. 78-15547 Filed 6-5-78; 8:45 am]

[4410-01]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

Organizational Meeting

Notice is hereby given that the National Commission for the Review of Antitrust Laws and Procedures (hereinafter "the Commission") in accordance with Executive Order 12022 and section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Wednesday, June 21, 1978, starting at 2 p.m. in Room 2141 of the Rayburn House Office Building, Independence and South Capitol Street SW., Washington, D.C.

The main purposes of this organizational meeting are as follows:

- (1) To discuss the objectives of the Commission;
- (2) To receive a report on staff organization and activities to date;
- (3) To adopt rules of procedure;
- (4) To consider an initial work plan, including a proposal for public hearings on July 11-13, 1978, on complex litigation issues and for 2 days during the week of July 24, 1978, on antitrust immunities;
- (5) To consider currently proposed research projects, including an empirical review of complex antitrust cases; and

(6) To discuss and consider such other matters relating to the organization and scope of the Commission as may be raised by the Chairman or members of the Commission.

The meeting will be open to the public. Members of the public and other interested parties are invited throughout the duration of the Commission to make written submissions relating to its work. Such submissions may be sent to the National Commission for the Review of Antitrust Laws and Procedures, Department of Justice Building, 10th Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. The main telephone number of the Commission office is 202-739-2900. It is suggested that any submissions over fifty pages in length (double-spaced) be accompanied by a summary of no more than ten double-spaced pages.

Further information on proposed public hearings of the Commission will be published after the organizational meeting.

Dated: June 1, 1978.

JOHN H. SHENEFIELD,
Chairman.

[FR Doc. 78-15693 Filed 6-5-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE DIABLO CANYON NUCLEAR POWER STATION

Meeting

The ACRS Subcommittee on the Diablo Canyon Nuclear Power Station will hold a meeting on June 21-22, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to continue its review of the Pacific Gas and

Electric Co.'s applications for operating licenses for Units 1 and 2 of this Station.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, 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 Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Wednesday, June 21 and Thursday, June 22, 1978; 8 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the Pacific Gas and Electric Co., the NRC Staff, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

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 Designated Federal Employee for this meeting, Mr. John C. McKinley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.d.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H

Street NW., Washington, D.C. 20555, and at the San Luis Obispo Free Library, San Luis Obispo, Calif. 93406.

Dated: June 1, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-15565 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Co. of New York, Inc. (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility), located in Buchanan, Westchester County, N.Y. The amendment is effective as of its date of issuance.

The amendment requires an inspection of steam generators on or before December 1, 1979. The Technical Specifications for the facility has also been revised to establish new steam generator leakage limits.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated March 24, 1978, as supplemented by letter dated May 4, 1978, (2) Amendment No. 40 to License No. DPR-26 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 White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. 10601. 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 May 1978.

For The Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15567 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket No. 50-289]

METROPOLITAN EDISON CO., JERSEY CENTRAL POWER AND LIGHT CO., AND PENNSYLVANIA ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power and Light Co. and Pennsylvania Electric Co. (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to add surveillance requirements and limiting conditions for operations with respect to the average air temperature inside the containment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 22, 1977, (2) Amendment No. 41 to License No. DPR-50, 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 Govern-

ment Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. 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 24th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-15568 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Order for Modification of License

I

The Northern States Power Co. (the licensee), is the holder of Facility Operating License Nos. DPR-42 and DPR-60 which authorizes the operation of the nuclear power reactors known as Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 (the facilities) at steady reactor power levels not in excess of 1,650 megawatts thermal (rated power). The facilities consist of Westinghouse Electric Corp. designed pressurized water reactors (PWR) located at the licensee's site in Goodhue County, Minn.

II

In accordance with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR 50.46, the licensees submitted on January 20, 1977 an ECCS evaluation for proposed operation using 14 x 14 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS performance evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for these facilities. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydro-

gen generation, coolable geometry and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facilities are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facilities as soon as possible.

As discussed in this Order and in the SER, operation of the Prairie Island facilities at the peaking factor limit specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a

peaking factor not exceeding the value specified herein. These commitments were confirmed by the licensee's letter of April 10, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. 55401.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Northern States Power Co., to the Director, Nuclear Reactor Regulation, dated April 10, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered that Facility Operating License Nos. DPR-42 and DPR-60 are hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_0) for these facilities shall be limited to maximum allowable 2.24 if the accumulator conditions are modified as specified in the licensee's letter dated April 10, 1978, or to 2.21 if the accumulator conditions are not so modified.

Dated at Bethesda, Md., this 18th day of May 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-15569 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., THE CITY OF EUGENE, OREGON, PACIFIC POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued

amendment No. 28 to facility operating license No. NPF-1 issued to Portland General Electric Co., the city of Eugene, Oreg., and Pacific Power & Light Co. which revised technical specifications for operation of the Trojan nuclear plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

The amendment modifies the operability testing frequency for containment isolation check valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) the application for amendment dated April 29, 1977, (2) amendment No. 28 to license No. NPF-1, 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. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. 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 4th day of May 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15570 Filed 6-5-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regula-

tory 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 1.139, "Guidance for Residual Heat Removal," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the removal of decay heat and sensible heat after shutdown of a nuclear power reactor.

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 1.139 will, however, be particularly useful in evaluating the need for an early revision if received by August 4, 1978.

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 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 30th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc. 78-15566 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued

amendment Nos. 41 and 40 to facility operating license Nos. DPR-32 and DPR-37, issued to Virginia Electric & Power Co. (the licensee), which revised technical specifications for operation of the Surry power station, unit Nos. 1 and 2 (the facility) located at Surry County, Va. The amendments are effective within 30 days of the date of issuance.

The amendments revise the technical specifications to provide limiting conditions for operation and surveillance requirements for emergency diesel generators and batteries.

The application for the amendments 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 amendments. Prior public notice of these amendments 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 need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) the application for amendments dated January 13, 1978, (2) amendment Nos. 41 and 40 to license Nos. DPR-32 and DPR-37, 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 Swem Library, College of William and Mary, Williamsburg, Va. 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 10th day of May 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15571 Filed 6-5-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND
BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 31, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; and indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Evaluation of Specially Adapted Housing Program, single time, 950 disabled veterans, Clearance Office, 395-3772.

U.S. CIVIL SERVICE COMMISSION

Supervisory Compensation Practice Pilot Study, CSC 1342, single time, 200 business firms, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF STATE (EXCLUDING AID AND ACTION)

Skills Catalogue, DSP-92, on occasion, 4,000 foreign service spouses, Marsha Traynham, 395-3773.

DEPARTMENT OF ENERGY

Energy Activities in Two-Year Education Institutions, other (See SF-83), 750 Two-Year Education Institutions, Clearance Office, 395-3772.

Field Evaluation of Room Air Conditioners, EIA-65, single time, 520 residents in local area, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service, Operational and Financial Guidelines for Rural Cooperatives, single time, 35 farmer Co-operatives Managers or Controllers, Office of Federal Statistical Policy and Standard, 673-7959.

FOREST SERVICE

Visitor Reactions to Visitor Information Programs and Facilities of Summit Dis-

trict, Stanislaus National Forest, Calif., single time, 1,000 visitors using summit district visitor facilities, Clearance Office, 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Census Reinterview Study, 1978 Census of Richmond, Va.; 1980 Census Dress Rehearsal, D-804(X), single time, 2,000 households, Clearance Office, 395-3772.

Bureau of Economic Analysis, Annual Survey of Foreign Direct Investment in the U.S., 1977, BE-15, Annually, 1,500 Foreign Owned U.S. Business Enterprises, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Reference Request (Commissioned Corps) PHS1813, on occasion, 20,224 individuals, Richard Eisinger, 395-3214.

National Institutes of Health, Survey of Laboratory Animal Facilities and Resources, single time, 1,750 laboratory animal facilities, Richard Eisinger, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Community Development Block Grant Entitlement Grants, application package, other (See SF-83), 9,099 States and Units of Local Government Housing, Veterans and Labor Division, Budget Review Division, 395-3532.

Office of the Secretary, Survey of Developmental Needs of Small Cities, single time, 2,000 chief executive, cities below 50,000, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Household Survey of Immigration Attitudes, single time, 1,200 adult residents in Texas, Raynsford, R., 395-3814.

DEPARTMENT OF TRANSPORTATION

Departmental and other survey of Trucking Service to Small Communities, single time, 600 shippers and receivers in rural communities, clearance office, 395-3772.

Federal Railroad Administration, Survey of Alcohol Use on Railroads, single time, 7,800 employees of private railroads, Office of Federal Statistical Policy and Standard, 673-7959.

REVISIONS

SMALL BUSINESS ADMINISTRATION

Evaluation Technology Assistance Program, SBA 941, on occasion, small businesses, 2,500 responses, 625 hours, Clearance Office, 395-3772.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, Statement of Compliance: Importation of Motor Vehicle, HS-336A, HS-336B, HS-411A, HS-411B, single time, importers of nonconforming motorcycles, 1,000 responses, 1,000 hours, Strasser, A., 395-6132.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Application for Contribution Toward the Cost of Part B (Medical Insurance of Medicare), SF2814-A, on occasion, annuitants eligible under RFEHB program, 151,500 responses, 7,750 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, Adult/Continuing Education: Noncredit Activities in Institutions of Higher Education, 1975-76, NCES2300-8, single time, 479 responses, 1,431 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit:

Application for Approval as Mortgagee (Supervised by a Government Agency), FHA-2001, on occasion, supervised mortgagees, 1,400 responses, 2,100 hours, Caywood, D. P., 395-3443.

Application for Approval as Investing Mortgagee, 2001-G, on occasion, 25 responses, 6 hours, Caywood, D. P., 395-3443.

Community Planning and Development, Report on Budgetary Status and Project Balance Sheet, HUD-6250, semiannually, urban renewal agencies, 872 responses, 2,616 hours, Housing, Veterans and Labor Division, Caywood, D. P., 395-3532.

Housing management, Report of Construction Status of Advance Planning Project, HUD-4435, annually, local public bodies, 3,800 responses, 3,800 hours, Caywood, D. P., 395-3443.

