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

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

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.
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**Federal Register, Vol. 43, No. 109—Tuesday, June 6, 1978**
CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

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.


FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding:

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 supporting 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 inoperable for 1 year 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 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.

Since the notice of proposed suspension was issued, 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 insufficient 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 are 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 1, 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 rulemaking 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]

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 new categories of time deposits. One of the provisions 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 operations 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:

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, and revised the provisions of the first new deposit category, member banks are permitted to pay interest to depositors at a maximum rate of 7 percent on deposits of $1,000 or more maturing in 8 years or more. The new 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 operations 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.

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 with maturities of 3 years or more 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 with maturities of 3 years or more 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.

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 of more (12 CFR 217.7(c)) 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 8 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 may not necessarily permit the ceiling rate of interest payable on existing retirement savings to change.
FOR FURTHER INFORMATION CONTACT:

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)(2) 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 in 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. Also, the used 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 or Crew of not more than three shotguns and shotgun shells as he brought into the United States under the provisions of Department of Treasury Regulations (27 CFR 178.115(d)).

27 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 territory 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) Employees of foreign governments or 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).

[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.
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:

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:

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- Organic coal tar and other cyclic chemical intermediates, as follows:
  - N-Allyl-morpholine; PTH (PFO-S-4-aminoethyl)cysteine;
  - 3-(2-Aminomethyl)indole hydrochloride; N, N-Bis(trimethylsilyl)acetamide; 1-Cyclohexyl-3-(2-morpholinomethyl)-carbodiimide metho-
  - p-toluenesulfonate; Dimethylglyoxime; Hydrogen peroxide; Dimethyl adipimide dicydrochloride; and P-[p-(Ethoxycarbonyl)]-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); Monoesters (Diesters; 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) peroxypivalate; di(2-ethylhexyl) peroxypivalate; 1,4-Bis-(2-fenylhexyl) benzene; Diethylene glycol adipate; Diethylene glycol succinate; Dimethyl aluminum chloride; N,N-Dimethylbenzylamine; 1-Ethyl-2-[3-(1-ethyl-naphtho[1,2-d]-thiazolin-2-yldiene)]-2-methyl-propenoylephaptho[1,2-b]thiazolium bromide; Glycocholic acid (shodygylcydine); and Tri-n-octylaluminum.

- Other inorganic chemicals n.e.s., as follows:
  - Antimony pentafluoride; Barium fluoride; and Potassium fluoride.

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:

SUPPLEMENTARY INFORMATION:
In the Federal Register of August 26, 1977 (42 FR 49095), 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 proposal as presented. 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 ingredient—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 in- 
ventory necessary to properly label all products produced would be unneces- 
sarily 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 declaration does not increase the length of the label state- 
ment, the Commissioner has deter- 
mined 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 ingredi- 
ents “leavening,” “yeast nutrients,” 
and “dough conditioners.” The collec- 
tive 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 in- 
gredient statement.

Therefore, under the Federal Food, 
Drug, and Cosmetic Act (secs. 201, 403, 
701(a), 52 Stat. 1940-1942 as amended, 
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.

• • • • • •

(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 par- 
rentheses 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 paren- 
theses shall be in descending order of pre- 
dominance.

(17) Ingredients that act as yeast nutri- 
trients in foods may be declared in the 
ingredient statement by stating the 
specific common or usual name of 
each individual yeast nutrient in par- 
rentheses following the collective 
name “yeast nutrients”, e.g., “yeast 
nutrients (calcium sulfate and ammo-
The Federal Insurance 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
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</thead>
<tbody>
<tr>
<td>Junista River</td>
<td>Confluence tributary 423</td>
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<tr>
<td></td>
<td>No. 7 Confluence of Doe Run 432</td>
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<tr>
<td>Locust Run</td>
<td>Johnstown Rd./LR34035 Route 322/LR331 Church Rd. Farmer’s Rd. Locust Rd. 452 474 496 544 629</td>
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<td>Doe Run</td>
<td>Confluence with Doe Run River Farmer’s Rd. Helltown Rd./LR34005 Cedar Grove Rd./T-381 443 447 444 446</td>
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<tr>
<td>Cedar Spring Run.</td>
<td>Confluence with Doe Run Spring Run U.S. Routes 22 and 322 435 443 472</td>
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<td></td>
<td>Confluence with tributary No. 1 Route 22 and U.S. 322 Church Rd. Cedar Grove Rd./T-381 435 444 446</td>
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<td></td>
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</tbody>
</table>

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.


PATRICIA ROBERTS HARRIS, Secretary.

(FR Doc. 78-14397 Filed 6-5-78; 8:45 am)

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978

(4210-01) (Docket No. FI-3494)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Bolivar, Allegany 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, Allegany 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, Allegany 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, Allegany 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:

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.


Gloria M. Jimenez,
Federal Insurance Administrator.

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

RULES AND REGULATIONS

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:

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.


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-14393 Filed 6-5-78; 8:45 am]
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** | **Datum**
--- | --- | --- | ---
Mississippi River | County State aid | 1289 | vertical
Highway 63 bridge. | | 1300 | datum
Burlington Northern | | 1278 | vertical
Big bridge. | | 1278 | datum
County State aid | | 1283 | vertical
Highway 63 bridge. | | 1278 | datum
Pokegama Reservoir | Shoreline area | 1278 | vertical

**SUMMARY:** Final 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.

**ADDRESS:** 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, Ill., 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 5370, 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.

**FOR FURTHER INFORMATION CONTACT:**
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5370, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**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.

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

**FOR FURTHER INFORMATION CONTACT:**

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

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 floodplain 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., are available for review at City Hall, city of Mauldin, Greenville County, S.C. ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final flood 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, 202-755-5881 or toll-free line 800-424-8672.

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. 969, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the 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.)


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 floodplain 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.

ADDRESS: 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, 202-755-5881 or toll-free line 800-424-8672.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Campbell County (unincorporated areas), Va.


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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>James River</td>
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<td>Chesie System</td>
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<td>Norfolk &amp; Western RR</td>
<td>500</td>
</tr>
<tr>
<td></td>
<td>Confluence with</td>
<td>505</td>
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<tr>
<td></td>
<td>Opossum Creek</td>
<td>506</td>
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<td>upstream county boundary</td>
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<td>Confluence with James River</td>
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<td>Archer Creek</td>
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<td>Norfolk &amp; Western RR</td>
<td>526</td>
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<td></td>
<td>(1st crossing)</td>
<td>536</td>
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<td>downstream face</td>
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</tr>
<tr>
<td></td>
<td>Norfolk &amp; Western RR</td>
<td>547</td>
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<tr>
<td></td>
<td>(2nd crossing)</td>
<td>548</td>
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<td></td>
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<td>Norfolk &amp; Western RR</td>
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</table>

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RULES AND REGULATIONS

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<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Vertical datum</th>
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<td>Tussocky Creek..........</td>
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<td>532</td>
<td></td>
</tr>
<tr>
<td>Confluence with</td>
<td>Cheese Creek</td>
<td>532</td>
<td></td>
</tr>
<tr>
<td>State Route 640.......</td>
<td>(southbound)</td>
<td>524</td>
<td></td>
</tr>
<tr>
<td>Norfolk &amp; Western RR.</td>
<td>downstream face</td>
<td>535</td>
<td></td>
</tr>
<tr>
<td>Norfolk &amp; Western RR.</td>
<td>downstream face</td>
<td>537</td>
<td></td>
</tr>
<tr>
<td>U.S. Route 29.........</td>
<td>upstream face</td>
<td>540</td>
<td></td>
</tr>
</tbody>
</table>

Source of flooding | Location     | Elevation in feet | Vertical datum |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Confluence with Bishop Creek</td>
<td>543</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Goose Creek</td>
<td>552</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leesville Dam, downstream side</td>
<td>569</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leesville Dam, upstream side</td>
<td>565</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upstream county boundary</td>
<td>571</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Falling River Downstream county boundary</td>
<td>384</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 40 Downstream face</td>
<td>393</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Fork, Falling River</td>
<td>457</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 694 Upstream county</td>
<td>494</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Big Otter River Downstream face</td>
<td>528</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roanoke River, State Route 712</td>
<td>538</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Route 29 northbound</td>
<td>536</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Troublesome Creek</td>
<td>554</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Flat Creek</td>
<td>563</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 682 County boundary</td>
<td>583</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Big Creek</td>
<td>594</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flat Creek Upstream face</td>
<td>592</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Big Creek</td>
<td>594</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Otter River, State Route 526</td>
<td>596</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Route 692 upsteam face</td>
<td>597</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 692 downstream face</td>
<td>591</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Private Road</td>
<td>674</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Yellow Branch</td>
<td>677</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Smith Branch</td>
<td>696</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 622 upstream face</td>
<td>729</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Route 29 upstream face</td>
<td>789</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buffalo River Confluence with Big Creek</td>
<td>811</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Otter River, State Route 526</td>
<td>812</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Route 692 downstream face</td>
<td>830</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 692 upstream face</td>
<td>830</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 692 downstream face</td>
<td>830</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with U.S. Route 29 (3rd crossing)</td>
<td>714</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 669 upstream face</td>
<td>778</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 685 downstream face</td>
<td>778</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Route 640 (3rd crossing)</td>
<td>778</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 625 upstream face</td>
<td>784</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Route 625 downstream face</td>
<td>784</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Confluence with Roanoke River</td>
<td>817</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norfolk &amp; Western RR, downstream face</td>
<td>832</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norfolk &amp; Western RR, upstream face</td>
<td>837</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Route 29 downstream face</td>
<td>837</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Route 29 upstream face</td>
<td>544</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source of flooding | Location | Elevation in feet | Vertical datum |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>State Route 711</td>
<td>County boundary</td>
<td>544</td>
<td></td>
</tr>
<tr>
<td>(Altavista town limits)</td>
<td></td>
<td>607</td>
<td></td>
</tr>
<tr>
<td>State Route 744</td>
<td>upstream face</td>
<td>624</td>
<td></td>
</tr>
<tr>
<td>U.S. Route 28</td>
<td>upstream face</td>
<td>641</td>
<td></td>
</tr>
<tr>
<td>U.S. Route 28</td>
<td>upstream face</td>
<td>653</td>
<td></td>
</tr>
<tr>
<td>Goose Creek</td>
<td>Confluence with Roanoke River</td>
<td>552</td>
<td></td>
</tr>
<tr>
<td>State Route 630</td>
<td>County boundary</td>
<td>552</td>
<td></td>
</tr>
<tr>
<td>County boundary</td>
<td>559</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Gloria M. Jimenez, Federal Insurance Administrator.

[FR Doc. 78-14400 Filed 6-5-78; 8:45 am]

[Docket No. FI-3997]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Sharon, Mercer 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 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).

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

ADDRESSES: Maps and other information 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 Chestnut Street, Sharon, Pa. 16146.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Ad-
RULES AND REGULATIONS

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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., is 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.


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, above mean sea level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pine Run</td>
<td>Service St.</td>
<td>984</td>
</tr>
<tr>
<td></td>
<td>Spencer St.</td>
<td>980</td>
</tr>
<tr>
<td></td>
<td>Wengler St.</td>
<td>985</td>
</tr>
<tr>
<td></td>
<td>Stambaugh Ave.</td>
<td>987</td>
</tr>
<tr>
<td></td>
<td>South Sharpsville Ave.</td>
<td>864</td>
</tr>
<tr>
<td></td>
<td>South Dock St.</td>
<td>861</td>
</tr>
<tr>
<td>Shenango River</td>
<td>Upstream corporate limit.</td>
<td>861</td>
</tr>
<tr>
<td></td>
<td>Low dam and works.</td>
<td>855</td>
</tr>
<tr>
<td></td>
<td>Silver St.</td>
<td>851</td>
</tr>
<tr>
<td></td>
<td>Budd St.</td>
<td>849</td>
</tr>
<tr>
<td></td>
<td>Downstream corporate limit.</td>
<td>847</td>
</tr>
</tbody>
</table>

(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.)


GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14395 Filed 6-5-78; 8:45 am]

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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack's Run</td>
<td>Mount Pleasant St.</td>
<td>1,062</td>
</tr>
<tr>
<td></td>
<td>Coolier St.</td>
<td>1,052</td>
</tr>
<tr>
<td></td>
<td>Brevery St.</td>
<td>1,044</td>
</tr>
<tr>
<td></td>
<td>Laird St.</td>
<td>1,044</td>
</tr>
<tr>
<td></td>
<td>East Pittsburgh St.</td>
<td>1,059</td>
</tr>
<tr>
<td></td>
<td>Corporate limits at 34.17-mi mark.</td>
<td>1,017</td>
</tr>
<tr>
<td></td>
<td>Corporate limits at 35.21-mi mark.</td>
<td>1,017</td>
</tr>
<tr>
<td></td>
<td>Private foot bridge.</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Confluence of tributary</td>
<td>1,017</td>
</tr>
<tr>
<td></td>
<td>No. 5 Corporate limits.</td>
<td>1,017</td>
</tr>
<tr>
<td></td>
<td>Zeller's Run</td>
<td>1,038</td>
</tr>
<tr>
<td></td>
<td>West Newton St.</td>
<td>1,050</td>
</tr>
<tr>
<td></td>
<td>U.S. Highway 30 by-pass and West Newton St.</td>
<td>1,037</td>
</tr>
<tr>
<td></td>
<td>Union Cemetery Rd.</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Private foot bridge.</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Sheffield Dr.</td>
<td>1,026</td>
</tr>
<tr>
<td></td>
<td>Corporate limits at 2.83-mi mark.</td>
<td>1,027</td>
</tr>
<tr>
<td></td>
<td>Ludwig St.</td>
<td>1,073</td>
</tr>
<tr>
<td></td>
<td>Corporate limits at 8.44-mi mark.</td>
<td>1,074</td>
</tr>
<tr>
<td></td>
<td>Tributary No. 5</td>
<td>Confluence of Jack’s Run</td>
</tr>
<tr>
<td></td>
<td>U.S. Highway 116</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Union Cemetery Rd.</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Private foot bridge.</td>
<td>1,018</td>
</tr>
<tr>
<td></td>
<td>Sheffield Dr.</td>
<td>1,026</td>
</tr>
<tr>
<td></td>
<td>Corporate limits at 2.83-mi mark.</td>
<td>1,027</td>
</tr>
<tr>
<td></td>
<td>Pennsylvania Route 819</td>
<td>1,065</td>
</tr>
<tr>
<td></td>
<td>Prestwick Dr.</td>
<td>1,069</td>
</tr>
<tr>
<td></td>
<td>Limit of detailed study at 8.06-mi mark.</td>
<td>1,068</td>
</tr>
</tbody>
</table>

(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.)


GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14385 Filed 6-5-78; 8:45 am]

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.

[FR Doc. 80-2109 Filed 4-17-80; 8:45 am]
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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry Creek</td>
<td>Confluence with Cedar Creek. Postoria Rd.</td>
<td>504</td>
</tr>
<tr>
<td>Cedar Creek</td>
<td>Curtis Rd.</td>
<td>599</td>
</tr>
</tbody>
</table>

GLORIA M. JIMENEZ, Federal Insurance Administrator.


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

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
flood-prone areas in accordance with 24 CFR Part 1910.
The final base (100-year) flood elevations for selected locations are:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outer Creek</td>
<td>North corporatelimits</td>
<td>368</td>
</tr>
<tr>
<td></td>
<td>Just downstream of</td>
<td>369</td>
</tr>
<tr>
<td>Rutland Dam</td>
<td>Just upstream of</td>
<td>479</td>
</tr>
<tr>
<td></td>
<td>Rutland Dam</td>
<td>481</td>
</tr>
<tr>
<td></td>
<td>Just downstream of</td>
<td>485</td>
</tr>
<tr>
<td></td>
<td>Main St.</td>
<td>481</td>
</tr>
<tr>
<td></td>
<td>Just upstream of</td>
<td>487</td>
</tr>
<tr>
<td></td>
<td>Main St.</td>
<td>488</td>
</tr>
</tbody>
</table>

(Shaded text)

The Central Intelligence Agency Information Review Committee by 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 National Foreign Assessment Center, and the Deputy Director of the National Foreign Assessment Center.”


John F. Blake, Deputy Director for Administration.
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, 202-658-5175.

SUPPLEMENTARY INFORMATION:

In the Federal Register of February 14, 1978, (43 FR 6263) the Copyright Royalty Tribunal published an advance notice of proposed rulemaking concerning payment 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 six 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 six months of 1978. The proposed rule requires only a minimal 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.

The leagues submit that the proposed rule incorporates 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 submitted that the proposed requirement would preclude the participation in Tribunal distribution proceedings of persons having no legitimate claim.

The leagues also propose that the proposal 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:

§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.


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

§302.1 General.

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
July 1979. For purposes of this clause the Tribunal may require.

June 30, 1978, shall make a supplemental filing, which 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.


THOMAS C. BRENNAN, Chairman,
Copyright Royalty Tribunal.

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

[5660-01]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FR-889-1]

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 45390). 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 Nebraska Environmental Control Council submitted justifications for downgrading of 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 navigable 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.

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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. Buff Head SUA.
5. Coots Shallows SUA.
6. Dead Timber SRA.
7. Stagecoach No. 9 SRA.
8. Union Pacific SWA.
9. Verden SRA.
10. Walgren Lake SRA.
11. War Axe SWA.
12. Wilson Creek SUA.

For another seven navigable waters, EPA approved 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. Pilb 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 paragraphs (a) and (b) 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 attainment the States may consider environmental, technological, social, economic, and institutional factors.

Paragraph (1) of subsection (c) 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;
(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 paragraphs (c) 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) 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
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occurring first and the changed use designation proposed as a consequence that, 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 graveness 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 if a water body in a water quality sense is not fishable, 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 and 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 anticipated usage. It is 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, and fish and wildlife protection. The Agency is 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 as so 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 purposes 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))).


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:

(i) 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 State Special Use Area.

(iv) Memphis Lake State Recreational Area.

(v) Pibel Lake State Recreational Area.

(vi) Plattsmonth Special Use Area.

(vii) Ravenna State Recreational Area.

(viii) Victoria Spring State Recreational Area.

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]

B320-01

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 speci-
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II. All 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:


SUPPLEMENTARY INFORMATION:

Section 8-3.207 is revised in several respects. First, a new authority 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 is 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 designee or the designate. 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.


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 section 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 section, that individual is authorized to negotiate 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.

(c) 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.

(4) Chief of each of the following inspection divisions:

(i) Director, supply service.

(ii) Medical-dental scientific supplies;

(iii) Medical equipment;

(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.

(e) 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 thereby delegated to such designer to perform the inspection functions set forth in paragraph (d) of this section. Designations shall be in writing with the title to 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.

(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.

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 §8-52.108(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 certificate 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.

[FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978]
2. Section 101-26.402-4 is revised as follows:


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:


(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 publications. 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 (EPPS), 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.


JAY SOLOMON,
Administrator of General Services.

[PR Doc. 78-15543 Filed 6-5-78, 8:45 am]
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. (Op­
ilka, 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 War­
dean, Inc. ("petitioner"), requesting the assignment of television Channel 66 to Opelika, Ala. Support­
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), 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 amend the Table of Assignments, § 73.606(b) of the Commission’s Rules, as amended with regard to the city listed below:

**City and Channel No.**

Opelika, Ala., 66.

5. 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.

6. 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]

*Population 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,4 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]

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

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

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
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.


FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:


By the Chief, Broadcast Bureau:
1. The Commission herein considers the Notice of Proposed Rulemaking, adopted January 15, 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. 187,818),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; WTOC-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-

1Population figures are taken from the 1970 U.S. Census.
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: Section 1033.1309 of the Rules and Regulations requires railroads to provide an adequate supply of freight cars to shippers located on their lines. The order amends the Service Order No. 1309 to require railroads to place, remove, forward, and give light repairs to cars within 24 hours. The order has been amended to apply to empty system cars except as to forwarding. System cars for which there is no immediate need may be stored after any needed weighting, cleaning or light repairs have been completed.


FOR FURTHER INFORMATION CONTACT:


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 movement 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:

(b) Definitions. ‘(i) Empty system cars are cars bearing the registered reporting marks of the railroad holding the cars.

(c) All special type cars described 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 in the various notes thereto.

(d) Except as provided in the rules for placed, or otherwise disposed of, cars, the following rules, regulations, and practices are applicable to all cars:

(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 bearing exchange, interchange, or special assignment marks, including, but not limited to, those bearing 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 in the various notes thereto.

(2) Placing of cars: (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point 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 charges 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, has been ordered for reloading within such 24-hour period. Empty foreign or private cars not ordered for loading at point where unloaded or interchange tracks of industrial plants 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

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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 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, or 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 in 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 materials at the repair point 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 purposes of cargo classification, or a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(7) Force majeure defense protected. Nothing in this order shall deny any carrier its defense 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.


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

H. G. Homme, Jr., Acting Secretary.

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

[7033-01]

(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.


FOR FURTHER INFORMATION CONTACT:


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 southeastern United States for transporting melons, potatoes, and other perishable products requiring protection from heat. Shippers are being deprived of the insulated-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 (1) 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).

(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, 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 inequalities 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.

(1) 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.


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]

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

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-shipments 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.


FOR FURTHER INFORMATION CONTACT:


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.

(Amendment No. 1 to Service Order No. 1310)

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


FOR FURTHER INFORMATION CONTACT:

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.


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

H. G. Homme, Jr., Acting Secretary.

[PR Doc. 78-15553 Filed 6-5-78; 8:45 am]
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, set the funding rate for 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.


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

The 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).


(2) In §§1062.71(a)(2)(i) 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.

(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 .75 percent. This rate, rounded to the nearest whole cent, will become effective on

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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 witholding 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 §1062.8(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 farmers 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 (e) and (f) of this section shall not be considered producer milk. The diverting handler may designate the diary 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, which is 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) Purposes of milk diverted pursuant to paragraph (c) (2) or (3) of this section to a pool 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 it was diverted.

Provided, that milk diverted to a nonpool plant located within the marketing 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:

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CIVIL AERONAUTICS BOARD

[14 CFR Part 371]
[DOCKET No. 32242]

Oral Argument


AGENCY: Civil Aeronautics Board.

ACTION: Notice of Oral Argument.

SUMMARY: On March 17, 1978, the Board issued a Notice (EDR-348, SPD-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 reply 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:


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. 78-15674 Filed 6-5-78; 8:45 am]
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 individuals 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 the autopsy is not of good enough quality to demonstrate the presence of pneumoconiosis.
7. Redefine the term “miner” to include self-employed miners and certain individuals engaged in the processing and transportation of coal and in coal mine construction.
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 of final determination of eligibility.
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.
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.
18. Provide that the DOL will 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.


DON WORTMAN,
Acting Commissioner of Social Security.

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 subsection 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 as 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

§ 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 Benefits 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 Act; and Part B claims for which the claimant elects review by DOL. 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, 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:

(a) 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(a) and 410.300, 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.

(4) A person who works or has worked in or around a 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 dust during all periods of such employment.

(5) 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.

(6) Where there is no medical evidence of pneumoconiosis and the stage of advancement of the disease will be accepted if it is 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 402 of the Act, for determining whether a miner or an individual seeking benefits is entitled to benefits or died due to pneumoconiosis, shall be no more restrictive than the criteria applicable to a claim filed with the Social Security Administration or the Office of Workers' Compensation under Part G of Title IV of the Act. In keeping with this provision, the interim evidentiary rules and disability criteria contained in §410.480 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 24 CFR 210.209, shall be applicable to a claim approved under this subpart.

(c) Date from which benefits are payable. Benefits for claims reviewed under this subpart are payable under the BLBRA of 1977 for payment of benefits back to January 1, 1974, not affect the processing of their pending Part B claims prior to January 1, 1974.

(d) 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 or the Office of Workers' Compensation Program to see whether entitlement to benefits may be established under the BLBRA of 1977; and if the 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

(e) 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 decision on the claim.

§410.454 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 its is already on file.

§410.705 Adjudicatory process.

(a) General. Section 402(f)(2) of the Act provides that the criteria and standards to be applied to a claim reviewed under Section 402 of the Act, for determining whether a miner or an individual seeking benefits is entitled to benefits or died due to pneumoconiosis, shall be no more restrictive than the criteria applicable to a claim filed with the Social Security Administration or the Office of Workers' Compensation under Part G of Title IV of the Act. In keeping with this provision, the interim evidentiary rules and disability criteria contained in §410.480 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 24 CFR 210.209, shall be applicable to a claim approved under this subpart.