DAVID R. LEUTHOLD,
Budget and Management Office.

[FR Doc. 78-15773 Filed 6-5-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE
COMMISSION

[Release No. 34-14815; File No. SR-PCC-78-1]

PACIFIC CLEARING CORP.

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 May 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE
OF THE PROPOSED RULE CHANGE

The proposed rule change is an Interregional Interface Agreement and an Interregional Interface Participants Agreement between Pacific Clearing Corp. ("PCC") and Stock Clearing Corp. of Philadelphia

("SCCP"). These agreements, which are very similar to existing interregional interface agreements between clearing corporations, allow participants in one clearing corporation to clear and settle, through an interface, transactions with participants in another clearing corporation.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The agreements which are the subject of this filing are designed to provide a framework for an interregional interface between PCC and SCCP. In the past there has been little demand for such an interface, but there is expected to be greater demand in the future when the Pacific Stock Exchange commences participation in the intermarket trading system.

The proposed rule change, by aiding in the completion of interregional interfaces among all registered clearing agencies, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and contributes to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments from PCC members or participants were neither solicited nor received.

PCC believes that the proposed rule change will not impose any burden on competition.

PCC requested that the Securities and Exchange Commission approve the proposed rule change prior to the thirtieth day after notice has been published in the FEDERAL REGISTER.

On or before July 11, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal

office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 30, 1978.

[FR Doc. 78-15555 Filed 6-5-78; 8:45 am]

[8010-01]

[Release No. 34-14813; File No.
SR-PSD-78-1]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

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 April 12, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change involves implementation of a third party delivery service in the interface between Pacific Securities Depository Trust Co. (PSDTC) and Depository Trust Co. (DTC). The proposed rule change is contained in Exhibit 2 to PSDTC's filing on Form 19b-4A, File No. SR-PSD-78-1.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to implement a third party delivery service in the interface between PSDTC and DTC. The third party delivery capability will permit a participant in one depository to deliver securities to, or receive securities from, a participant in the other depository "free" (without money settlement). Previously, only a participant affiliated with both depositories could use the interface and then only to move positions between its accounts in PSDTC and DTC.

The proposed rule change would carry out the purposes of section 17A of the Securities Exchange Act of 1934 by facilitating the prompt and accurate clearance and settlement of securities transactions for which PSDTC is responsible in that the proposed rule change (i) eliminates the need for dual participants in PSDTC and DTC to

initiate multiple book-entry movements with attendant charges to effect inter-depository movements and (ii) enables sole participants of one depository to effect book-entry deliveries to sole participants of the other depository, which would otherwise necessitate physical deliveries by inter-city securities shipments.

PSDTC announced in its Newsletter of November 1976 and March 1977 the progress of the interface with DTC. The third-party delivery service was announced to all participants by PSDTC Member Information notice dated February 17, 1978. No comments have been received.

PSDTC perceives no burden on competition by reason of the proposed rule change.

On or before July 11, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 30, 1978.

[FR Doc. 78-15556 Filed 6-5-78; 8:45 am]

[8010-01]

[Release No. 34-14814; File No. SR-PSD-78-2]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Self-Regulatory Organization 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 May 1, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The proposed rule change seeks to revise fees to Pacific Securities Depository Trust Co. (PSDTC) participants. The following schedule presents the revised fees (italics indicate new material and brackets indicate deletions):

Service and Fee

- A. Deposits—[\$.40] *\$0.20* per deposit.
- B. Physical withdrawals—[\$.75] *\$2* per withdrawal plus *\$0.10* per 100 shares of stock or *\$0.10* per *\$1,000* value of bonds (maximum of [\$2.50] *\$4* per withdrawal).
- C. Allocations, releases, internal movements, third party movements (non-valued)—[\$.40] *\$0.50* per item.
- D. Custody—\$0.02 per line item per day plus *\$0.005* per 100 shares up to 25 million shares. [*\$0.025*] *\$0.0013* per 100 shares, 25 million to 200 million shares. [*\$0.013*] *\$0.0065* per 100 shares, 200 million to [*500*] 300 million shares. [*0.0065*] *no charge* above 300 million shares.
- E. Stock loan—\$0.08 per *\$1,000* loan value per day increased (decreased) by *\$0.001* for every *¼* percent increase (decrease) in the broker call rate between 6 percent and 9 percent.
- F. Reorganization—\$5 per reorganization item.
- G. Legal deposits—\$10 per legal deposit.
- H. Tape output of position listings—\$20 per tape plus *\$2* per 1,000 entries.
- I. Research—According to nature of research. 5

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is intended to associate service charges more appropriately with the cost of performing the services provided to participants. The change in the stock loan fee is intended to relate the fee to the economic value of the stock loan program. The proposed rule change also is intended to increase revenue in order to keep PSDTC slightly above a breakeven level of income over expenses.

The proposed rule change relates to the equitable allocation of dues, fees and other charges among participants. Comments on the proposed rule change have not been solicited.

PSDTC believes that the proposed rule change would not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate

in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number reference in the caption above and should be submitted on or before June 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 30, 1978.

[FR Doc. 78-15563 Filed 6-5-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

(Declaration of Disaster Loan Area No. 14811)

HAWAII

Declaration of Disaster Loan Area

The listing below of the three counties and adjacent counties within the State of Hawaii constitutes a disaster area as a result of natural disaster as indicated:

County, Natural Disaster, and Date

Hawaii, Drought, July 1, 1977-March 15, 1978.
Kauai, Drought, May 1, 1977-March 15, 1978.
Maui, Drought, June 1, 1977-March 15, 1978.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 27, 1978, and for economic injury, until the close of business on February 26, 1979, at: Small Business Administration, District Office, 300 Ala Moana, P.O. Box 50207, Honolulu, Hawaii 96850, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 26, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-15618 Filed 6-5-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 14821)

MISSISSIPPI

Declaration of Disaster Loan Area

Pearl River County and adjacent counties within the State of Mississippi constitute a disaster area as a result of damage caused by rainfall, flooding and rising water which occurred on May 3-4, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 31, 1978, and for economic injury until the close of business on February 28, 1979, at:

Small Business Administration, District Office, Providence Capitol Building, Room 690, 200 E. Pascagoula Street, Jackson, Miss. 39201.

Small Business Administration, Branch Office, Gulf National Life Insurance Building, 2nd Floor, 111 Fred Haise Boulevard, Biloxi, Miss. 39530.

Or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 30, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-15619 Filed 6-5-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1457; Amdt. No. 2)

TEXAS

Declaration of Disaster Loan Area

The above number Declaration (see 43 FR 16584) and Amendment No. 1 (see 43 FR 20070) are amended by adding the following counties:

County, Natural Disaster, and Date

Kerr, Drought, June 15, 1977-April 21, 1978.
Kimble, Drought, July 1, 1977-April 18, 1978.
Mason, Drought, May 1, 1977-April 5, 1978.
Mason, Hail, September 15, 1977.
Starr, Drought, March 1, 1977-April 10, 1978.

And adjacent counties within the State of Texas as a result of natural disaster as indicated. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business October 11, 1978, and for economic injury until the close of business on December 11, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 30, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-15620 Filed 6-5-78; 8:45 am]

[4810-40]

DEPARTMENT OF TREASURY

Office of the Secretary

(Public Debt Series No. 13-78)

SERIES H-1982 NOTES

Announcement of Interest Rates

JUNE 1, 1978.

The Secretary of the Treasury announced on May 31, 1978, that the interest rate on the notes designated series H-1982, described in Department circular—public debt series—No. 13-78, dated May 23, 1978, will be 8½ percent. Interest on the notes will be payable at the rate of 8½ percent per annum.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.

(FR Doc. 15577 Filed 6-5-78; 8:45 am)

[8320-01]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING
REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by section 1790(b), Title 38, United States Code, will be held in Room A53, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on June 28, 1978, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Regional Office, Nashville, Tenn., that terminated educational benefits to all veterans and eligible persons presently enrolled and discontinued new enrollments at the International Barber College, 539 Broadway, Nashville, Tenn., effective February 15, 1978.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Bernard D. Duber, Chief, Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office, phone 202-389-2850, prior to June 19, 1978.

Dated: May 30, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

(FR Doc. 78-15621 Filed 6-5-78; 8:45 am)

[7035-01]

INTERSTATE COMMERCE
COMMISSION

(Notice No. 6771)

ASSIGNMENT OF HEARINGS

JUNE 1, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 123407 (Sub-No. 429), Sawyer Transport Co. and No. MC 124947 (Sub-No. 78), Machinery Transports, Inc., now assigned June 12, 1978, at Atlanta, Ga. will be held at the Peachtree Plaza Hotel, International Boulevard and Peachtree Street, instead of Room 305, 1252 W. Peachtree Street NW.

No. MC 109397 (Sub-No. 404F), Tri-State Motor Transit Co. and No. MC 83539 (Sub-No. 490), C & H Transportation Co., Inc., now assigned June 12, 1978, at Atlanta, Ga. will be held at the Peachtree Plaza Hotel, International Boulevard and Peachtree Street.

MC-C 9761, Carolina Coach Co., et al. v. Mandrell Motor Coach, Inc., now assigned June 7, 1978 at Dover, Del. is cancelled and reassigned to Easton, Md. at Circuit Court, Grand Jury Room, Talbot County.

No. MC 140389 (Sub-No. 17), Osborn Transportation, Inc., is assigned for hearing July 11, 1978 at San Francisco, Calif., and will be held at Room 510, 211 Main St.

No. MC 114211 (Sub-No. 330), Warren Transport, Inc., is assigned for hearing July 17, 1978 at San Francisco, Calif., and will be held at Room 510, 211 Main St.

No. MC 33641 (Sub-No. 96 M1), IML Freight, Inc., is assigned for hearing July 11, 1978 at San Francisco, Calif., and will be held at Court Room 2, Sixth Floor, 211 Main St.

No. 36817, paper articles, between points in official territory and No. 36817 Sub-No. 1, sanitary paper and related articles, east, midwest and south, now assigned June 5, 1978, at Washington, D.C., is postponed to June 6, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C., hearing for presentation of respondents rebuttal testimony and closing of the record will be held on June 27, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 36747, Armco Steel Corporation v. The Atchison, Topeka and Santa Fe Railway Company, et al., is now assigned for continued hearing on June 20, 1978 at the offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-15632 Filed 6-5-78; 8:45 am)

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 1, 1978.

These applications for long-and-short-haul relief have been filed with the ICC

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43555, Karlander (Australia) PTY. Ltd., No. 2, on intermodal rates on general commodities, from rail carrier's terminals at U.S. Atlantic and Gulf coast ports to ports in Australia, published in its Tariff No. 2, ICC No. 2, effective June 25, 1978. Grounds for relief—water competition.

FSA No. 43556, Southwestern Freight Bureau, Agent, No. B-742, rates on lime, from Marble City, Okla., to stations in Eastern, Southern, and Southwestern territories, published in Tariff SW/S-231-F, ICC No. 4997, effective July 4, 1978. Grounds for relief—market competition.

FSA No. 43557, French Line, No. 1, rates on general commodities, between rail carrier's terminals on the U.S. Pacific coast and ports in Continental Europe, Eire, and the United Kingdom, published in North Europe-United States Pacific Freight Conference Westbound Pacific Coast Joint Container Tariff ICC No. 4, and Eastbound Pacific Coast European Joint Container Freight Tariff ICC No. 1, effective June 25, 1978. Grounds for relief—water competition.

FSA No. 43558, Traffic Executive Association—Eastern Railroads, Agent, No. 3070, rates on fly ash, between stations in New England, Central, Trunk Line and Southern rail territories, and stations in Illinois, Iowa, Kentucky, Michigan, Missouri, Wisconsin, published in its Tariff E-2009-I, ICC C-1008, effective July 1, 1978. Grounds for relief—maintain class rate routes/present tariff routes.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-15633 Filed 6-5-78; 8:45 am)

[7035-01]

(Notice No. 86)

MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS

MAY 31, 1978.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar

day after the date the notice of the filing of the application is published in the **FEDERAL REGISTER**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 90870 (Sub-No. 6TA), filed April 12, 1978, and published in the **FEDERAL REGISTER** issue of May 17, 1978, and republished as corrected this issue. Applicant: GLEN R. RIECHMANN, d.b.a. RIECHMANN TRUCK SERVICE, Route 2, Box 137, Alhambra, IL 62001. Applicant's representative: Cecil L. Goettsch, Attorney, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant-site of Inland Steel Co., East Chicago, IN, to points in IL on and south of U.S. Hwy 24 and points in MO on and east of U.S. Hwy 65, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. A. Jerndt, Assistant, General Traffic Manager, Inland Steel Co., 30 West Monroe, Chicago, IL 60603. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701. The purpose of this republication is to correct the territorial description.

No. MC 96770 (Sub-No. 12TA), filed April 17, 1978, and published in the **FEDERAL REGISTER** issue of May 22, 1978, and republished as corrected this issue. Applicant: FLORIDA TERMINALS & TRUCKING ROAD CO., 1014 East Land Street, Orlando, FL

32809. Applicant's representative: John A. Sutton, P.O. Box 367, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, heavy and bulky commodities, cement, commodities requiring refrigeration, and household goods as defined by the Commission), having a prior movement in interstate commerce by common, or motor contract carriers, between all points and places within the State of FL south of State Road 50 (running east-west from Brooksville, FL, on the west to Titusville, FL, on the east), over irregular routes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Robertson Warehouse Co., 2600 Shader Road, Orlando, FL 32804. (2) USF Warehouse, Inc., 7575 Chancellor Drive, Orlando FL. (3) United Coatings, Inc., 3050 North Rockwell, Chicago, IL 60618. (4) Ames A. McDonough Co., Box 1774, Parkersburg, WV 26101. (5) ABC-Trans National Transport, Inc., 201 11th Avenue, New York, NY 10001. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202. The purpose of this republication is to correct the territorial description.

No. MC 106603 (Sub-No. 175TA), filed March 24, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., P.O. Box 8008, Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building materials, and materials, equipment, and supplies* used in the manufacture and installation of such commodities (except commodities in bulk). From the facilities of Georgia-Pacific Corp. at Franklin, OH, to points in DE, IL, IN, IA, KY, MD, MI, MS, MO, NJ, NY, PA, TN, WV, and WI, for 180 days. Supporting shipper(s): Georgia-Pacific Corp., 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 117786 (Sub-No. 20TA), filed April 4, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Charcoal; charcoal briquettes, fire-place logs (compressed sawdust, wax impregnated); charcoal lighter fluid, in cans in carton, hickory chips (not charred), and vermiculite, other than crude, from Belle, MO, to points in AZ, CA, CO, NV, NM, OR, UT, and WA, for 180 days. Supporting shipper: The Kingsford Co., 940 Commonwealth Building, P.O. Box 1033, Louisville, KY 40201. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 119792 (Sub-No. 70TA), filed May 8, 1978. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., 3600 South Western Avenue, Chicago, IL 60609. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Transportation Consumer Specialist, Patricia A. Roscoe, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 121107 (Sub-No. 17TA), filed May 9, 1978. Applicant: PITT COUNTY TRANSPORTATION CO., INC., P.O. Box 207, Farmville, NC 27828. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and landscape timber* from the facilities of Weyerhaeuser Co., at or near New Bern, Lewiston, Jacksonville, and Plymouth, NC, to points in VA, MD, PA, NY, NJ, CT, MA, RI, NH, and ME, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Co., Plymouth NC 27962. Send protests to: Archie W. Andrews, District Supervisor, ICC, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 123383 (Sub-No. 83TA), filed April 11, 1978. Applicant: BOYLE BROS., INC., R.D. 2, Box 329C, Medford, NJ 08055. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, furniture stock panels, and wood dimension stock*, from Chicago and Calumet, IL, and Burns, Harbor, IN, to points in ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, WI, IL, IN, MI, OH, KY, TN, PA, NY, NJ, NC, VA, CT, RI, VT, and NH, for 180 days. Supporting shipper(s): Allied International, Inc., 490 Rear Rutherford Avenue, P.O. Box 56, Charleston, MA 02129. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 134349 (Sub-No. 24TA), filed April 3, 1978. Applicant: B.L.T. CORP., 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines, cosmetics, toilet articles, and advertising and promotional materials* related thereto, from the facilities of Lanvin-Charles of the Ritz, Inc., at or near Holmdel, NJ, points in the New York, NY Commercial Zone, Glenn Gardner, Totowa, and Rahway, NJ, to Birmingham, Huntsville, Mobile, Montgomery, and Tuscaloosa, AL, Phoenix and Tucson, AZ, Fort Smith and Little Rock, AR, La Mirada, Los Angeles, and San Francisco, CA, Denver, CO, Ft. Lauderdale, Jacksonville, Miami, Orlando, Tampa, and West Palm Beach, FL, Atlanta, Augusta, Macon, and Monroe, GA, Addison, Chicago, Country Side, Des Plaines, and La Grange, IL, Lake Charles and New Orleans, LA, Charlotte, Greensboro, Kannapolis, Lenoir, and Roanoke Rapids, NC, Greenville, Greer, and Lynchburg, SC, Memphis and Nashville, TN, and Dallas, Houston, El Paso, San Antonio, and Waco, TX, and (2) returned and rejected *drugs, medicines, cosmetics, toilet articles and equipment, materials, and supplies* used in the manufacture, packaging, and distribution of commodities named in (1) above and from the destinations specified in (1) above to the facilities of Lanvin-Charles of the Ritz, Inc., at or near Holmdel, NJ, under a continuing contract or contracts with Lanvin-Charles of the Ritz, Inc., of Holmdel, NJ for 180 days. Applicant has filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lanvin-Charles of the Ritz, Route 35 Holmdel, NJ 07733. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 136983 (Sub-No. 4TA), filed April 11, 1978. Applicant: ARIZONA

WESTERN TRANSPORT, INC., P.O. Box F (Gaudalupe Road), Chandler, AZ 85224. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, AZ 85014. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Soil conditioners or amendments*, from the mine site of the Duval Corp. near Sahuarite, AZ, to points in AZ, CA, CO, KS, NM, ID, NV, OR, TX, UT, and WA, under a continuing contract or contracts with The Rinchem Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Rinchem Co., Inc., 2402 South 15th Avenue, Phoenix, AZ 85007. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 142059 (Sub-No. 37TA), filed May 9, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, IL 60436. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Plant media mix, vermiculite, vermiculite products, and perlite* (except in bulk), from De Kalb, IL, to points in the States of IN, IA, KS, MI, MN, MO (points on and north of Hwy I-44), ND, OH, PA (points on and west of Hwy U.S. 219), SD, WV, and WI (except counties of Dane, Green, Jefferson, Kenosha, Milwaukee, Racine, Rock, Walworth, and Waukesha), for 180 days. Supporting shipper: Mica Pellets, Inc., 1008 Oak Street, De Kalb, IL. Send protests to: Transportation Assistant, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 142059 (Sub-No. 38TA), filed May 9, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, IL 60436. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Swimming pools, knocked down and parts thereof*, from Carlstadt, NJ, to Akron, Columbus and Cincinnati, OH, Indianapolis, IN, Chicago, IL, Detroit, MI, Dallas, TX, Los Angeles, CA, Knoxville, TN, Springfield, IL, and Tulsa and Oklahoma City, OK, for 180 days. Supporting shipper: Kero Metal Products, Inc., 99 Kero Road, Carlstadt, NJ 07072. Send protests to: Transportation Assistant, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 142059 (Sub-No. 39TA), filed May 8, 1978. Applicant: CARDINAL

TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, IL 60436. Applicant's representative: Jack Riley, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe*, from Chicago, Blue Island, Evanston, IL, to Fort Wayne, Evansville, Muncie and Logansport, IN; and points in IA, KS, NE, MO, OK and TX, for 180 days. Supporting shipper: Unarco-Leavitt Division of Unarco Industries, Inc., 1717 West 115th Street, Chicago, IL 60643. Send protests to: Transportation Consumer Specialist, Patricia A. Roscoe, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386 Chicago, IL 60604.