(c) Date from which benefits are payable. Benefits for claims reviewed under this subpart are payable under the BLBRA of 1977 for payment of benefits back to January 1, 1974, not affect the processing of their pending Part B claims prior to January 1, 1974.

(d) 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 or the Office of Workers' Compensation Program to see whether entitlement to benefits may be established under the BLBRA of 1977; and if the 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

(e) 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 decision on the claim.

§410.454 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 its is already on file.
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, the Office of Workers' Compensation Programs, or both, with respect to the claim.

(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 to review by the Social Security Administrator, he or she may change the election if the Social Security Administrator 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, the claimant may change the election if the Social Security Administrator has not yet forwarded the file 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 Administrator has not yet forwarded the file to 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 includes 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 a 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 a FR date. The Social Security Administration will notify the claimant of this action.

(i) 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 a 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 the 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 either 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 Social Security Administration within 6 months of the notice (see 410.704(d)) until 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, requests that the claim originally filed be reviewed by the Social Security Administration, the Social Security Administration 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.

§ 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]
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.

FOR FURTHER INFORMATION CONTACT: 


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

PROPOSED RULES

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: 


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 received a letter from Borden, Inc. (on file with the Hearing Clerk, address given above), requesting an extension of the comment period.
General Accounting Office Final Report: "Number of Newly Arrived Aliens Who Receive Supplemental Security Income Needs to be Reduced"
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 no authority to impose contractual requirements on sponsors of immigrating aliens by regulation.

For the reasons stated, the September 7, 1976 notice of proposed rulemaking is withdrawn.
(Sec. 104 of the Act of June 27, 1952, as amended (68 Stat. 174, 8 U.S.C. 1104.).)

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 Office, 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. 20416, 202-755-5581 or toll-free line 800-424-8872.


These elevations, together with 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.


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 premiums 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>National geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smoky Hill River...</td>
<td>At southeastern corner of corporate limit.</td>
<td>1,167</td>
<td></td>
</tr>
<tr>
<td>Solomon River.....</td>
<td>At intersection of Poplar and 1st Sts. near southern corporate limits.</td>
<td>1,161</td>
<td></td>
</tr>
<tr>
<td>Solomon River tributary.</td>
<td>At confluence of Solomon River.</td>
<td>1,171</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At downstream of Union Pacific RR. bridge.</td>
<td>1,170</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At upstream side of Union Pacific RR. bridge.</td>
<td>1,173</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At 7th St. and northern corporate limit.</td>
<td>1,173</td>
<td></td>
</tr>
</tbody>
</table>

(24 CFR Part 1917)

[4210-01] [24 CFR Part 1917]
[Docket No. FI-4184]
PROPOSED RULES

24549


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 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.


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>national vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wading River</td>
<td>At confluence with Rumfold River</td>
<td>61</td>
<td></td>
</tr>
<tr>
<td></td>
<td>350 ft upstream of Route 140</td>
<td>68</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3,850 ft downstream of Route 140</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3,850 ft upstream of Route 140</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3,850 ft downstream of Barrows St.</td>
<td>86</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of Barrows St.</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of Dam No. 1 (560 ft upstream of Barrows St.)</td>
<td>93</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of West Main St.</td>
<td>97</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of West Main St.</td>
<td>104</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of Richardson St.</td>
<td>105</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of Richardson St.</td>
<td>110</td>
<td></td>
</tr>
<tr>
<td>Rumfold River</td>
<td>2,900 ft upstream of confluence with Wading River</td>
<td>63</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2,250 ft downstream of Pine St.</td>
<td>67</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of Pine St.</td>
<td>73</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of Route 123</td>
<td>74</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of Cross St.</td>
<td>84</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of dam</td>
<td>89</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1200 ft upstream of Cross St.</td>
<td>93</td>
<td></td>
</tr>
<tr>
<td>Cane River</td>
<td>Reservoir Ave.</td>
<td>97</td>
<td></td>
</tr>
<tr>
<td></td>
<td>900 ft upstream of Winnecunnet Pond.</td>
<td>67</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At Plain St.</td>
<td>69</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3,500 ft upstream of Plain St.</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Just upstream of Route 123</td>
<td>77</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3,900 ft upstream of Route 123</td>
<td>83</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7,500 ft upstream of Route 123</td>
<td>85</td>
<td></td>
</tr>
</tbody>
</table>


GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14372 Filed 6-5-78; 8:45 am]
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, 202-785-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

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 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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>Geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicopee River.....</td>
<td>Just downstream of Western Massachusetts Electric Co. Dam..</td>
<td>194</td>
<td></td>
</tr>
<tr>
<td>North Branch Mill</td>
<td>Western corporate limit.</td>
<td>223</td>
<td></td>
</tr>
<tr>
<td>Sawmill Brook.....</td>
<td>1500 ft upstream of confluence with South Branch Mill River.</td>
<td>223</td>
<td></td>
</tr>
<tr>
<td>Tributary A........</td>
<td>Penn Central RR.</td>
<td>234</td>
<td></td>
</tr>
<tr>
<td>Ninemile Pond.....</td>
<td>Entire length</td>
<td>246</td>
<td></td>
</tr>
<tr>
<td>Tributary C........</td>
<td>Confluence with North Branch Mill River.</td>
<td>239</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2600 ft upstream of confluence with North Branch Mill River.</td>
<td>252</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At Culvert, 0.9 mile upstream of confluence with North Branch Mill River.</td>
<td>269</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At footbridge, 1.4 mile upstream of confluence with North Branch Mill River.</td>
<td>275</td>
<td></td>
</tr>
</tbody>
</table>


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 Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

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<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
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<th>Geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicopee River.....</td>
<td>Just downstream of Western Massachusetts Electric Co. Dam..</td>
<td>194</td>
<td></td>
</tr>
<tr>
<td>North Branch Mill</td>
<td>Western corporate limit.</td>
<td>223</td>
<td></td>
</tr>
<tr>
<td>Sawmill Brook.....</td>
<td>1500 ft upstream of confluence with South Branch Mill River.</td>
<td>223</td>
<td></td>
</tr>
<tr>
<td>Tributary A........</td>
<td>Penn Central RR.</td>
<td>234</td>
<td></td>
</tr>
<tr>
<td>Ninemile Pond.....</td>
<td>Entire length</td>
<td>246</td>
<td></td>
</tr>
<tr>
<td>Tributary C........</td>
<td>Confluence with North Branch Mill River.</td>
<td>239</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2600 ft upstream of confluence with North Branch Mill River.</td>
<td>252</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At Culvert, 0.9 mile upstream of confluence with North Branch Mill River.</td>
<td>269</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At footbridge, 1.4 mile upstream of confluence with North Branch Mill River.</td>
<td>275</td>
<td></td>
</tr>
</tbody>
</table>


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 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:
PROPOSED RULES

24551

Source of flooding | Location | Elevation in feet, national geodetic vertical datum

| Merrimack River... | At south corporate limit with Patten Rd.| 226 |
| Merrimack River... | Just upstream of Patten Rd. | 224 |
| Merrimack River... | Just upstream of Route 100 | 220 |

[Source of flooding Location Elevations in feet, national geodetic vertical datum]

Kinnemore | 65 ft North of Route 25... | 245 |

issued; May 2, 1978.

L. J. IMENEZ,
Federal Insurance Administrator.

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

[4210-01] [24 CFR Part 1917]

[Docket No. 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: Aubrey Robinson, Chairman, Board of Selectmen, 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:

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 corporate limit with Merrimack River. | 150 |
| Merrimack River... | Just upstream of Merrimack River. (745 ft upstream of Pulpit Brook.) | 150 |
| Merrimack River... | Just upstream of Pulpit Brook. | 150 |
| Merrimack River... | Just downstream of Pulpit Brook. | 150 |

[Source of flooding Location Elevations in feet, national geodetic vertical datum]

Kinnemore | Just North of Pool St... | 245 |
| Just North of St. Louis | 246 |
| Southwestern Ry. | 246 |

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
### Proposed Rules

#### Source of floodingLocationElevation in feet, national geodetic vertical datum

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Just downstream of</td>
<td>dam, 440 ft upstream of covered footbridge.</td>
<td>135</td>
</tr>
<tr>
<td>Just downstream of</td>
<td>Sherborn Wayfarer Biog.</td>
<td>145</td>
</tr>
<tr>
<td>Just upstream of</td>
<td>South River Rd.</td>
<td>150</td>
</tr>
<tr>
<td>Just upstream of dam, upstream of South River Rd.</td>
<td>157</td>
<td></td>
</tr>
<tr>
<td>Just downstream of State Route 191 (south crossing)</td>
<td>163</td>
<td></td>
</tr>
<tr>
<td>Just downstream of</td>
<td>State Route 101 and Boynton St. Culvert,</td>
<td>175</td>
</tr>
<tr>
<td>Just upstream of</td>
<td>E1 101 and Boynton St. Culvert.</td>
<td>195</td>
</tr>
<tr>
<td>Just downstream of</td>
<td>State Route 101 and Boynton St. Culvert.</td>
<td>207</td>
</tr>
<tr>
<td>Just downstream of Old Bedford Rd.</td>
<td>219</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Old Bedford Rd.</td>
<td>230</td>
<td></td>
</tr>
<tr>
<td>900 ft upstream of Old Bedford Rd.</td>
<td>230</td>
<td></td>
</tr>
<tr>
<td>105 ft downstream of Donald St.</td>
<td>235</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Donald St.</td>
<td>248</td>
<td></td>
</tr>
<tr>
<td>Just downstream of State Route 114</td>
<td>249</td>
<td></td>
</tr>
<tr>
<td>Just upstream of State Route 101</td>
<td>250</td>
<td></td>
</tr>
<tr>
<td>Riddle Brook</td>
<td>At south corporate limit with Merrimack.</td>
<td>178</td>
</tr>
<tr>
<td>Just downstream of Meadow Rd.</td>
<td>183</td>
<td></td>
</tr>
<tr>
<td>Just upstream of abandoned railroad bridge (downstream of Nashua R).</td>
<td>184</td>
<td></td>
</tr>
<tr>
<td>1,637 ft downstream of Nashua R.</td>
<td>185</td>
<td></td>
</tr>
<tr>
<td>Just downstream of Nashua Rd.</td>
<td>202</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Nashua Rd.</td>
<td>211</td>
<td></td>
</tr>
<tr>
<td>2,900 ft upstream of Nashua Rd.</td>
<td>214</td>
<td></td>
</tr>
<tr>
<td>Just downstream of county road west.</td>
<td>226</td>
<td></td>
</tr>
<tr>
<td>130 ft upstream of county road west.</td>
<td>229</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Bedford Center Rd.</td>
<td>235</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Wallace Rd.</td>
<td>251</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Amherst Rd.</td>
<td>264</td>
<td></td>
</tr>
<tr>
<td>2,900 ft downstream of Amherst Rd.</td>
<td>266</td>
<td></td>
</tr>
<tr>
<td>McGaule Brook</td>
<td>At south corporate limit with Merrimack.</td>
<td>179</td>
</tr>
<tr>
<td>800 ft downstream of Jenkins Rd.</td>
<td>182</td>
<td></td>
</tr>
<tr>
<td>706 ft downstream of Jenkins Rd.</td>
<td>187</td>
<td></td>
</tr>
<tr>
<td>340 ft downstream of Jenkins Rd.</td>
<td>189</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Jenkins Rd.</td>
<td>217</td>
<td></td>
</tr>
<tr>
<td>4,960 ft upstream of Jenkins Rd.</td>
<td>217</td>
<td></td>
</tr>
<tr>
<td>1,450 ft downstream of Beach Rd.</td>
<td>223</td>
<td></td>
</tr>
<tr>
<td>978 ft downstream of Beach Rd.</td>
<td>241</td>
<td></td>
</tr>
<tr>
<td>Just downstream of Beach Rd.</td>
<td>255</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Beach Rd.</td>
<td>258</td>
<td></td>
</tr>
<tr>
<td>80 ft downstream of State Route 101.</td>
<td>271</td>
<td></td>
</tr>
</tbody>
</table>

#### For further information contact:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 9270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

### SUPPLEMENTARY INFORMATION:


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nashua River</td>
<td>At eastern corporate limit.</td>
<td>167</td>
</tr>
<tr>
<td>Just downstream of Runnels Rd.</td>
<td>173</td>
<td></td>
</tr>
<tr>
<td>Just upstream of Runnels Rd.</td>
<td>175</td>
<td></td>
</tr>
<tr>
<td>At southern corporate limit.</td>
<td>177</td>
<td></td>
</tr>
<tr>
<td>Nashua River</td>
<td>At downstream of Brookline Rd.</td>
<td>209</td>
</tr>
<tr>
<td>Just downstream of Runnels Rd.</td>
<td>215</td>
<td></td>
</tr>
<tr>
<td>At western corporate limit.</td>
<td>219</td>
<td></td>
</tr>
<tr>
<td>Witches Brook</td>
<td>At corporate limit with Merrimack.</td>
<td>191</td>
</tr>
<tr>
<td>Just downstream of South Merrimack Rd.</td>
<td>191</td>
<td></td>
</tr>
<tr>
<td>Just upstream of South Merrimack Rd.</td>
<td>192</td>
<td></td>
</tr>
<tr>
<td>Merrimack Rd.</td>
<td>193</td>
<td></td>
</tr>
<tr>
<td>3,800 ft upstream of South Merrimack Rd.</td>
<td>193</td>
<td></td>
</tr>
<tr>
<td>2,429 ft downstream of Ames Rd.</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>At New Hampshire Route 122.</td>
<td>215</td>
<td></td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
PROPOSED RULES

(Agency: Federal Insurance Administration, 1455 Salt Springs Road SW., Warren, Ohio 44481.)