No. MC 142062 (Sub-No. 11TA), filed April 4, 1978. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, IN 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid plastic materials* (except in bulk), and such other commodities as are manufactured, distributed, or dealt in by a manufacturer of liquid plastic materials (except in bulk). From the facilities of Celanese Polymer Specialties Co., Inc. at Louisville, KY, to points in CA, OR, WA, and AZ. (2) *Materials, equipment, and supplies* (except in bulk) used in the manufacture or distribution of commodities named in (1) above. From points in CA, OR, WA, and AZ to the facilities of Celanese Polymer Specialties Co., Inc., at Louisville, KY. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Celanese Polymer Specialties Co., Inc., for 180 days. Supporting shipper(s): Celanese Polymer Specialties Co., Inc., P.O. Box 32190, Louisville, KY 40232. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 142672 (Sub-No. 20TA), filed April 11, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electric motors, grinders, buffers, dental lathes, dust collectors and pedestals, and parts, accessories and attachments thereof, and materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in

bulk), between Fort Smith, AR on the one hand and, on the other, points in the United States (except AK, AZ, CA, CO, HI, ID, KS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY). Restricted to the transportation of traffic originating at or destined to the facilities of Baldor Electric Co., at or near Fort Smith, AR., for 180 days. Supporting shipper: Baldor Electric Co., 5711 South Seventh Street, Fort Smith, AR 72901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 142941 (Sub-No. 16TA), filed April 7, 1978. Applicant: SCARBOROUGH TRUCK LINES, 1313 North 25th Avenue, Phoenix, AZ 85009. Applicant's representative: Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, AZ 85003. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries* in vehicles equipped with mechanical refrigeration (except in bulk), (1) from the facilities of E. J. Brach & Sons Inc. Division, American Home Products Corp., at Carol Stream, Chicago and Sullivan, IL, to points in AZ, CA, and NV, and (2) from Reno, NV, to points in AZ and CA, for 180 days. Supporting shipper: E. J. Brach & Sons Division, American Home Products Corp., 4656 West Kinzie Street, Chicago, IL 60644. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 143995 (Sub-No. 3TA), filed April 19, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from the facilities of Anheuser-Busch, Inc., at Columbus, OH, to Rock Island, IL, and Davenport, IA, under a continuing contract, or contracts, with A. D. Huesing Corp. of Rock Island, IL, and Jack's Distributing Co. of Davenport, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. D. Huesing Corp., 527 37th Avenue, Rock Island, IL 61201, Jack's Distributing Co., 8717 Northwest Boulevard, Davenport, IA 52806. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 144480TA, filed March 21, 1978, and published in the FEDERAL REGISTER issue of May 16, 1978, and re-

published as corrected this issue. Applicant: UNITED SUPPLIERS, INC., P.O. Box 538, Eldora, IA 50627. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Livestock confinement systems and buildings, and materials, equipment, and supplies* used in the manufacture, construction, operation, and distribution of livestock confinement systems and buildings (except commodities in bulk); (1) between Eldora, IA, on the one hand and, on the other, points in CO, IL, IN, KS, KY, MI, MN, MT, MO, NE, ND, OH, PA, SD, WI, and WY; and (2) between points in IA, CO, IL, IN, KS, KY, MI, MN, MT, MO, NE, ND, OH, PA, SD, WI, and WY. Restriction: Restricted in Part (2) above to shipments moving in mixed loads with shipments originating at or destined to Eldora, IA, and further restricted in Parts (1) and (2) above to transportation performed under continuing contract or contracts with Confinement Livestock Systems, Inc., of Eldora, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Confinement Livestock Systems, Inc., P.O. Box 497, Eldora, IA 50627. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309. The purpose of this republication is to insert OH in the territorial description.

No. MC 144564TA, filed March 29, 1978. Applicant: VERN OTTEN ENTERPRISES, INC., 2902 West 2nd Street, P.O. Box 1511, Sioux Falls, SD 57101. Applicant's representative: Mark Menard, S.D. Transport Service, Inc., 307 West 14th Street, P.O. Box 480, Sioux Falls, SD 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt, roofing materials, insulating materials, cement-asbestos pipe, steel toilet partitions, plastic pipe, and prefabricated chimneys*, from Sioux Falls, SD, Minneapolis and St. Paul, MN, to all points in NE, points in IA on and North of Hwy 80 and on and West of Hwy I-35, points in MN on and West of Hwy I-35, points in MT on and East of Hwy I-15, all points in ND, all points in SD and points in WY on and East of Hwy 120 and 131. (2) *Asphalt*, from Cody, WY, to all points in ME, points in IA on and North of Hwy 80 and on and West of Hwy I-35, points in MN on and West of Hwy I-35, points in MT on and East of Hwy I-15, all points in ND, all points in SD, points in WY on and East of Hwy 120 and 131. (3) *Asphalt roofing materials*, from Phillipsburg, KS, to points in

SD, MN, IA, and NE. (4) *Plastic pipe*, from Ulysses, KS, to points in SD, MN, and IA, under a continuing contract or contracts with MacArthur Co., Inc., for 180 days. Supporting shipper(s): MacArthur Co., Inc., 1416 B Avenue, P.O. Box 1547, Sioux Falls, SD 57104, James H. Nelson, Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 144595TA, filed April 11, 1978. Applicant: ROBERT D. ANTHOLZ d.b.a. PAWNEE GRAIN CO., Route 3, Box 42, Pawnee City, NE 68420. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, plywood, wooden products, and wooden doors*, from points in AR, CA, ID, LA, MT, OK, OR, SD, TX, and WA, to points in KS, IA, and NE. Restricted to traffic moving under a continuing contract or contracts with Braun, Ray Bros. & Finley Co. of Omaha, NE, for 180 days. Supporting shipper: Robert A. Braun, President, Braun, Ray Bros. & Finley Co., 400 Executive Building, Omaha, NE 68102. Send protests to: Max H. Johnston, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, NE 68508. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

No. MC 144724TA, filed May 3, 1978. Applicant: WALTER J. SHEETS & SON, INC., 100 Bittle Cove, Lewisburg, WV 24901. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (A)(1) *Bark, sawdust and wood chips, in bulk*; (2) *sawdust and wood chips, in bulk*; (3) *lumber*; (4) *building block and brick*; (5) *lumber and plywood*; (B)(1) those commodities named in (1) above from Ronceverte, WV to Covington, VA; (2) those commodities named in (2) above from Richwood, WV to Covington, VA; (3) those commodities named in (3) above between the plant site of J. P. Hamer Lumber Co. at Burnside and Monticello, KY; Appalachia, VA and Ronceverte, WV, on the one hand, and, on the other points in GA, IL, IN, KY, NY, NC, OH, PA, SC, TN, VA, and WV; (4) those commodities named in (4) above from Roanoke, VA to S. J. Neathawk Lumber, Inc., Lewisburg, WV; (5) those commodities named in (5) above from points in GA, NC, SC, and VA to S. J. Neathawk Lumber, Inc., Lewisburg, WV, under a continuing contract or contracts with S. J.

Neathawk Lumber Inc. and J. P. Hamer Lumber Co., for 180 days. Supporting shippers: J. P. Hamer Lumber Co., Div. of The Celotex Corp., P.O. Box 418, Kenova, WV 25530; S. J. Neathawk Lumber, Inc., Box 903, Lewisburg, WV 24901. Send protests to: Frances A. Ciccarello, Interstate Commerce Commission, 3109 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 144749TA, filed May 9, 1978. Applicant: VIRGIL ARNOLD CANFIELD, 799 SW. 11th Avenue, Forest Lake, MN 55025. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpet pads, and such commodities as are used in the installation of floor coverings* from points in GA to points in the states of MN, ND, SD, MT, and WY, for 180 days. Supporting shipper: D & M Carpet Sales, P.O. Box 678, Devils Lake, ND 58301. Send protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 144751TA, filed May 8, 1978. Applicant: RONALD D. WILSON AND RHONDA WILSON d.b.a. CARRIAGE MOBILE HOMES SALES, 2821 West Third, Elk City, OK 73644. Applicant's representative: Ronald D. Wilson, Westwood Mobile Home Park No. 69, Elk City, OK 73644. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Mobile homes and portable buildings, supplies, equipment, materials; incidental to, or used in (A) setting up mobile homes and portable buildings and (B) the preparation of mobile homes and portable buildings for transportation*, between points in OK and TX, for 180 days. Supporting shippers: El Paso Natural Gas Co., P.O. Box 987, Elk City, OK 73644; Woodward-Mobile Home Service, 28th and Oklahoma Avenue, Woodward, OK 73801; Triple AAA Rental, Box 94121, Oklahoma City, OK 73109; Falcon Engineering Co., Inc., P.O. Box 1036, Elk City, OK 73544; General Electric Credit Corp., Elk City, OK; Parker Drlg. Co., Box 94040, Oklahoma City, OK 73109. Send protests to: Haskell E. Ballard, District Supervisor, ICC, Bureau of Operations, Box F-13206 Federal Bldg., Amarillo, TX 79101.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15630 Filed 6-5-78; 8:45 am]

[7035-01]

[Notice No. 89]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 1, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. W-976 (Sub-No. 3TA). By order entered May 31, 1978, the Motor Carrier Board granted Lykes Bros. Steamship Co., Inc., New Orleans, LA, 90-day temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of nuclear reactor components, from the port of New Orleans, LA to the port of Portland, OR, via the Panama Canal. A. F. Babin, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, LA 07130, for applicant. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15631 Filed 6-5-78; 8:45 am]

[7035-01]

[Decisions Volume No. 4]

RULES OF PRACTICE

Order-Notice

The following applications are governed by special rule 247 of the Commission's rules of practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, order, or letter which will be served on each party of record. Broadening amendments will not be accepted after June 6, 1978.

We find preliminarily that, with the exception of those applications involving duly noted problems to authorize

tion, each applicant has demonstrated that its proposed service should be authorized. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered:

In the absence of legally sufficient protests, filed on or before July 6, 1978 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant upon compliance with certain requirements which will be set forth in a notification of effectiveness of this order-notice. Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplicating authority shall be construed as a single operating right. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Dated: May 26, 1978.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones (Review Board Member Jones not participating).