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 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:

<table>
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<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duck Creek</td>
<td>Just upstream of Hewitt-Offord Rd.</td>
<td>906</td>
</tr>
<tr>
<td>Mud Creek</td>
<td>Just upstream eastern corporate limit</td>
<td>873</td>
</tr>
<tr>
<td></td>
<td>Just upstream Carson-Salt-Spring Rd.</td>
<td>880</td>
</tr>
<tr>
<td></td>
<td>Salt-Spring Rd.</td>
<td>919</td>
</tr>
<tr>
<td></td>
<td>Scoop Rd.</td>
<td>958</td>
</tr>
<tr>
<td></td>
<td>Just downstream State Road 43</td>
<td>0</td>
</tr>
</tbody>
</table>

(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.)


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, 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 Aumsville, 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, Aumsville, Ore. Send comments to: Mayor Joel F. Mathias, City of Aumsville, City Hall, P.O. Box 227, Aumsville, Ore. 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:


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:

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
PROPOSED RULES

SUPPLEMENTARY INFORMATION:

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.

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<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Santiam</td>
<td>Blowout St. (downstream side)</td>
<td>1,584</td>
<td></td>
</tr>
<tr>
<td>River.</td>
<td>Blowout St. (upstream side)</td>
<td>1,588</td>
<td></td>
</tr>
<tr>
<td>Church St.</td>
<td></td>
<td>1,703</td>
<td></td>
</tr>
</tbody>
</table>

DX:

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, Oreg. Comments should be directed to: Mr. Leonard Cardwell, City Manager, City of Jefferson, City Hall, P.O. Box 63, Jefferson, Oreg. 97732.

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:

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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet</th>
<th>national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Santiam</td>
<td>Blowout St. (downstream side)</td>
<td>1,584</td>
<td></td>
</tr>
<tr>
<td>River.</td>
<td>Blowout St. (upstream side)</td>
<td>1,588</td>
<td></td>
</tr>
<tr>
<td>Church St.</td>
<td></td>
<td>1,703</td>
<td></td>
</tr>
</tbody>
</table>
PROPOSED RULES

24555

Source of flooding  Location  Elevation in feet, national geodetic vertical datum

North Santiam  Southern Pacific RR.  223
River.  (upstream side)  Jefferson Highway  220
(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.)


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, 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 Mill City, 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, Mill City, Oreg. Send comments to: Mayor Virgil Hicks, City of Scotts Mills, City Hall, Scotts Mills, Oreg. 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 800-424-3872.


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Santiam</td>
<td>Southern Pacific RR.</td>
<td>223 (upstream side)</td>
</tr>
<tr>
<td>River.</td>
<td>Jefferson Highway</td>
<td>220 (downstream side)</td>
</tr>
</tbody>
</table>


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, 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 Scotts Mills, 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, Scotts Mills, Oreg. Send comments to: Mayor Virgil Hicks, City of Scotts Mills, City Hall, Scotts Mills, Oreg. 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 800-424-3872.


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:
PROPOSED RULES

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 7719).)


Gloria M. Jimenez,
Federal Insurance Administrator.

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.


These 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, Oreg. Send comments to: Mr. Douglas K. Robinson, City Manager, City of Silverton, City Hall, 306 South Water Street, Silverton, Oreg. 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.


These 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 North 3rd Avenue, Stayton, Oreg. Send comments to: Mayor Wayne L. Lierman, City of Stayton, City Hall, 362 North 3rd Avenue, Stayton, Oreg. 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.


These 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, 362 North 3rd Avenue, Stayton, Oreg. Send comments to: Mayor Wayne L. Lierman, City of Stayton, City Hall, 362 North 3rd Avenue, Stayton, Oreg. 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.
PROPOSED RULES

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 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, 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 (Title XIII of the 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.)


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-14384 Filed 6-5-78; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-4199]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Woodburn, 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 Woodburn, 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).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 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 (Title XIII of the 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.)


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-14384 Filed 6-5-78; 8:45 am]
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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rock Creek</td>
<td>Rock Creek Rd.</td>
<td>909</td>
</tr>
<tr>
<td></td>
<td>Clement Dr.</td>
<td>1,019</td>
</tr>
<tr>
<td></td>
<td>Warren St.</td>
<td>1,023</td>
</tr>
<tr>
<td></td>
<td>Lincoln St.</td>
<td>1,029</td>
</tr>
<tr>
<td></td>
<td>Grundy St.</td>
<td>1,040</td>
</tr>
<tr>
<td></td>
<td>Wilson Ave.</td>
<td>1,047</td>
</tr>
<tr>
<td></td>
<td>Confluence with west and north fork of Rock Creek</td>
<td>1,048</td>
</tr>
<tr>
<td></td>
<td>Confluence with Rock Creek.</td>
<td>1,038</td>
</tr>
<tr>
<td></td>
<td>Confluence with Rock Creek.</td>
<td>1,036</td>
</tr>
<tr>
<td></td>
<td>Confluence with east and west forks, Bobo Creek.</td>
<td>1,027</td>
</tr>
<tr>
<td></td>
<td>Confluence with Bobo Creek.</td>
<td>1,022</td>
</tr>
<tr>
<td></td>
<td>Lincoln St.</td>
<td>1,035</td>
</tr>
<tr>
<td></td>
<td>Anderson St.</td>
<td>1,042</td>
</tr>
<tr>
<td></td>
<td>Main St.</td>
<td>1,043</td>
</tr>
<tr>
<td></td>
<td>Carroll St.</td>
<td>1,047</td>
</tr>
<tr>
<td></td>
<td>Highway 55.</td>
<td>1,047</td>
</tr>
<tr>
<td></td>
<td>Confluence of prong of West Bobo Creek.</td>
<td>1,026</td>
</tr>
<tr>
<td></td>
<td>Confluence of prong of East Bobo Creek.</td>
<td>1,023</td>
</tr>
<tr>
<td></td>
<td>Confluence of prong of Prong Bobo Creek.</td>
<td>1,024</td>
</tr>
<tr>
<td></td>
<td>L &amp; N RR.</td>
<td>1,067</td>
</tr>
</tbody>
</table>

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, Service Center for Mayor Underwood, P.O. Box 3316, Austin, Tex. 78764.

FOR FURTHER INFORMATION CONTACT:


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:

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunset Valley</td>
<td>Just upstream of Pillow Rd.</td>
<td>666</td>
</tr>
<tr>
<td></td>
<td>Just upstream of Lone Oak Trail.</td>
<td>668</td>
</tr>
<tr>
<td>Williamson Creek</td>
<td>Reese Rd. (extended).</td>
<td>670</td>
</tr>
<tr>
<td></td>
<td>Western corporate limits.</td>
<td>708</td>
</tr>
<tr>
<td>Dry fork branch of Williamson Creek.</td>
<td>Oakdale Dr. (extended).</td>
<td>680</td>
</tr>
</tbody>
</table>

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.

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<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet, national geodetic vertical datum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price River</td>
<td>3d West St</td>
<td>5,506</td>
</tr>
<tr>
<td>Meads Wash</td>
<td>Denver &amp; Rio Grande Western RR</td>
<td>5,497</td>
</tr>
<tr>
<td></td>
<td>4th South St</td>
<td>5,529</td>
</tr>
<tr>
<td></td>
<td>1st North St</td>
<td>5,569</td>
</tr>
<tr>
<td></td>
<td>...do.*</td>
<td>5,563</td>
</tr>
<tr>
<td></td>
<td>8th North St</td>
<td>5,637</td>
</tr>
<tr>
<td></td>
<td>...do.*</td>
<td>5,648</td>
</tr>
</tbody>
</table>

*Upstream side.
**Downstream side.


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-14387 Filed 6-5-78; 8:45 am]
PROPOSED RULES

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

DOCKET NO. 77-1587

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 to require 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.

EFFECTIVE DATE: Non-Applicable.


FOR FURTHER INFORMATION CONTACT:

Carol P. Foelak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

A. Report and Order

1. Notice Requirement.

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.

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.


We suggested that any 45-day notice requirement to be adopted would need to be straightforward with uncomplicated exceptions. 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 commenters 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 trade press rather than from some other source, whether this actually would lead to a greater number of minority purchases.

4. Finally we noted that our involvement in any transaction 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.

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 faith.

1Congress added this language to Section 310 in 1962, because it wished to make sure that the Commission did not restate its former "Aceo" rule. The Commission had announced the Aceo rule in Forest Crosby, 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 of the proposed sale. Then the Commission would 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 restate 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 publish and file proof of publication with its application.

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PROPOSED RULES

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faith by making a large deposit. The Kentucky State NAACP suggested that notifying NAACP branches, Urban Coalition for the Blind OMBE, and the offices of intended buyers 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 if a party had a sale agreement, 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. Minority investors 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 involved 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. Arguing that the problem stemmed from experience in connection with the sale of real estate. They asserted that the situation is quite different. Unlike the sale of 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 neighbors is not to lose the 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 item 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 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 latter, 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 minority ownership.

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. The party in whose name the station is registered is also afraid. They also argue that the fact a station is for sale can be against 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 perhaps 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 stated his revenue dropped by half. Moreover, some sales contracts are said to contain provisions which enable buyers to buy out the remaining interest of the seller if the 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 which accounts are 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 bonafide buyer from someone acting on behalf of one of his competitors. Those 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 modifications would have to be negotiated 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 methods 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. Even, if noticed, 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 that the Commission, 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 included financing through the Small Business Administration, a tax certificate proposal offered in a petition by the NAH, 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 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 and responsible solution 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 45 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 of 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 studies of minority listening patterns.

This has a direct bearing on financing, since a financing proposal will usually include an estimate of the amount 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 and 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. Malicky & Bernton on behalf of Harrison Corp.

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2. Eastern Broadcasting Corp.
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4. Broadcasting Stations, Inc.
5. Thousand Islands Corp.
8. Smith & Pepper.
9. Gilliam Communications, Inc.
12. TUNG Broadcasting Co.
14. WSPS-FM, Plano, Ill.
16. KPFA, Greeley, Colo.
17. Metroplex Communications, Inc.
18. KPCR-AM-FM, Bowling Green, Mo.
19. WILK and WGQG-FM, Waupun, Wis.
20. Colorado Broadcasting Associations.
21. Sunbelt Communications.
22. WGFT-AM, Youngstown, Ohio.
23. Summit Radio Corp.
24. Spanish International Communications Corp.
27. WVLC and WLON-FM, Orleans, Mass.
29. Shreveport Broadcasting Co.
30. Natural Broadcasting System.

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
Informal comments were filed by approximately 120 additional parties.

[FR Doc 78-15623 Filed 6-5-78; 8:45 am]
[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 stockyards 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 Bats Livestock Exchange, Water- town, N.Y.
WI-185 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. Mulham, 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 Committee 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 wishes to file a statement or who has a technical reason(s) in writing justify their need to visit Plum Island is the limitation of visitors to 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 area 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.


SAUL T. WILSON, JR.,
Executive Secretary.

[F.R. Doc. 78-15514 Filed 6-5-78; 8:45 am]
NOTICES

[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.


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: 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 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.

[FR Doc. 78-15670 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 3333, 1900 E Street NW., Washington, D.C. 20415.

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]

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
NOTICES

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 CPR 9.30), 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. Spyry, 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

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 CPR 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 850-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, 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:


John J. Da Ponte, Jr., Executive Secretary.

[FR Doc. 78-15617 Filed 6-5-78; 8:45 am]

[3510-25]

[4310-10]

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 CPR 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.

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John J. Da Ponte, Jr., Executive Secretary.

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
The Senate report further indicated by the assembly process, and also is an indication of the degree of assembly operations to take advantage of the production incentives. The formula and production incentives will ultimately be incorporated in the 1979 watch and quota allocation rules.

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, and all producers of watches may take advantage of their assembly opportunities 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 and quota allocation rules.

FOR ADDITIONAL INFORMATION

CONTACT:

Mr. Richard M. Seppa, who can be reached by telephone on 202-377-3925.

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 may be necessary to carry out their duties.” The legislative history of the Act contained in S. Rep. No. 1679, 79th Cong., 2d Sess. 8 (1965) suggests that the cost of labor involved in watch and assembly operations may be a simple 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 and quota allocation rules.

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 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 increased 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 1973 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 the 1975 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 large scale movements of jobs 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 quota in Guam and the Virgin Islands for allocation to firms satisfying specified minimum standards pertaining to assembly and economic contribution.

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 wage factor, and a weight of 60 percent will be assigned to the tax factor.

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 criteria set forth below.

(a) That portion of the 1979 Virgin Islands quota equal to the ratio of general 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 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 wage factor, and a weight of 60 percent will be assigned to the tax 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 criteria set forth below.

(i) $0.75 in wages per unit shipped into the customs territory of the United States during calendar year 1978.

(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.

(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 (b) 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 303.5a(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 movement assembly operations, up to a maximum of $14,000 per person, divided by the firm's 1978 shipments of headnote 3(a) watches and watch movements; (ii) "personas" assembly 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 crammed onto the mainplate, a bridge or subassembly not assembled together with another part or component at the time of manufacture 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, be main consolation for quota reduction or cancellation.

Dated: June 1, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for Trade Regulation, U.S. Department of Commerce.

RUTG. VAN CLEVE,
Director, Office of Territories Affairs, U.S. Department of the Interior.

[FR Doc. 78-15584 Filed 6-5-78; 8:45 am]

NOTICES

[3910-01]
DEPARTMENT OF DEFENSE
Department of the Air Force
USAF SCIENTIFIC ADVISORY BOARD
Meeting


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. 78-15584 Filed 6-5-78; 8:45 am]

[3810-70]
Office of the Secretary
DOD ADVISORY GROUP ON ELECTRON DEVICES
Advisory Committee Meeting


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 at 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. Ollman—Standard Oil Co. of Calif.
Clark, John F.—Union Carbide Corp.
Cunningham, George W.— Battelle Memorial Institute
D'Zmura, Andrew P.—Westinghouse Electric Corp.
Deb, Donald E.—Battelle Memorial Institute
Erb, Donald E.—Battelle Memorial Institute
Erb, Donald E.—Battelle Memorial Institute
Fields, Raymond H.—Westinghouse Electric Corp.
Fink, Lester H.—Philadelphia Electric Corp.
Flugum, Robert W.—Westinghouse Electric Corp.
Guthrie, Hugh D.—Shell Oil Co.
Halpine, Paul A.—Westinghouse Electric Corp.
Hunter, James R.—Westinghouse Electric Corp.
Ingerman, Arthur K.—Union Carbide Corp.
Katz, Maurice J.—University of California
Klein, Kenneth W.—Cleveland Electric Illuminating Co.
Koestner, Carl C.—Douglas-United Nuclear Corp. (Now United Nuclear Industries)
Marvin, Henry H.—General Electric Co.
Mills, G. Alex—Air Products and Chemicals Corp.
Meyers, Dale D.—Rockwell International Corp.
Neuworth, Martin B.—Continental Oil Co.
Riley, Donald R.—General Electric Co.
Rossmeissl, John R.—General Electric Co.
Scarborough, James M.—Rockwell International Corp.
Scheirer, Richard L.—University of California
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 counsel 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]

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 strategies. The meetings will be held in the various DOE regions during the month of June.

FOR FURTHER INFORMATION CONTACT:

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 time table; and

(3) Recommendations for an overall solar strategy that pulls 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 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 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.

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978

NOTICES

PROPOSED AGENDA

8:30 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 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

Fanueil Hall, Fanueil Hall Square, Boston, Mass. Contact: Roberta Walsh, 617-223-5257, 223-0594.

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, 358 Piedmont Ave., NE, Atlanta, Ga. Contact: Roy Pettit, 404-881-2387.

REGION V—JUNE 28—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 Homestay, 220 West 43rd Street, Kansas City, Mo. Contact: June Heard, 816-374-2051.

REGION VIII—JUNE 27—DENVER

Auraria Student Center, Room 330, 9th Street between Lawrence and Larimer, Denver, Colo. Contact: Glenn Bankenheim, 303-324-2420.

REGION IX—JUNE 15 AND 16—LOS ANGELES

Los Angeles Convention Center, 1201 Figueroa Street, Los Angeles, Calif. 90015. Contact: Bob Lafler, 413-584-7130.

REGION X—JUNE 12—SEATTLE

New Federal Building, Main Auditorium, 915 Second Avenue, Seattle, Wash. Contact: Janet Marcan, 206-442-7285.
NOTICES

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 the document submitted to the DOE Region with the designation “Solar Policy.” 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 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.


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 Confirmation and Approval of Existing Rate

Pursuant to section 301(b) of the Department of Energy Organization Act (the Act), Pub. L. 85-91, 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, 1977 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.

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.


Douglas C. Bauer, Assistant Administrator, Utility Systems, Economic Regulatory Administration, Department of Energy.

(FR Doc. 78-15581 Filed 6-5-78; 8:45 am)
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 periods 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 regarding future replacement estimates for the Sam Rayburn Project. A repayment study accompanied the letter in which the Cooperative had inserted a 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, this deficiency 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 revisions to 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 December repayment studies failed to include all the necessary 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 Office of Hearings and Appeals of the Department of Energy with regard to Applications 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
Corfit “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 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 212.167 (the Old Oil Entitlements Program). The Western exception request, if granted, would permit the firm to earn entitlements on the values 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:

<table>
<thead>
<tr>
<th>Company</th>
<th>Case No.</th>
<th>Plant</th>
<th>County/State location</th>
<th>Amount of price increase (dollars per gallon)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associated Programs, Inc.</td>
<td>DEE-0621</td>
<td>Tenter</td>
<td>Logan, Colo</td>
<td>$0.0388</td>
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<tr>
<td>Atlantic Richfield Co.</td>
<td>DEE-0667</td>
<td>Hidalgo</td>
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<td>Coastal States Gas Corp.</td>
<td>DEE-1072</td>
<td>Vincennes</td>
<td>Howard, Ind</td>
<td>( )</td>
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<tr>
<td>Getty Oil Co</td>
<td>DEE-0800</td>
<td>Grand Chenier</td>
<td>Cameron, La</td>
<td>( )</td>
</tr>
<tr>
<td>Gulf Oil Corp</td>
<td>DEE-0806</td>
<td>Katy</td>
<td>Harris, Tex</td>
<td>$0.0080</td>
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<tr>
<td></td>
<td>DEE-0807</td>
<td>Red Oak</td>
<td>Ector, Tex</td>
<td>( )</td>
</tr>
<tr>
<td></td>
<td>DEE-0808</td>
<td>Red Fish Bay</td>
<td>San Patricio, Tex</td>
<td>( )</td>
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<tr>
<td></td>
<td>DEE-0809</td>
<td>Yac alksey</td>
<td>St. Bernard Parish, La</td>
<td>( )</td>
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<td></td>
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<td>Cameron, La</td>
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*Denied.

[FR Doc. 78-15583 Filed 5-7-78; 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


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 1978 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. 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. In such time, it was unable to retain 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. (AEPS). 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 AEPS. In this regard, the MPSC requests that it be allowed to file briefs on or opposing extensions to the decision of the Administrative Law Judge, if it deems such are necessary, to participate in oral argument before the Commission if any is allowed, and 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. RM78-13]

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Incentive Rate of Return; Extension of Time


On May 25, 1978, a motion for extension of time was filed by Tennessee Gas Pipeline Co. (Tennessee), in the above-designated proceeding. The Company indicates that some of the changes to the interconnection agreement among the American Electric Power 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.
NOTICES

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.


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 Commission finds:

(1) Good cause exist to accept for filing Edison's proposed partial requirements rate schedule, pending hearing and decision 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 increase in rates 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 206 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, preferential or otherwise unlawful. Accordingly, we shall 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 the any proposed partial requirements 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 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 increase in rates 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 206 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, preferential or otherwise unlawful. Accordingly, we shall 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 the any proposed partial requirements 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 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 increase in rates 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 206 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, preferential or otherwise unlawful. Accordingly, we shall 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 the any proposed partial requirements 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 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 increase in rates 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 206 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.
NOTICES

[6740-02] [Docket No. CP78-329]
COLUMBIA GAS TRANSMISSION CORP.

Application


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 with the Commission (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 deliver 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 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 the 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. Withdrawal volumes would be delivered by Consolidated to Michigan Wisconsin, which in turn would deliver the volumes to Panhandle for redelivery to Applicant. It follows that 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 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, it is said. Applicant for 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 COH’s 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 30, 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 1.19) 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 of practice and procedure.

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

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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]

NOTICES

COLUMBIA GAS TRANSMISSION CORP.
Proposed Changes in FERC Gas Tariff


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 said filing 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 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. 78-15595 Filed 6-5-78; 8:45 am]

COLUMBIA GULF TRANSMISSION CO.
Proposed Changes in FERC Gas Tariff


Take notice that Columbia Gulf Transmission Co. (Columbia) 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. 94
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. 276
Substitute First Revised Sheet No. 320
Substitute First Revised Sheet No. 337
Substitute First Revised Sheet No. 338
Substitute First Revised Sheet No. 356
Substitute First Revised Sheet No. 360
Substitute First Revised Sheet No. 373
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 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 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]

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.

CL&P 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, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance

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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. 78-15599 Filed 6-5-78; 8:45 am]

Notices

24577

[6740-02]

[Docket No. CP74-35]

EXXON PIPELINE CO. OF CALIFORNIA
Inspection


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. ER78-391]

INTERSTATE POWER CO.


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 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 Commission. Copies of this filing 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]  

MISOURI POWER & LIGHT CO.  

Proposed Tariff and Rate Schedule Changes  


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 Tariff IS, MESWR Original and 1st Revised MESWR. The Company indicates that the proposed changes would increase revenues from its Wholesale Municipal Customers by approximately $267,000 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 and 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 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 Certificates  


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 application 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 and 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 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 motion 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  
Purchase and location  
Price per 1,000 ft  
Pressure base

CI77-286, C, Feb. 10, 1977  
MRT Exploration Co.  
15.025  

CI77-286, C, Dec. 27, 1977  
MRT Exploration Co.  
P.O. Box 300, Tulsa, El Paso Natural Gas Co., various fields, Okla. 74102.  
15.025  

CI77-327, C, Oct. 31, 1977  
Cities Service Co.  
P.O. Box 300, Tulsa, El Paso Natural Gas Co., Winchester field, Eddy County, N. Mex.  
15.025  

CI77-327, C, Nov. 3, 1977  
Cities Service Co.  
P.O. Box 300, Tulsa, El Paso Natural Gas Co., Winchester field, Eddy County, N. Mex.  
15.025  

1This notice does not provide for consolidation of hearing of the several matters covered herein.

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978

[6740-02]  
[Docket No. ER78-335]  

NEW ENGLAND POWER POOL  

Order Accepting for Filing, Suspending Proposed Rate Schedule, and Waiving Notice and Filing Requirements  


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 Commission 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 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 generation service, 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.

The 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.

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 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 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 rate schedule may 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 effective 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]
sion rate level and rate design.

NYPP requests waiver of the requirement to submit cost data that is applicable 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. PLUMBR, Secretary.

[FR Doc. 78-15603 Filed 6-5-78; 8:45 am]

NOTICES

NORTHERN ILLINOIS GAS CO.