H. G. HOMME, Jr.,
Acting Secretary.

No. MC 30844 (Sub-No. 606F), filed May 1, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, furniture parts, and materials, equipment and supplies* used in the manufacture of furniture, from Archbold and Stryker, OH, to points in AL, AR, CO, CT, DE, GA, IA, KS, KY, LA, MA, MD, ME, MO, MS, NE, NH, NJ, NY, OK, PA, RI, SC, TN, VA, VT, WV, and DC. (Hearing site: Chicago, IL.)

No. MC 48956 (Sub-No. 14F), filed April 23, 1978. Applicant: JAMES FLEMING TRUCKING, INC., 761 East St., Suffield, CT 06078. Representative: S. Michael Richards, P.O. Box 225, 44 North Avenue, Webster, NY 14580. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned baby food, and dry cereal*, from Canajoharie, NY, to points in CT, ME, MA, NH, RI, and VT, under a continuing contract, or contracts, with Beech-Nut Foods Corp., a division of Life-Savers, Inc., of New York, NY. (Hearing site: New York, NY.)

No. MC 50493 (Sub-No. 61F), filed May 10, 1978. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, PA 18069. Representative:

Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, from the facilities of Zapata Haynie Corp. at Reedville, VA, to points in IN and IL. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its contract carrier authority in No. MC 115859.

No. MC 52704 (Sub-No. 166F), filed April 28, 1978. Applicant: GLENN McCLENDON TRUCKING CO., INC., P.O. Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures therefor*, from Warner Robins, GA, to points in Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski, and Roanoke Counties, VA; and (2) *materials, equipment and supplies* used in the manufacture and distribution of glass containers and closures therefor, in the reverse direction. (Hearing site: Atlanta, GA.)

No. MC 69322 (Sub-No. 8F), filed May 8, 1978. Applicant: DOBSON CARTAGE AND STORAGE CO., a corporation, 1006 East Indiana Street, Bay City, MI 48707. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products* (except in bulk), from the facilities of The Dow Chemical Co., at or near Midland, MI, Magnolia, AR, Pevely, MO, Hanging Rock, OH, and Channahon, IL, to points in the United States on and east of U.S. Hwy 85. (Hearing site: Washington, DC, or Chicago, IL.)

No. MC 73165 (Sub-No. 447F), filed May 8, 1978. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, from the facilities of Revere Copper & Brass, Inc., at our near Scottsboro, AL, to points in PA, MD, DC, NY, NJ, DE, CT, RI, NH, MA, VT, and ME. (Hearing site: New Orleans, LA, or Birmingham, AL.)

No. MC 73165 (Sub-No. 448F), filed May 8, 1978. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same as applicant's). Authority granted to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corp., 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, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WI, and DC. (Hearing site: Pittsburgh, PA, or Columbus, OH.)

No. MC 73165 (Sub-No. 449F), filed May 8, 1978. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same as applicant's). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Wheeling-Pittsburgh Steel Corp., at or near Canfield, Yorkville, Martins Ferry, Steubenville, and Mingo Junction, OH, to points in AL, AR, GA, FL, KY, LA, MS, OK, TX, NC, SC, VA, and WV. (Hearing site: Pittsburgh, PA, or Columbus, OH.)

No. MC 85718 (Sub-No. 7F), filed April 28, 1978. Applicant: SEWARD MOTOR FREIGHT, INC., 1041 Elm Street, P.O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing compounds* (except soda ash and commodities in bulk), from points in Sweetwater County, WY, to points in IL, IA, KS, MN, MO, NE, SD, and WI. (Hearing site: New York City, NY, or Washington, DC.)

No. MC 88594 (Sub-No. 32F), filed May 1, 1978. Applicant: CARLETON G. WHITAKER, INC., Route 17, Exit 84, Deposit, NY 13754. Representative: Martin Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials and supplies* used in the production and distribution of foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration, between Watertown, NY, on the one hand, and, on the other, points in DE, MD, ME, MI, NH, OH, PA, VT, and DC. (Hearing site: New York, NY, or Albany, NY.)

No. MC 94350 (Sub-No. 407F), filed May 2, 1978. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr. (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriers, from points in

Box Elder County, UT, to points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY. (Hearing site: Salt Lake City, UT.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated or do not require Commission approval.

No. MC 106398 (Sub-No. 803F), filed May 1, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products* (except in bulk), from the facilities of the Dow Chemical Co., at or near Midland, MI, Channahon, IL, Magnolia, AR, Pevely, MO, and Hanging Rock, OH, to points in the United States, on and east of U.S. Hwy 85. (Hearing site: Washington, DC.)

NOTE.—The certificate in this proceeding will be limited to a period expiring 3 years from the effective date thereof unless, not less than 2.5 years nor more than 2.75 years from the date of issuance of the certificate, applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

No. MC 107002 (Sub-No. 530F), filed May 1, 1978. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastics*, in bulk, in tank vehicles, from Aberdeen, MS, to points in KY, OH, OK, TN, TX, AR, MO, AL, VA, and WV. (Hearing site: Memphis, TN, or Jackson, MS.)

No. MC 107515 (Sub-No. 1145F), filed May 4, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox South, 3390 Peachtree Road NE, Atlanta, GA 30326. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical diagnostic chemicals and kits* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Coulter Diagnostics, Division of Coulter Electronics, at Hialeah, FL, to Elk Grove Village, IL, Detroit, MI, Minneapolis, MN, Kansas City and St. Louis, MO, and Cincinnati, OH. (Hearing site: Atlanta, GA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC-126436 (Sub-No. 2) and other subs.

No. MC 107818 (Sub-No. 92F), filed April 23, 1978. Applicant: GREENSTEIN TRUCKING CO., 280 NW 12th Avenue, P.O. Box 608, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Hammondsport and Westfield, NY, and Latrobe and Philadelphia, PA, to Gainesville, Jacksonville, and St. Augustine, FL. (Hearing site: Jacksonville, FL.)

No. MC 108460 (Sub-No. 65F), filed May 2, 1978. Applicant: PETROLEUM CARRIERS CO., a corporation, P.O. Box 764, Sioux Falls, SD 57101. Representative: Gary Mundhenke (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation pipe, fittings and parts*, used in the construction and assembling of irrigation systems, between Elk Point, SD, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, MN, MO, NE, ND, and WI. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated or do not require Commission approval.

No. MC 109124 (Sub-No. 45F), filed May 2, 1978. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Applicant's representative: James M. Burch, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Authority granted to operate as a *common carrier*, over irregular routes, transporting: (1) *Insulation board and materials and supplies* used in the installation of insulation board, from Alexandria, IN, to points in IL, OH, PA, and WV; and (2) *plastic pipe and pipe fittings* used in the installation of plastic pipe, from Wilton, IA, to points in OH, PA, and WV. (Hearing site: Chicago, IL.)

No. MC 110525, (Sub-No. 1239F), filed May 1, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (Same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Agricultural pesticides*, in bulk, in tank vehicles, from the facilities of Shell Chemical Co., Div. of Shell Oil Co., at or near El Paso, IL, to points in the United States (except AK, HI, and IL). (Hearing site: Houston, TX.)

No. MC 110525, (Sub-No. 1240F), filed May 1, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downing-

town, PA 19335. Representative: Thomas J. O'Brien (Same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Plastic granules, flakes, and powder*, in bulk, in tank vehicles, from Allyn's Point, CT, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada (except points in MA, PA, NY, NJ, IN, MI, OH, and WI). (Hearing site: Cleveland, OH.)

No. MC 111812 (Sub-No. 570F), filed May 4, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from: Kansas City, MO, to points in KY, TN, MS, AL, GA, FL, NC, SC, VA, and WV, restricted to the transportation of shipments originating at the named origin. (Hearing site: Kansas City, MO.)

No. MC 112223 (Sub-No. 111F), filed April 26, 1978. Applicant: QUICKIE TRANSPORT CO., a corporation, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton, Boulevard, Minneapolis, MN 55413. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and Fertilizer ingredients*, dry, in bulk, from Grand Forks, ND, to points in MN, and ND. (Hearing Site: Minneapolis or St. Paul, MN.)

No. MC 112617 (Sub-No. 389F), filed April 25, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Leonard A. Jaskiewicz, 1730 M Street NW, Suite 501, Washington, DC 20036. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank trucks, from Burns Harbor, IN, to points in MI, IN, IL, and OH. (Hearing site: Louisville, KY, or Washington, DC.)

No. MC 114552 (Sub-No. 159F), filed May 5, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Composition board*, from Burns Harbor, IN, to points in MN, WI, IA, IL, MO, AR, LA, MS, AL, FL, GA, SC, TN, NC, VA, KY, WV, PA, OH, MI, KS, OK, TX, and NE. (Hearing site: Boston, MA, or Washington, DC.)

No. MC 114725 (Sub-No. 87F), filed May 3, 1978. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Leonard A. Jackiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Omaha, NE.)

No. MC 115311 (Sub-No. 282F), filed April 19, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulating materials* (except in bulk), from the facilities of Callaway Insulation Co., in Clayton County, Ga., to points in AR, AL, FL, LA, SC, NC, VA, KY, TN, and MS; and (2) *Materials, supplies and equipment* used in the manufacture of insulation and insulating materials (except in bulk), from points in AR, AL, CA, FL, LA, SC, NC, VA, KY, TN, and MS, to the facilities of Callaway Insulation Co., in Clayton County, GA. (Hearing site: Atlanta, GA.)

No. MC 115826 (Sub-No. 310F), filed May 9, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Representative: Howard Gore (address same as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from the facilities of Kraft, Inc., at Pocatello, ID, to points in WA, OR, CA, MT, NV, WY, UT, CO, NM, AZ, ND, SD, NE, KS, OK, MO, TX, IA, MN, WI, and IL, and (2) from points in WA, CA, MT, UT, AZ, ND, SD, NE, KS, MO, MN, WI, and IL, to the facilities of Kraft, Inc., at Pocatello, ID, restricted to the transportation of shipments originating at the named origin points and destined to the indicated destination points. (Hearing site: Boise, ID, or Salt Lake City, UT.)