Application for Continuing Exemption


Take notice that on May 12, 1978, Northern Illinois Gas Co. (Applicant), P.O. Box 140, Aurora, Ill. 60507, filed in Docket No. G-10632 an application for continuing exemption under section 1(c) of the Natural Gas Act, as amended, to participate as a party in any hearing therein must file a petition to intervene in accordance with the rules of practice and procedure (18 CFR 1.5 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 protest parties a party to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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)"

Southern agrees to delivery injection gas and accept withdrawal gas at already-existing interconnections of Applicant's existing pipeline suppliers (hereinafter collectively called Deliveries). Southern states it would be impossible 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 that 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 the transaction is merely an arrangement by which Mid-Continent can make storage space available in the Mid-Continent system, 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 that the 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 1.5 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 protest parties a party to the proceeding. Any person wishing to become a party to the 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. CASHEL, Acting Secretary.

[FR Doc. 78-15604 Filed 6-5-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
NORTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Initiating Hearing and Granting Interventions


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. Protests and petitions 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. As much 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 overall rate of return.

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)(2) of the Regulations in that it shall accept for filing Northern's revised tariff sheets reflecting the revised 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)(1) 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, which 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.

NOTICES

The following parties have filed petitions to intervene:

Iowa Power & Light Co.
Northwestern Public Service Co.
Michigan Municipal Pipe Line Co.
CP Industries, Inc.
The Cleveland-Cliffs Iron Co.
Farrand 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 Chemicales 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

[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.
NOTICES

[Docket Nos. ER78-387]

NORTHERN STATES POWER CO. (WISCONSIN)
 Proposed Interconnection and Interchange * Agreement


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. PLOMB, Secretary.

[FR Doc. 78-15605 Filed 6-5-78; 8:45 am]

[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


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 Connection and Interchange Agreement dated May 5, 1978, with Dairyland Power Cooperative.

The Company states that the Agreement provides for 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 7, 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 the petition to the Commission waive its 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 supply 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 those set forth in Section 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, 1962 (Docket No. ER77-229) and is 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 (deliveries to OPCO). AEPSCO submits additional schedules of proposed schedules E and G defines the replacement cost of generating the energy as the average 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 13 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...
AEPS CO’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 AEPS CO that its April 7, 1978, filing was deficient regarding the provision of cost support data. Similarly, on May 17, 1978, the Commission Secretary advised AEPS CO that its April 17, 1978, filing was likewise deficient. 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 AEPS CO 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, 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 OPCO 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 OPCO 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]

NOTICES

FEDERAL REGISTER, VOL 43, NO. 109—TUESDAY, JUNE 6, 1978

24583
not be as a result of such action become parties to this proceeding.

LOIS D. CASHELL,
Acting Secretary.

(FR Doc. 78-15697 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, Establishing Procedures and Allowing Interventions


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 (7.48 per cent) 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—municipal, private utilities, and cooperatives.

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 (7.48 per cent) 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—municipal, 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 the 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 (Petition at 31) which does not reflect inclusion of any CWIP in the rate base. However, enclosed as an informational filing are rates with support 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 Squam Lake 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 "virtually all of its members are either directly or indirectly "customers of PSNH". The members of the Alliance 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 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 obtained a declaratory order from the New Hampshire Public Service Commission that the Council was established pursuant to New Hampshire Revised Statutes Annotated Chapter 363 which provides that the Council is "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 Judgment 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. 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 requests that the instant docket with the Motion filed by PSNH 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. 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 base, we rule upon by the Commission. It is under consideration.

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 proceeding that the Commission have the Commission enforce compliance of the refunds as a condition of acceptance of this rate filing.

PSNH 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.

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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 determine the propriety of 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.

We find, as 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 refund 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 Motion To Reject CWIP Based Rates shall be rejected without prejudice.

The Public Systems state that they have been unable to identify whether a "price squeeze" would 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 498), 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 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 to make a Summary Judgment and require refunds as requested to meet the burdens of a prima facie showing by the Petitioners' 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 rejected without prejudice, 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 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, (16 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 Co. 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 Town of Ashland and Wolfeboro, and the Village of Wolfeboro 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 April 25, 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 Commission.

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quirements of the Amended 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 protesters 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. 78-15699 Filed 6-5-78; 8:45 am]

NOTICES

UNITED GAS PIPE LINE CO.

Application


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 approval of the installation of the new delivery point at Reserve.

Consequently, Applicant proposes to install a new delivery point (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 will 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 protesters parties to the proceeding. Any person wishing to become a party 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 motion determines 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 determines a 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]

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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 drilling permitted by the Commission 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 orders: (A) For the special relief petition for a rate of $1.50/Mcf filed by Bailey in Docket No. R177-121 meets the criteria set forth in section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (B) Bailey must file with the Commission a statement signed by Cities 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. C175-268.

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 applicable as provided in Ordering Paragraph (A) above.

(P) 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. R177-121

[Unit cost of gas]

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Item</th>
<th>Amount (b)</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
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<td>3.</td>
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<td>4.</td>
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<td>5.</td>
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<td>6.</td>
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<td>7.</td>
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<tr>
<td>8.</td>
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<tr>
<td>9.</td>
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<td>$148,426</td>
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WALTER E. BAILY—DOCKET NO. R177-121

[Average investment and annual rate base]

<table>
<thead>
<tr>
<th>Line No. and year</th>
<th>Annual N.W.I. Production</th>
<th>Beginning of year investment</th>
<th>Depreciation</th>
<th>End of year investment</th>
<th>Average investment</th>
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<tr>
<td></td>
<td>(a)</td>
<td>(b)</td>
<td>(c)</td>
<td>(d)</td>
<td>(e)</td>
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<tr>
<td>1. Average investment:</td>
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<td>70,330</td>
<td>14,492</td>
<td>55,838</td>
<td>63,064</td>
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<td>2.</td>
<td>22,163</td>
<td>55,838</td>
<td>11,074</td>
<td>44,764</td>
<td>50,301</td>
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<td>3.</td>
<td>18,965</td>
<td>44,764</td>
<td>8,477</td>
<td>36,287</td>
<td>40,826</td>
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<td>4.</td>
<td>12,977</td>
<td>30,287</td>
<td>6,494</td>
<td>23,793</td>
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<td>5.</td>
<td>9,869</td>
<td>29,803</td>
<td>4,941</td>
<td>24,862</td>
<td>27,333</td>
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<td>6.</td>
<td>7,583</td>
<td>24,862</td>
<td>3,759</td>
<td>21,073</td>
<td>22,968</td>
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<td>7 (4 mo.)</td>
<td>2,149</td>
<td>21,073</td>
<td>1,073</td>
<td>20,000</td>
<td>6,181</td>
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<td>8.</td>
<td></td>
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<td>9. Totals</td>
<td>100,730</td>
<td>50,330</td>
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<td>234,418</td>
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</tbody>
</table>

1. Average investment = (a) x (b)

2. Average annual investment = 1. Average investment / 4

3. Average annual working capital allowance = 1. Average investment / 2.5

[FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978]
WISCONSIN PUBLIC SERVICE CORP.

Filing of Amendment of Service Contract


Take notice that Wisconsin Public Service Corp. ("Company") on May 18, 1978, tendered for filing an Amendment of Service Contract dated May 12, 1978, to a resale service agreement, dated March 19, 1977, with Alger-Delta Electric Association, or Gladstone, Mich., which is on file as the Company's rate schedule FCC 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 wholesale 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 become a party in interest to the proceeding, any person desiring to be heard, or any person desiring to 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 1.18 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 P. PLUMB, Secretary.

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 No. 2 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 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.


FOR FURTHER INFORMATION CONTACT:


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 the 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 the period that the information 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 government interests. After receiving 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. 55 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 require-
ments set forth in section 501(b) of
the DOE Act do not apply to these in-
terim procedures since they are not a
"rule, regulation, or order" as defined in
the statute.

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 in order to enable the DOE to
gather 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 hear-
ing and the submission of final com-
munications, the Office of Hearings and
Appeals will submit a recommendation in
this matter to the Administrator of the
Office of Hearings and Appeals in the form of a Decision. Any subsequent regulatory action with
regard to home heating oil will be taken
by the Administrator of the Office of
Hearings and Appeals. The interim proce-
sure is permitted. The issues to be con-
templated, with particular reference to the effects of consolidation
提出的 classes might result in the ex-
hibit to the effects of consolidation
on the petitioner and the hearing gen-

The use of a consolidated presentation
has distinct advantages in cases where
the class, or where that class, or where
the class representative can provide a presenta-
tion 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 pro-
prietary data is assembled and presented
at the hearing may be used by mem-
bers of a particular class to minimize
the possibility of antitrust violations.

For example, the exchange of propri-
etary price and cost data among mem-
bers of a class could be avoided com-
pletely if that information were col-
clected and provided to a neutral, rep-
resentative 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 presenting officer of the
hearing has the authority to take ap-
propriate action to ensure that sensi-
tive competitive information submit-
ted to the DOE is held in confidence.

We have, however, adopted the sug-
gestion offered by several of the com-
munications that a consolidated pro-
ceeding should not 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
adverse impact on any firm. Following
the conclusion of the evidentiary hear-
ing and the submission of final com-
munications, the Office of Hearings and
Appeals will submit a recommendation in
this matter to the Administrator of the
Office of Hearings and Appeals in the form of a Decision. Any subsequent regulatory action with
regard to home heating oil will be taken
by the Administrator of the Office of
Hearings and Appeals. The interim proce-
sure is permitted. The issues to be con-
templated, with particular reference to the effects of consolidation

NOTICES

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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 finds itself 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 modifications to the interim rules are 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. CFA and the Consumer Federation of America, 1 DOE Par. 1 (April 27, 1978); 1 DOE Par. 1 (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 rules of procedure 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. Requests 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, 100 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 feels that its participation 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, 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 the 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 conference on the petition by issuance of 10 CFR 205.172 in order to hear oral argument with respect to the petition.

(b) After considering all of the petition which it has received, supporting documents and any other relevant in-
(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 evidentiary 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 no later than June 30, 1978, or 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 evidentiary hearing shall be open to the public. However, the presiding officer may direct that any party or members 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.
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.

(c) 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 affidavit 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 shall propose 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 party who was 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. 1965 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 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 shall 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.

(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.


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 903-4]
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-1,2,4,5-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 single if wide 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 fish 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-589), 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 this reason 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.

(D cognized, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (40 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.).

DOUGLAS D. CAMPT, Acting Director, Registration Division.

[FR Doc. 78-15694 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:

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
NOTICES

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 for 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 container 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.
Summary: Agreement No. T-3616-1, between the Puerto Rico Port 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.

FRANCIS C. HURNEY,
Secretary.

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 64(a) of the Shipping Act, 1916, (46 U.S.C. 811(a)).

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.

Transintra International Forwarding Co., Inc. (Paul S. Hill, President, W. J. Maupin, Jr., Treasurer), 515 Pacific Avenue, Staten Island, N.Y. 10312. Officers: Richard Healy, President/Vice President/Treasurer, A. P. Champagne & Co., (A. P. Champagne, Jr., d.b.a.), P.O. Box 2248, 344 Camp Street, Suite 511, New Orleans, La. 70116. Officers: Richard A. Champagne, President, Richard J. Mahler, Secretary, Alphonse J. Arceneaux, Treasurer.

Cargost International Co. (Cosmo S. Antista, d.b.a.), 655 Powell Street, San Francisco, Calif. 94111.

Transocean Forwarding Co., Inc. (F. J. Macdonald Jr., Custom House Broker, 239 Prescott Street, No. 317, East Boston, Mass. 02128.

Transintra International Forwarding Co., Inc. (132 Calabria, No. 2, Coral Gables, Fla. 33134.

Cargost International Co. (Cosmo S. Antista, d.b.a.), 655 Powell Street, San Francisco, Calif. 94111.

Transocean Forwarding Co., Inc. (132 Calabria, No. 2, Coral Gables, Fla. 33134.

By the Federal Maritime Commission.

Dated: June 1, 1978.
[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 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.


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 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, to be received no later than June 29, 1978.


GRIFFITH L. GARWOOD, Deputy Secretary of the Board.

[FR Doc. 78-15577 Filed 6-5-78; 8:45 am]

[6210-01] FIRST STATE BANCORPORATION
Formation of Bank Holding Company

First State Bancorporation, Frederick, 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, Frederick, 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 27, 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 re-clearance as required by these regulations and the Federal Reports Act.

NORMAN F. HEYL, Regulatory Reports Review Officer.