No. MC 116446 (Sub-No. 6F), filed April 27, 1978. Applicant: J & R SCHUGEL TRUCKING, INC., 301

North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee 1000 First National Bank Building, Minneapolis, MN 55402. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from New Prague, MN to points in IA, under a continuing contract, or contracts, with International Multifoods Corp. of Minneapolis, MN. (Hearing site: St. Paul, MN.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 125894.

No. MC 117823 (Sub-No. 55F), filed May 8, 1978. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, UT 84104. Representative: John F. DeCock, 5565 East 52nd Avenue, Commerce City, CO 80022. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) (1) from the facilities of Kraft, Inc., at Pocatello, ID, to points in CA, NV, OR, UT, and WA, and (2) from points in AZ, CA, UT, and WA, to the facilities of Kraft, Inc., at Pocatello, ID, restricted to the transportation of shipments originating at the named origin points and destined to the indicated destination. (Hearing site: Boise, ID, or Salt Lake City, UT.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated, or do not require Commission approval.

No. MC 118142 (Sub-No. 176F), filed May 8, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrolyte battery fluid*, from the facilities of Scholle Corp., Raytown, MO, to the facilities of General Battery Corp., Salina, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 124172 (Sub-No. 1).

No. MC 119789 (Sub-No. 459F), filed April 27, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*

(except in bulk), from the facilities of American Home Foods, Inc., at or near La Porte, IN, to points in MS. (Hearing site: New York, NY.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission, and consummated, or do not require Commission approval.

No. MC 119917 (Sub-No. 49F), filed May 3, 1978. Applicant: DUDLEY TRUCKING CO., INC., 247 Memorial Drive, SE., Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, between the facilities of Midland Glass Co., at our near Cliffwood, NJ, on the one hand, and, on the other, Williamsburg, VA, and the facilities of Midland Glass Co., at or near Newport News and Suffolk, VA. (Hearing site: Atlanta, GA.)

No. MC 119988 (Sub-No. 142F), filed May 1, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Hwy 103 E, P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, and parts, attachments, and accessories* for cooling towers and fluid coolers, from the facilities of The Marley Co., at Olathe, KS, to points in the United States (except AK, HI, and KS); and (2) *machinery, equipment, materials, and supplies* used in the construction, maintenance, production, manufacture, and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Kansas City, KS, or Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 140271.

No. MC 124251 (Sub-No. 49F), filed April 20, 1978. Applicant: JACK JORDAN, INC., Hwy 41 South, P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Whitfield County, GA, to points in LA and TX, and those in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi river to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Atlanta, GA.)

No. MC 124821 (Sub-No. 35F), filed May 1, 1978. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority granted as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Foodstuffs*, from the facilities of C. F. Mueller Co., Jersey City, NJ, to points in MI. (Hearing site: Harrisburg, PA.)

No. MC 127579 (Sub-No. 10F), filed April 10, 1978. Applicant: HAUL-MARK TRANSFER, INC., P.O. Box 343, Cockeysville, MD 21030. Representative: Glenn M. Heagerty (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalogues, fliers, and such merchandise* as is dealt in by retail stores (except commodities in bulk), (1) between the facilities of Best Products Co., Inc., at Ashland, VA on the one hand and, on the other, points in MD, NJ, and PA; and (2) from the facilities of Brown Printing Co., at East Greenville, PA, to points in MD, NJ, NC, PA, VA, and DC. (Hearing site: Washington, DC.)

No. MC 129572 (Sub-No. 4F), filed April 27, 1978. Applicant: ANDICO, INC., 4291 West 3500 South Street, Granger, UT 84120. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe valves and fittings, tubing, beams, bar stock, sheet and plate metals* (except oil field and pipeline commodities as defined in *Mercer Extension—Oil Field Commodities*, 74 MCC 459), and *equipment, materials and supplies* used in the machining or installation of the above described commodities, between points in UT, ID, WY, MT, CO, AZ, NM, NV, CA, OR, and WA, under a continuing contract, or contracts, with Pipe & Tube, Inc., of Granger, VT. (Hearing site: Salt Lake City, UT.)

No. MC 133095 (Sub-No. 186F), filed May 1, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packing houses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides, and commodities in bulk), from the facilities of John Morrell & Co., at or near El Paso, TX, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI,

VT, VA, and WV, restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX, or Chicago, IL.)

No. MC 133095 (Sub-No. 188F), filed May 1, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corp., at Oklahoma City, OK, to points in CA, restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX.)

No. MC 134501 (Sub-No. 27F), filed May 1, 1978. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household appliances and equipment* (except new kitchen equipment) from Louisville, KY, to points in the United States (except AK and HI). (Hearing site: Louisville, KY, or Washington, DC.)

No. MC 134922 (Sub-No. 263F), filed April 27, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Small arms ammunition*, between Bridgeport, CT, on the one hand, and, on the other, points in AR, MS, and LA. (Hearing site: Washington, DC.)

NOTE.—Certificate shall be limited, in point of time, to a period expiring 5 years from the date of issuance of the certificate.

No. MC 134978 (Sub-No. 16F), filed May 2, 1978. Applicant: C. P. BELUE d.b.a. BELUE'S TRUCKING, Route 6, Spartanburg, SC 29303. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials* (except commodities in bulk in tank vehicles), from points in Greene County, TN, to points in GA, NC, SC, and VA. (Hearing site: Charlotte, NC.)

No. MC 135213 (Sub-No. 13F), filed April 8, 1978. Applicant: JOE GOOD,

d.b.a. GOOD TRANSPORTATION, P.O. Box 335, Lovell, WY 82431. Representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wall-board*, from the facilities of Dry Wall Supply, Inc., at Rosario, NM, to points in CO, under a continuing contract, or contracts, with Dry Wall Supply, Inc., of Denver, CO. (Hearing site: Denver, CO.)

No. MC 135234 (Sub-No. 12F), filed April 28, 1978. Applicant: TRENCO, INC., 2109 Marydale Avenue, P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical cable and aluminum rod*, from the facilities of Alcan Aluminum Corp., at Williamsport, PA, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture or distribution of electrical cable and aluminum rod (except in bulk), from points in the United States (except AK and HI), to Williamsport, PA, under a continuing contract, or contracts, with Alcan Aluminum Corp., of Cleveland, OH. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under No. MC 133085.

No. MC 138157 (Sub-No. 68F), filed May 2, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. Southwest Motor Freight, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, adhesive cement, fabricated and shaped metal articles, building materials, polyurethane, plastic and fiberglass articles, and materials, equipment, and supplies* used in the manufacture, distribution, production, and installation of the above-named commodities (except commodities in bulk, in tank vehicles, and those which require the use of special equipment), between the facilities of Kinkead Industries, Inc., at or near Garden Grove, CA, Kewanee and McCook, IL, Johnson Creek and Oconomowoc, WI, and Union City, TN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in

objectionable dual operations because of its authority under MC 134150 (Sub-Nos. 2, 3, 6, and 8). The carrier must further satisfy the Commission that its common control possibilities are either approved by the Commission, and consummated, or do not require Commission approval.

No. MC 138627 (Sub-No. 32F), filed May 1, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Russell J. Hilken (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Portage, IN, to points in IA, NE, MO, and those in IL on and south of U.S. Hwy 36. (Hearing site: Chicago, IL, or Omaha, NE.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 66955.

No. MC 138882 (Sub-No. 73F), filed May 4, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Pittsburgh, PA, and Fremont and Toledo, OH, to points in AL, FL, GA, LA, MS, NC, SC, and TN; and (2) from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Pittsburgh, PA, to points in KY, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

No. MC 140024 (Sub-No. 106F), filed May 2, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), (a) from Philadelphia, PA, to points in CA, CO, IL, MI, OH, and TX, and (b) from Chicago, IL, to points in CA, CO, MI, OH, and TX. (Hearing site: New York, NY.)

No. MC 140024 (Sub-No. 111F), filed May 4, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Jersey City, NJ, to points in IL, IN, MI, and OH. (Hearing site: New York, NY.)

No. MC 140024 (Sub-No. 112F), filed May 5, 1978. Applicant: J. B. MONT-

GOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration, from Philadelphia, PA, to points in CA, CO, IL, IN, KS, LA, MI, MN, MO, NE, OH, OR, TX, and WA. (Hearing site: Philadelphia, PA.)

No. MC 141932 (Sub-No. 2F), filed May 8, 1978. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the facilities of McCain Foods, Inc., at Washburn, Easton, and Portland, ME, to points in AL, DE, FL, GA, KY, MD, NJ, NY, NC, PA, SC, TN, VA, and DC, and (2) from the facilities of Potato Service, Inc., at Bangor, Portland, and points in Aroostook County, ME, to points in AL, DE, DC, FL, GA, KY, LA, MD, NJ, NY, NC, NM, PA, SC, TN, TX, VA, and WV. (Hearing Site: Portland, ME, or Boston, MA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 129600 and sub-numbers thereunder.

No. MC 142508 (Sub-No. 19F), filed May 3, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Joseph Winter, 33 North LaSalle, Suite 2108, Chicago, IL 60602. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the facilities of Joseph Schlitz Brewing Co., at Milwaukee, WI, to Omaha, NE, and Council Bluffs, IA. (Hearing site: Omaha, NE, or Lincoln, NE.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134734 and subs thereunder.

No. MC 142831 (Sub-No. 7F), filed April 28, 1978. Applicant: HAMRIC TRANSPORTATION, 3318 East Jefferson, P.O. Box 1124, Grand Prairie, TX 75050. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas TX 75245. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from facilities of Merco Manufacturing, Inc., (1) at Dallas and Houston, TX, to points in AR, LA, OK, NM, KS, CO, MO, and MS, and (2) at Little Rock, AR, to points in OK, TX, and LA. (Hearing site: Dallas, TX.)