[FR Doc. 78-15677 Filed 6-5-78; 8:45 am]
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]

NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ALCOHOL 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 6086). As provided in 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 the number of times per week that a person drinks five or more drinks as the measure of relative State need for more effective prevention, treatment, and rehabilitation in computing 1977 allotments to the States. These indices were "frequency 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, treatment, and rehabilitation 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 1977.

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 comments. He explained that 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 Federal Trade Commission (FTC), the National Institute on Alcohol Abuse and Alcoholism (NIAAA) reviewed the following national sample surveys:


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 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.

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
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. 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**

<table>
<thead>
<tr>
<th>Subgroup Description</th>
<th>Mean FHD Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Male, living in south Atlantic/east south central regions, earning $15,000 or more</td>
<td>0.005</td>
</tr>
<tr>
<td>2. Male, living in east north central region, earning $15,000 or more, 18 to 49 yr old</td>
<td>0.750</td>
</tr>
<tr>
<td>3. Male, living in east north central region, earning $15,000 or more, 50 yr or older</td>
<td>0.750</td>
</tr>
<tr>
<td>4. Male, living in south Atlantic/east central/south central regions, earning less than $15,000</td>
<td>0.750</td>
</tr>
<tr>
<td>5. Male, living in mountain/Pacific regions, married</td>
<td>0.007</td>
</tr>
<tr>
<td>6. Male, living in west south central/west north central/mid-Atlantic/New England regions, 21 to 49 yr old, high school education, married</td>
<td>1.044</td>
</tr>
<tr>
<td>7. Male, living in west north central/mid-Atlantic/New England regions, 21 to 49 yr old, high school education or more, earning more than $5,000 but less than $15,000</td>
<td>0.235</td>
</tr>
<tr>
<td>8. Male, living in west north central/mid-Atlantic/New England regions, 21 to 49 yr old, high school education or more, earning $15,000 or more, married</td>
<td>0.902</td>
</tr>
<tr>
<td>9. Male, living in west central/south central/mid-Atlantic/New England/Angora/North Dakota regions, 35 to 49 yr old, high school education or more, married</td>
<td>0.005</td>
</tr>
<tr>
<td>10. Male, living in west south central/west north central/mid-Atlantic/New England regions, 21 to 49 yr old, high school education or more, married</td>
<td>0.824</td>
</tr>
<tr>
<td>11. Male, living in east central/south central/west north central/mid-Atlantic/New England regions, over 50 yr of age, earning $15,000 or more, married</td>
<td>0.105</td>
</tr>
<tr>
<td>12. Male, living in east central/south central/west north central/mid-Atlantic/New England regions, over 50 yr of age, earning $15,000 or more, married</td>
<td>0.014</td>
</tr>
<tr>
<td>13. Male, living in mountain/Pacific/west central/south west central/mid-Atlantic/New England regions, over 50 yr of age, earning $15,000 or more, married</td>
<td>0.014</td>
</tr>
<tr>
<td>14. Male, living in west central/south west central/west central/New England, high school education or less, single or formerly married</td>
<td>0.185</td>
</tr>
<tr>
<td>15. Male, living in west central/mid-Atlantic/mountain/Pacific regions, high school education or less, single or formerly married</td>
<td>0.070</td>
</tr>
<tr>
<td>16. Female, living in mid-Atlantic/mountain/Pacific regions, high school education or less, single or formerly married</td>
<td>2.350</td>
</tr>
<tr>
<td>17. Female, living in east central/south central/mid-Atlantic/New England regions, 18 to 49 yr old, high school education or more, married</td>
<td>0.030</td>
</tr>
</tbody>
</table>

*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 November 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**

<table>
<thead>
<tr>
<th>State</th>
<th>Influx of Migrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>1,065</td>
</tr>
<tr>
<td>Alaska</td>
<td>0</td>
</tr>
<tr>
<td>Arizona</td>
<td>7,500</td>
</tr>
<tr>
<td>Arkansas</td>
<td>7,500</td>
</tr>
<tr>
<td>California</td>
<td>122,870</td>
</tr>
<tr>
<td>Colorado</td>
<td>0</td>
</tr>
<tr>
<td>Connecticut</td>
<td>21,830</td>
</tr>
<tr>
<td>Delaware</td>
<td>3,090</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>94,725</td>
</tr>
<tr>
<td>Florida</td>
<td>0</td>
</tr>
<tr>
<td>Georgia</td>
<td>4,350</td>
</tr>
<tr>
<td>Hawaii</td>
<td>0</td>
</tr>
<tr>
<td>Idaho</td>
<td>10,832</td>
</tr>
<tr>
<td>Illinois</td>
<td>13,391</td>
</tr>
<tr>
<td>Indiana</td>
<td>4,166</td>
</tr>
<tr>
<td>Iowa</td>
<td>517</td>
</tr>
<tr>
<td>Kansas</td>
<td>0</td>
</tr>
<tr>
<td>Kentucky</td>
<td>208</td>
</tr>
<tr>
<td>Louisiana</td>
<td>861</td>
</tr>
<tr>
<td>Maine</td>
<td>0</td>
</tr>
<tr>
<td>Maryland</td>
<td>2,913</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>611</td>
</tr>
<tr>
<td>Michigan</td>
<td>22,738</td>
</tr>
<tr>
<td>Minnesota</td>
<td>7,812</td>
</tr>
<tr>
<td>Mississippi</td>
<td>0</td>
</tr>
<tr>
<td>Missouri</td>
<td>392</td>
</tr>
<tr>
<td>Montana</td>
<td>4,342</td>
</tr>
<tr>
<td>Nebraska</td>
<td>1,058</td>
</tr>
<tr>
<td>Nevada</td>
<td>0</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>96</td>
</tr>
<tr>
<td>New Jersey</td>
<td>7,410</td>
</tr>
<tr>
<td>New Mexico</td>
<td>1,063</td>
</tr>
<tr>
<td>New York</td>
<td>6,774</td>
</tr>
<tr>
<td>North Carolina</td>
<td>6,713</td>
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<tr>
<td>North Dakota</td>
<td>4,003</td>
</tr>
<tr>
<td>Ohio</td>
<td>12,685</td>
</tr>
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<td>Oklahoma</td>
<td>1,697</td>
</tr>
<tr>
<td>Oregon</td>
<td>15,194</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>2,503</td>
</tr>
<tr>
<td>Rhode Island</td>
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<td>South Carolina</td>
<td>5,437</td>
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<tr>
<td>South Dakota</td>
<td>0</td>
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<tr>
<td>Tennessee</td>
<td>292</td>
</tr>
<tr>
<td>Texas</td>
<td>82,124</td>
</tr>
<tr>
<td>Utah</td>
<td>1,508</td>
</tr>
<tr>
<td>Vermont</td>
<td>31</td>
</tr>
<tr>
<td>Virginia</td>
<td>3,494</td>
</tr>
<tr>
<td>Washington</td>
<td>27,662</td>
</tr>
<tr>
<td>West Virginia</td>
<td>347</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>4,582</td>
</tr>
<tr>
<td>Wyoming</td>
<td>904</td>
</tr>
</tbody>
</table>

*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) In 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 relia-
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>
<thead>
<tr>
<th>State</th>
<th>Population</th>
<th>Per Capita Income</th>
<th>1977 Allotment</th>
<th>1978 Allotment</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>2,145,033</td>
<td>1.2892</td>
<td>2</td>
<td>1.2840</td>
<td>-0.01</td>
</tr>
<tr>
<td>California</td>
<td>22,018,048</td>
<td>1.9856</td>
<td>2</td>
<td>1.9856</td>
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</tr>
<tr>
<td>Colorado</td>
<td>2,675,216</td>
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<td>6</td>
<td>0.8816</td>
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</tr>
<tr>
<td>Connecticut</td>
<td>3,108,931</td>
<td>0.9027</td>
<td>7</td>
<td>0.9027</td>
<td>0.00</td>
</tr>
<tr>
<td>Delaware</td>
<td>580,000</td>
<td>0.7980</td>
<td>5</td>
<td>0.7980</td>
<td>0.00</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>600,000</td>
<td>0.7980</td>
<td>5</td>
<td>0.7980</td>
<td>0.00</td>
</tr>
<tr>
<td>Florida</td>
<td>8,546,728</td>
<td>0.8364</td>
<td>4</td>
<td>0.8364</td>
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</tr>
<tr>
<td>Georgia</td>
<td>5,072,555</td>
<td>0.8604</td>
<td>5</td>
<td>0.8604</td>
<td>0.00</td>
</tr>
<tr>
<td>Hawaii</td>
<td>889,006</td>
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<tr>
<td>Illinois</td>
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<td>7</td>
<td>0.8686</td>
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<tr>
<td>Indiana</td>
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</tr>
<tr>
<td>Iowa</td>
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<td>6</td>
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<tr>
<td>Kansas</td>
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<tr>
<td>Kentucky</td>
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<td>1.1977</td>
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<td>Louisiana</td>
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<td>3</td>
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<td>1</td>
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<tr>
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<td>5</td>
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<tr>
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<td>9</td>
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<tr>
<td>Mississippi</td>
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<td>3</td>
<td>1.4308</td>
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<td>Missouri</td>
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<td>10</td>
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<tr>
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<td>6</td>
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<tr>
<td>Nevada</td>
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<td>8</td>
<td>0.8918</td>
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</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
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<td>1.0605</td>
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</tr>
<tr>
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<td>1.0033</td>
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</tr>
<tr>
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<td>Oregon</td>
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</tr>
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</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>South Dakota</td>
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</tr>
<tr>
<td>Tennessee</td>
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</tr>
<tr>
<td>Texas</td>
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<td>0.5003</td>
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</tr>
<tr>
<td>Utah</td>
<td>1,269,206</td>
<td>1.2063</td>
<td>5</td>
<td>1.2063</td>
<td>0.00</td>
</tr>
<tr>
<td>Vermont</td>
<td>1,989,028</td>
<td>1.0781</td>
<td>10</td>
<td>1.0781</td>
<td>0.00</td>
</tr>
<tr>
<td>Virginia</td>
<td>3,138,494</td>
<td>1.0123</td>
<td>12</td>
<td>1.0123</td>
<td>0.00</td>
</tr>
<tr>
<td>West Virginia</td>
<td>1,859,347</td>
<td>1.0947</td>
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<td>1.0947</td>
<td>0.00</td>
</tr>
<tr>
<td>Wisconsin</td>
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<td>0.9071</td>
<td>0.00</td>
</tr>
<tr>
<td>Wyoming</td>
<td>406,904</td>
<td>0.9632</td>
<td>7</td>
<td>0.9632</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Notes:**

1/ Resident population of States plus influx of migrants.
2/ Per capita income of U.S. (3-year average).
3/ Need in State per capita income (3-year average).
4/ Relative FHD score + relative CTC score.
5/ Average change from pro-rated share of actual 1977 allotment to the Trust Territory of Pacific.
Data on population were obtained from the following sources:


*Territorial population.* In general, these data are drawn from the Territories' own census data, gathered approximately in 1975, and 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 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.


The index of financial need was calculated from the following data:


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 did 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 ($200,000 less in 1978). 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 decreased will receive 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 no 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 floor itself is responsible for changes in the allotments to other States, since the total funds available remain the same as in 1977.

*This 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 implied in the second factor. The decision to make this reclassification, which was announced in the Federal Register, will be announced in the Federal Register. 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 and abuse, as well as 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 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.


DAVID P. KEFAUVER, Acting Deputy Administrator.

[F.R. 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 Cholylglycine 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 (HPC-20), Food and Drug Ad-
For further information contact:

Kaiser Asiz, 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 cholylglycine, a device the manufacturer calls the Cholylglycine RIA (PEG) Diagnostic Kit (Docket No. 78P-0001). 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 reclassified into class III under section 513(f)(1) of the act.

Under section 510(k)(2) of the act (21 U.S.C. 360(k)(2)), before a device that is in class III under section 513(f)(1) can be marketed, it must either be reclassified under section 510(k)(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. 360(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 cholylglycine" and described this type of device as one that quantitatively determines the total circulating serum cholylglycine. Cholylglycine 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-sustaining nor life-supporting 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 or limitations on the value of the 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 cholylglycine from 21 related steroids also was tested. Cross-reactivity with the cholylglycine antisera 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 obstruction. 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 cholylglycine 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.

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.