No. MC 142999 (Sub-No. 5F), filed May 1, 1978. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., Route 332 and Terry Drive, Newtown, PA 18940. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from Mapleton and Peoria, IL, Gary, IN, and Ashton, RI, to Canoga Park, Hayward, and Oakland, CA, under a continuing contract, or contracts, with Lonza, Inc., of Fairlawn, NJ. (Hearing site: Washington, DC.)

No. MC 144207 (Sub-No. 1F), filed April 24, 1978. Applicant: SOUTH-WEST TRANSPORT, INC., Hwy 8 East, P.O. Box 806, Mena, AR 71953. Representative: Troy R. Douglas, 15 Court Street, Fort Smith, AR 72901. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, and supplies* used in the construction, erection, and installation thereof, and *building materials* (except commodities in bulk), from the facilities of Arkansas Log Homes, Inc., at or near Mena, AR, to points in the United States (except AK and HI). (Hearing site: Mena, AR.)

No. MC 144676 F, filed April 28, 1978. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., Suite 805, 666 11th Street NW., Washington, DC 20001. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheelchair lifts, and equipment for the handicapped*, from the facilities of Environmental Equipment Corp., at San Leandro, CA, to points in the United States (except AK and HI), restricted to the transportation of shipments originating at the named origin. (Hearing site: San Francisco, CA, or Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 14316.

No. MC 144693F, filed April 27, 1978. Applicant: GLENN'S TRUCK SERVICE, INC., No. 1 Produce Row, St. Louis, MO 63102. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Sunmark, Inc., at St. Louis, MO, and Itasca, IL, to points in AZ, NM, CO, UT, ID, WA, OR, CA, NV, and KS, restricted to the transportation of shipments originating at the named origins. (Hearing site: St. Louis, MO.)

NOTICES

No. MC 144694F, filed May 1, 1978.
Applicant: RIVERSIDE TRUCKING, INC., P.O. Box 544, Pell City, AL 35125. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *clay, clay products, refractories, refractory products*, and (b) *equipment and supplies* used in the installation of the commodities in (1)(a) from the facilities of Riverside Clay Co., at or near Pell City, AL, to points in the United States (except AK and HI); and (2) *machinery, materials, and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction, under a continuing contract, or contracts, with Riverside Clay Co., of Pell City, AL. (Hearing site: Birmingham, AL, or Washington, DC.)

[FR Doc. 78-15522 Filed 6-5-78; 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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[3410-05]

COMMODITY CREDIT CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 23084, May 30, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 6, 1978, Room 2-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Opened and closed.

CHANGES IN THE MEETING:

1. Additional agenda item (number 8).
2. Closure of a portion of the meeting.
3. Revision of the presentation order previously announced as follows:

1. Minutes of CCC Board meeting on March 16, 1978, and adjourned meeting on March 27, 1978.
2. Report re Implementation of section 1420 of the Food and Agriculture Act of 1977 (hydrocarbons).
3. Docket TCP 105 re 1978-crop soybean loan and purchase program.
4. Docket TCP 72a, Amendment re 1978-cotton loan and payment program (upland).
5. Docket TCP 31a re 1978-crop peanut loan and purchase program.
6. Docket TCP 40a re 1978 tobacco loan program.
7. Docket TCO 33a re Research on the storage of rough rice.
8. Memorandum re Changes to the Pub. L. 480 Docket CCC Resolution No. 15, CZ-266.

CLOSED PORTION OF MEETING:

9. Docket TCP 137a re 1978-crop barley, corn, oats, rye, sorghum and wheat loan, purchase, payments, set-aside and land diversion programs.
10. Docket TCP 33a re 1978-crop rice loan, purchase and payment program.
11. Docket TCP 110a, 1978-crop flaxseed purchase agreement program.
12. Docket TCS 313 re Purchase of wheat.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, telephone 202-447-7583.

SUPPLEMENTARY INFORMATION: The following members of the Board have determined that Board business requires the closure of a portion of the meeting and that no earlier announcement of the change was possible:

1. Bob Bergland, Secretary of Agriculture, Chairman.
2. P. R. Smith, Member.
3. Ray Fitzgerald, Member.
4. M. Rupert Cutler, Member.
5. Dale E. Hathaway, Member.

[S-1166-78 Filed 6-2-78; 11:50 am]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 24168.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 6, 1978.

CHANGES IN THE MEETING:

Additions to the open session:

Petition for general exemption from the provisions of Regulation Section 32.11 from Rosenthal & Co. and Dowdex Corp. Petition/Mocatta Metals Corp. and Mocatta Quality Corp. Leverage Contracts/Legislative Alternatives.

[S-1163 Filed 6-2-78; 11:50 am]

[6570-06]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 11 a.m. (eastern time), Tuesday, June 6, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

1. Report on the development of a program in district offices to investigate and conciliate Commissioners' charges of systemic discrimination.

2. Litigation authorization; General Counsel recommendations; Matters closed to the public under section 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued May 30, 1978.

[S-1167 Filed 6-2-78; 3:32 pm]

[6740-02]

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published June 5, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 7, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P-4.—DA-222—Washington, Bureau of Land Management.
M-3.—Inflated Rate Increase Filings.
CP-7.—CP78-123, et al., Northwest Alaskan Pipeline Co.

KENNETH F. PLUMB,
Secretary.

[S-1169-78 Filed 6-2-78; 3:32 pm]

[6210-01]

5

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, June 9, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposal for improving internal security.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: June 1, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[S-1165-78 Filed 6-2-78; 11:50 am]

[7555-01]

6

NATIONAL SCIENCE BOARD.

DATE and TIME: June 15, 1978; open session 8:30 to 10 a.m. and 4:30 to 6:30 p.m. June 16, 1978; open session 8:30 to 11 a.m., closed session 11 a.m. to 12:30 p.m.

PLACE: National Center for Atmospheric Research, Boulder, Colo.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION:

1. Minutes—Twenty-eighth Annual (198th) Meeting.
2. Chairman's Report.
3. Director's Report:
 - (a) Report on grant and contract activity—May 17-June 13;
 - (b) Organizational and staff changes;
 - (c) Congressional and legislative matters;
 - (d) NSF budget for fiscal year 1979; and
 - (e) Other items.
4. Board Committees—Reports on meetings:
 - (a) Executive Committee;
 - (b) Committee on Twelfth NSB Report; and
 - (c) Ad Hoc Committee on Audit and Oversight.
5. NSF advisory groups and annual review—Report on meeting and board representation at future meetings.
6. Other business.
7. Next meetings.
 - a. National Science Board—August 17-18;
 - b. NSB committees; and
 - c. Program review.
8. Introduction to planning environment review.
9. Interim reports of task forces.
10. Final reports of task forces.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

- A. Minutes—Closed session—Twenty-eighth Annual (198th) Meeting.
- B. NSF budgets for fiscal year 1980 and subsequent years.
- C. NSB annual reports.
- D. Report on NSB nominees.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-1168-78 Filed 6-2-78; 3:32 pm]

[7910-01]

7

THE RENEGOTIATION BOARD.

DATE AND TIME: Thursday, May 25, 1978; 2 p.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20046.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Special Board Meeting concerning: Court of Claims case: Gallion Amco, Inc., fiscal years 1967, 1968 and 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 1, 1978.

GOODWIN CHASE,
Chairman.

[S-1164-78 Filed 6-2-78; 11:50 am]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 5, 1978.

PLACE: Commissioner's conference room, 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, JUNE 7

2 p.m.—Discussion of petitions to review ALAB-471 (Seabrook) (approx. 1 hr.) (Closed—Exemption 10.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

MAY 31, 1978.

[S-1173-78 Filed 6-5-78; 11:18 am]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 5, 1978.

PLACE: Commissioners' conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

THURSDAY, JUNE 8

2 p.m.—Discussion of draft testimony on waste management legislation (approx. 2 hrs.). (Public meeting.) (Tentative.)

NOTE.—Corrections to previous announcements.

TUESDAY, JUNE 6

2 p.m.—Item 1 will be held closed—exemption 1 (had previously been announced as open, portions may be closed).

WEDNESDAY, JUNE 7

2 p.m.—Correct meeting title is: Discussion of stay motion in Seabrook (ALAB-471) (had previously been announced as discussion of draft opinion in ALAB-471 (Seabrook)).

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 1, 1978.

[S-1174-78 Filed 6-5-78; 11:18 am]

TUESDAY, JUNE 6, 1978
PART II



**DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT**

**Office of Assistant
Secretary for Community
Planning and
Development**



**COMMUNITY
DEVELOPMENT BLOCK
GRANTS**

**Categorical Program
Settlement Grants**

Resident
preparation

[4210-01]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-540]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Categorical Program Settlement Grants

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: The rule contains requirements for funding the financial settlement and, to the extent feasible, the completion of projects assisted under the categorical grant programs terminated by Congress in 1974. Primarily involved are renewal projects assisted under the Housing Act of 1949. The purpose of the rule is to implement Title I of the Housing and Community Development Act of 1977, Section 103(d)(2).

DATES: Effective date: June 6, 1978; comments due: July 6, 1978.

ADDRESS: Interested persons should file written comments on or before due date with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Thomas Terrell, Urban Renewal Closeout Task Force, HUD/Community Planning and Development, Room 7186, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-1871.

SUPPLEMENTARY INFORMATION: This Subpart H is being promulgated as interim rule effective upon publication to enable applicants to maintain the progress schedules adopted locally for achievement of categorical projects and to enable the Department to meet its responsibility for reviewing and approving fiscal year 1978 applications in a timely manner. The Department recognizes that the inability to maintain such progress schedules would adversely affect the local and Federal interest in the projects. Accordingly, the Assistant Secretary for Community Planning and Development has determined that it is impracticable to follow a notice of proposed rulemaking procedure and that good cause exists for making these rules effective upon publication. However, interested persons

are invited to participate in the making of the final rule by providing written comments. All comments received by July 6, 1978, will be considered in the development of the final rule. Such comments should be filed with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410. Copies of comments received will be available for inspection and copying at that address.

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

The major issues in the proposed rule are covered in the following discussion.

EXCLUSION OF MODEL CITIES AND PUBLIC FACILITY LOAN PROJECTS

The purpose of the grants is to provide supplemental assistance for the financial settlement and, to the extent feasible, the completion of categorical projects and programs terminated by Section 116(a) of the Housing and Community Development Act of 1974, primarily urban renewal projects. The Model Cities and Public Facility Loans programs were included in those terminated by the 1974 Act; however, HUD has determined projects related to these programs to be adequately funded and will not consider applications for supplemental assistance for such projects.

ELIGIBLE APPLICANTS

Subject to the requirements set forth in § 570.482, eligible applicants include units of general local government that have incomplete, financially settled urban renewal projects, as well as those with projects operating under the HUD categorical program contract.

BLOCK GRANT CONTRIBUTIONS

Section 570.483(b)(2) indicates that applicants with block grant entitlements are expected to provide, as a minimum, the equivalent of 20 percent of entitlements to be received for the program years 1978-1980, to meet project funding needs. The percentage equates with that portion of entitlement grants which the Secretary is authorized to apply, without the request of the applicant, to settle outstanding loans for urban renewal projects which cannot be completed without additional grants, pursuant to Section 112(a) of the 1974 Act. Since the categorical program settlement grants are

being provided for funding projects which cannot be financially settled or completed without supplemental assistance, the 20 percent contribution requirement is an equitable and reasonable standard for all applicants.

FUNDING CONSIDERATION

Section 570.485(b) establishes a priority for funding consideration which is consistent with the language of the statute which stresses financial settlement, then completion, primarily for urban renewal projects.

REPAYMENT OF GRANTS

Section 570.486 provides for repayment to HUD of categorical program settlement grants in certain circumstances. HUD recognizes that some applicants incur additional costs, primarily interest costs, due to the inability to market project land and retire loan obligations on a timely basis. To the extent that grants represent future land proceeds, applicants are required to repay such grants after marketing project land.

Accordingly, 24 CFR Part 570 is amended to add a new Subpart H to read as follows:

Subpart H—Categorical Program Settlement Fund

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Subpart H—Categorical Program Settlement Grants

§ 570.480 Purpose.

The purpose of categorical program settlement grants is to provide supplemental assistance for the financial settlement and, to the extent feasible, the completion of projects assisted under certain categorical programs terminated by section 116(a) of the Housing and Community Development Act of 1974, primarily urban renewal projects. These programs are those assisted under title I of the Housing Act of 1949, as amended (urban renewal and neighborhood development), section 702 and section 703 of the Housing and Urban Development Act of 1965 (water and sewer, neighborhood facilities), and title VII of the Housing Act of 1961 (open space).

§ 570.481 Definitions.

The following definitions apply only to this subpart:

(a) "Completion of project" means the completion of the activities approved for the project in the HUD funding contract for assistance under

the categorical program, and with respect to urban renewal projects, includes the repayment of project temporary loans and the sale of project land.

(b) "Financial settlement" means the financial settlement of urban renewal projects according to the provisions of Subpart N, § 570.803.

§ 570.482 Eligible applicants.

(a) Eligible applicants are units of general local government, in which projects assisted under one of the terminated categorical programs are located, which cannot financially settle or complete such projects without supplemental financial assistance.

(b) Units of general local government that financially settled an urban renewal project under the provisions of Subpart N of this Part may be considered eligible provided the following additional requirements are met:

(1) The project is still in the execution phase under state and local law;

(2) The applicant has not received an urgent needs grant under § 570.401 for the project;

(3) The grant requested will not be substituted for any surplus funds which were available for completion of the project at financial settlement and all such surplus funds, or an equivalent amount of other block grant funds, have been or will be applied to the completion of the project;

(4) The applicant is in compliance with any remaining requirements under a closeout agreement, including any housing requirements, executed pursuant to a financial settlement under subpart N.

§ 570.483 Applications.

Applications shall be transmitted to the appropriate HUD Area Office and shall include the following:

(a) A completed standard form 424, Application for Federal Assistance (short form). Section IV of form 424, Remarks, shall include a statement which indicates whether the supplemental funding assistance will enable applicant to accomplish financial settlement or completion and the proposed settlement or completion date.

(b) A summary of the funding assistance required, shown as the difference between funding needs and funding resources.

(1) *Project funding needs.* Applicants shall list amounts for direct Federal loans, Federally-guaranteed loans, other loans or incurred obligations payable, project activities to be funded, and miscellaneous funding needs. If project activities are included, a separate schedule shall be prepared which shows detailed descriptions and the respective cost estimates and anticipated completion dates. In general, only those activities which were authorized for assistance in the

HUD-approved funding contract under the categorical programs will be eligible for consideration. However, project activities in a conventional urban renewal plan which was converted to a Neighborhood Development Program (NDP) are eligible for consideration to the extent they positively affect the viability of the project, whether or not they were previously authorized for assistance in such funding contracts. Project funding needs may not include costs for noncash local grant-in-aid activities.

(2) *Project funding resources.* Applicants shall list amounts for accounts receivable, cash on hand, unpaid Federal grants, any unpaid cash local share for the project and any other funding resources to be made available. Applications for the completion of urban renewal projects shall also list anticipated land proceeds for each year through fiscal year 1980; and applications for financial settlements shall list anticipated land proceeds to the date of settlement. The equivalent of 20 percent of an applicant's block grant entitlement from 1978-1980 shall be or shall have been provided to meet funding needs.

(c) A schedule showing, for applications for the completion of urban renewal projects, estimated land proceeds after FY 1980 through the completion of the project; and, for applications for financial settlement, all estimated land proceeds after the settlement.

(d) A statement indicating action taken to minimize the need for supplemental assistance. Program alternatives which were rejected shall be reported along with the reasons for the rejection.

(e) Certifications required pursuant to § 570.307 concerning the legal authority of the applicant; action by the local governing body; A-95; NEPA; FMC 74-4 and OMB Circular A-102; labor standards; HUD requirements; flood hazards; equal opportunity; opportunities for training, employment and contracts for residents of the project area; real property acquisition; relocation; standards of conduct; Hatch Act; access to books and records; EPA's list of violating facilities; flood insurance purchase requirements; and historic preservation.

(f) A statement showing the status of environmental review of the project. If the environmental review for the project has not been completed, the status of any required environmental actions pursuant to 24 CFR part 58 shall be shown for each activity listed in the schedule of activities submitted pursuant to § 570.483(b)(1).

§ 570.484 Submission of applications.

(a) Applications will be accepted in the appropriate area office on or after the effective date of this rule and may

be submitted at any time during the fiscal year. Funding selections will be made twice annually for fiscal years 1979 and 1980. The final rule will include information on submission deadlines for those years.

(b) Funding selections for fiscal year 1978 will be made by May 31 and August 31. Urgent needs applications will be considered for funding by May 31. Applications submitted pursuant to these regulations will be considered for funding by August 31 provided they are received by July 14. Applicants will be notified as to the status of their requests promptly after funding selections are made.

§ 570.485 Funding considerations.

(a) *General criterion.* The general criterion for funding consideration is that financial settlement or completion of a project cannot be accomplished without grant assistance under this subpart if the project funding needs are in excess of the funding resources, as listed under § 570.483(b). The Secretary may approve a grant in an amount less than the funding assistance established pursuant to § 570.483(b), taking into account the funding priority needs of other applicants and the availability of funds under this Subpart; the feasibility of a reduction in the scope of any proposed activities; the land disposition proceeds listed pursuant to § 570.483(c); and any other appropriate considerations consistent with the objectives of this subpart.

(b) *Purpose of grant.* Priority for funding consideration will be determined by the purpose for which the grant will be used. In this context, all grants will be considered to be for either or both of two purposes.

(1) To achieve financial settlement.

(2) To complete project activities necessary to achieve the applicant's desired level of project completion.

(c) *Funding priority.* Applicants will be given consideration for funding in the following order of priority:

(1) Non-entitlement applicants with renewal projects requiring funds for the purpose stated in paragraph (b)(1).

(2) Applicants with entitlements that phase out in 1980 with renewal projects that require funds for the purpose stated in paragraph (b)(1).

(3) Entitlement applicants with renewal projects requiring funds for the purpose stated in paragraph (b)(1).

(4) Applicants with renewal projects that require funds for the purpose stated in paragraph (b)(2).

(5) Applicants with projects other than renewal projects that require funds for the purpose stated in paragraph (b)(2).

(d) *Combined purpose funding.* A request for funds to be used for both purposes stated in paragraph (b) will

be considered as though separate applications had been made for each purpose and the proposed activities will be given the appropriate priority consideration.

§ 570.486 Repayment of categorical program settlement grant.

An applicant receiving a grant under this Subpart shall be required to make repayments up to the amount of the grant from the land proceeds described in § 570.483(c) which are realized, provided that any reasonable expenses incurred in the disposition of such land may be deducted from the proceeds. The repayments shall be made annually from proceeds received by the grant recipient. With respect to grants for financial settlements, the repayment obligation shall be included in the terms of the closeout agreement notwithstanding the provisions of § 570.804(b)(7)(i) of subpart N; and, with respect to grants made for proj-

ect completions, in the funding agreement.

§ 570.487 General provisions.

(a) The Secretary reserves the right to impose such other conditions in approving categorical program settlement grants as are deemed appropriate in furthering the objectives of this subpart.

(b) Any settlement grants which are found to be in excess of actual needs on financial settlement or completion of the project shall be returned to HUD.

(c) The failure to comply substantially with requirements applicable to this Subpart, or the schedule of activities listed under § 570.483(b)(1), may result in the termination of the grant and the recapture of any remaining funds which have not been obligated by the recipient for the purposes, and in accordance with the requirements, with respect to which the grant was provided.

(d) Any activities for which environmental review actions are shown as incompleting under § 570.483(f) shall be conditionally approved, and the utilization of funds for such activities shall be restricted subject to the requirements for the release of funds pursuant to 24 CFR part 58.

(e) The provision of a grant under this subpart shall not serve to increase the local share requirements of the project.

(f) The provisions of Subparts J, K, N, and O apply to this subpart, except to the extent they are specifically modified or augmented by the provisions of this subpart.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).)

Issued at Washington, D.C., May 31, 1978.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development.

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