William F. Randolph, Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 78-15440 Filed 6-5-78; 8:45 am]

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. 360(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 (HPC-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. 360(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360(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. 360(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 7099) a notice inviting interested persons to submit data, information, and views for consideration by the Panel.

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, 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 two postoperative complications: two hematomas (blood clots), one trochanteric pseudoarthrosis (development of a false joint at the end of the femur), one periarticular calcification (deposition 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 support, 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(k)(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 acetalbular component of the Lindenhof prosthesis is made of aluminum oxide, while the acetabular component of the M. E. Mueller hip prosthesis is made of ceramic. 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 inserted 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 300 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 in this manner. Dr. Dorre stated that 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 § 860.123 (21 CFR 860.123) of the proposed classification regulations that it is the responsibility of each manufacturer and importer of a device to assure that adequate information was provided 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 data 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 petition 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 is unfavorable to the petitioner's petition and is 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.


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

[FR Doc. 78-15441 Filed 6-5-78; 8:45 am]

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
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. Receipt of comments may be seen in the above-named office, between 9 a.m. and 4 p.m., Monday through Friday.


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

[4110-03]

[SUPPLEMENTAL INFORMATION]

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the approval of a variance 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.


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 (HPX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Room 4-65, Rockville, Md. 20857, 301-443-1960.

SUPPLEMENTAL INFORMATION: Section 1020.31(f)(4) (31 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 has requested that the Director issue guidance 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 panoramic examination is less than the dose to the patient resulting from a full mouth series of conventional dental X-rays.

The Director has determined that such X-ray 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 on 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 head.

For these reasons, the Director has determined that the Siemens Status X

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
The application for this variance and all related correspondence, except information covered by the confidentiality provisions of 360A(d)(1) of the Act (42 U.S.C. 263a(d)), 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.


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

[FR Doc. 78-15439 Filed 6-5-78; 8:45 am]

[4110-03]

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 Procedure No. 195 for Galactose-l-Phosphate Uridytransferase be reclassified from class III (Premarket Approval) into class II (Performance Standards). This recommendation was made after review of the reclassification petition filed by Sigma Chemical Co., St. Louis, Mo. under section 513(f)(1) 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, 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 23, 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. 360c(k)) stating that it intended to market a reagent system for the qualitative screening of Galactose-l-Phosphate Uridytransferase in blood, a device the manufacturer calls the "Galactose-l-Phosphate Uridytransferase (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. 360(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-l-phosphate uridytransferase" and described this type of device as a qualitative screening procedure for the detection of galactose-l-phosphate uridytransferase (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 precaution discussed in the "Risks to Health" and "Restrictions" sections of this document.

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
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 of 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.


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

[FR Doc. 78-15442 Filed 6-5-78; 8:45 am]

National Institutes of Health
BOARD OF SCIENTIFIC COUNSELORS, NIHES
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 8 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 12:15 p.m. 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.


SUSANNE L. FREEMAN,  
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 9A05, Bethesda, Md. 20014, except otherwise stated.

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 contract proposals and 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, NICMS, Westwood Building, Room 9A05, Bethesda,Md. 20014, telephone: 301-496-3701, 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 9A05, Bethesda, Md., telephone: 301-498-7061.

(Catalogue of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health).


SUSANNE L. FREEMAN,  
Committee Management Officer,  
National Institutes of Health.  

[FR Doc. 78-15531 Filed 6-5-78; 8:45 am]

[4110-08]  
REPORT ON IN VITRO CARCINOGENESIS  

Availibility  
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 13.719, Cancer Cause and Prevention Research.)


DONALD S. FREDICKSON,  
Director,  
National Institutes of Health.  

[FR Doc. 78-15534 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 301-496-2338, 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.

(Catalogue of Federal Domestic Assistance Program Number 13.838, National Institutes of Health).


SUSANNE L. FREEMAN,  
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(c)(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, 8000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Name of Committee: Cancer and Nutrition Scientific Review Committee.

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
NOTICES

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 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. 20020.

FOR FURTHER INFORMATION CONTACT:
Dr. Gloria B. Becerra, Program Delegate, Office of Bilingual Education.

[4110-02]

Office of Education

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.


[4110-02]
The National Advisory Council on Extension and Continuing Education met for regular business, including final approval of the Fiscal Year 1978 annual report of the Council; discussion of its proposed national conference on continuing education; timing 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 8 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 (b) 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)(c) 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.


RICHARD F. MCCARTHY, Associate Director.

[FR Doc. 78-15733 Filed 8-5-78; 8:45 am]

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978


The following described lands, which are State selected, have been properly selected under village selection application AA-6077-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^4NE^4SE^4, SW^4NE^4SE^4, SE^4SE^4, that portion outside PLO 1634.

Sec. 32, lot 7, that portion outside PLO 1634, lot 8, that portion outside PLO 1634, lot 9, 10, 11, NE^4SW^4NW^4, SW^4SW^4NW^4, that portion outside PLO 1634, SW^4, that portion outside PLO 1634.

Containing approximately 8 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, including Native allotment AA-7396, parcel A, lot 7.
Sec. 30, lots 1, 2, 4, 5, 6, 7, 9, NE®NE^4, E®W®W®.
Sec. 31, lots 10, and 11, lot 15, that portion within PLO 1634, lot 18, that portion within PLO 1634, SW®SW®W®, S®S®E®, 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, SW®SW®W®, S®S®E®, that portion within PLO 1634, SW®
That portion within PLO 1634, SE®.

Containing approximately 921 acres.

Unsurveyed

T. 30 S., R. 29 W., Sec. 5 (fractional), excluding U.S. Survey 3586; Sec. 6, all; Sec. 7, excluding Native allotment AA-7448 parcel A; Secs. 8 and 17 (fractional), all; Secs. 18, 19, and 20, 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 4,492 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 selections shall be made from 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)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (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. The 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 approximately 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, the block 11, Tract A, U.S. Survey No. 4872, Alaska.

Containing approximately 5 acres.

T. 30 S., R. 29 W., Sec. 30, lot 1; Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, SW®E®.

Containing 284.57 acres.

T. 31 S., R. 28 W., Sec. 6, lots 1, 2, 3, 4, 8, 9, 10, 11, NW®NE®W®, SE®NW®W®.
Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 8, E®W®W®.
Sec. 18, lots 1, 2, 3, 4, 5, 6, 7, 8, SW®NE®W®, E®W®W®, W®E®W®.
Sec. 19, lots 1, 2, 3, 4, 5, 6, 7, 8, W®NE®W®, E®W®W®, NW®E®.
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, E®W®W®.
Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, E®W®W®.

Containing 2,822.81 acres.

T. 32 S., R. 28 W., Sec. 6, lots 1, 2, 3, 4, 5, SW®NE®W®, NE®W®W®.
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®NE®W®, SW®NE®W®, S®S®E®, that portion outside PLO 1634.
Sec. 32, lots 1, that portion outside PLO 1634, lot 8, that portion outside PLO 1634, lots 9, 10, 11, NE®SW®NW®W®, S®SW®NW®W®, SW®W®W®, that portion outside PLO 1634.

Containing approximately 921 acres.

Unsurveyed

T. 30 S., R. 28 W., Sec. 33, lot 6, SW®W®SW®W®, excluding Native allotment AA-7462.

Containing 212.30 acres.

Unsurveyed

T. 30 S., R. 28 W., Sec. 18, 19, and 20 (fractional), all; Sec. 28 (fractional), all;
Sec. 28, 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-7126;
Sec. 8 (fractional), all;
Sec. 9, all;
Secs. 11, 15, and 16, all;
Sec. 17 (fractional), all;
Sec. 20 (fractional), that portion within PLO 1634 and excluding U.S. Survey 1971;
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 1699;
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 2366;
Sec. 9, all;
Sec. 7, excluding Native allotment AA-7445, 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 1823;
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 2398;
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-7445, parcel B;
Secs. 30, 31, and 32, all.
Containing approximately 3,842 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-7450;
Sec. 32, all;
Sec. 34 (fractional), all;
Sec. 35 (fractional), excluding Native allotment AA-7457;
Sec. 36 (fractional), all;
Sec. 2, excluding Native allotment AA-7457;
Secs. 3 and 4 (fractional), all;
Secs. 5 to 9, inclusive, all;
Secs. 10 to 15 (fractional), 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. 8, 10, and 11, all;
Secs. 13 to 15, 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.

T. 31 S., R. 30 W.,
Sec. 1 (fractional), excluding U.S. Survey 72,145 acres.
Secs. 2, 3, 7, and 8, all;
Secs. 10 and 15 (fractional), all;
Secs. 22 and 27 (fractional), all;
Sec. 34 (fractional), all.
Containing approximately 2,075 acres.

The conveyance issued for the surface estate of the lands described above shall include 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(c) (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-6977-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 thence 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 outlet of Uyak Bay in Sec. 32, T. 30 S., R. 29 W., Seward Meridian, southerly 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 Uyak Bay in Sec. 32, T. 30 S., R. 29 W., Seward Meridian, southerly 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 (2 1/2) 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 (2 1/2) 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 14 C1, C6, D9, L) A streamside 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 Karluk Lake in the portage area. The site is for camping, staging, and vehicle use.

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1. (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 right 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 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 along the right bank of the Karluk River and the outlet of Karluk Lake in Sec. 34, T. 31 S., R. 29 W., Seward Meridian, westerly 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 in upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline line 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 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, easerly 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, easerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

u. (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 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 westerly to roads, lake in Sec. 28, 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 the mouth 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.

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. 18, T. 31 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.

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 in 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) 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, northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

af. (EIN 41b C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 41b 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, northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ah. (EIN 44 C4) A right of the United States to enter upon the lands
Andrus

sors or assigns, by right-of-way A-


Department of Aviation, for

way to State of Alaska, Department of

T. 30 S., R. 29 W., Seward Meridian, southwesterly to

borrow materials from lands in Sec. 32, T. 30 S., R. 29 W.,

ests created and identified by the U.S.

nu-Nachk Pit, Inc., Larsen Bay, Alaska

Nu-Nachk Pit, Inc., objects to any easement which is

Kadiak Times. Any party claiming a

erease in the Anchorage Times and in the

appeal. Any unknown parties, any parties

appeal. If an appeal is timely filed with the

Alaska Native Claims Appeal Board.

Nu-Nachk Pit, Inc., or Koniag, Inc., objects to any easement which is

three consecutives weeks, in the Anchorage Times and in the

the application of the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolu-

rthing necessary in connection there-

is approved for conveyance. The right to appeal any decision of the Secretary is reserved to the United States.


4. If Nu-Nachk Pit, Inc., or Koniag, Inc., objects to any easement 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.

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 hereinabove granted, as are pre-

ed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

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.

8. 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 land lies 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;

1. Issuance of a patent confirming the grant of lands shall be subject to:

2. Valid existing rights, therein, if any, including but not limited to those granted to the Bureau of Land Management of the official plat of survey covering such lands;

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 sec. 11(a) within the region.

4. The following third-party inter­

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.

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 others, if conveyance is granted to Koniag, Inc., when conveyance is granted to Koniag, Inc., objects to any easement 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.

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
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: 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

Applicant: Zoological Society of Cincinnati,
1301 S. Pennsylvania Avenue, Lan­
caster, Ohio 45036, PERT 2-2527.

[FR Doc. 78-15542 Filed 6-5-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Robert B. Retting,
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).

ARIZONA

Navajo County

Keams Canyon vicinity, Jreservation Rock, E of Keams Canyon off AZ 264, (4-6-78).

ARKANSAS

Columbia County

Magnolia, Columbia County Courthouse, Court Sq., (4-15-78).
NOTICES

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., (4-13-78).

Middlesex County
Cambridge, Carpenter Center for the Visual Arts, 19 Prescott St., (4-26-78).

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., (4-5-78).

Minneapolis, Martin, Charles J., House, 1300 Mount Curve Ave., (4-26-78).

Ramsey County

Rice County
Northfield, Sciver 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.

Fairhaven, Scull, George, 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).

MISSOURI
Jackson County
Grandview, Young, Solomon, Farm (Truman Farm), 12121 and 12301 Blue Ridge Extension, (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).

Wasco 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-Hou, 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., (5-12-78).

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

Jefferson County
Alexandria Bay vicinity, Boldt, George C., Yacht House, NW of Alexandria Bay on Wellesley Island, (4-26-78).
NOTICES

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978

Lewis County

Towns Falls, Gould Mansion Complex, Main St., (4-19-78).

New York County

New York, Radio City Music Hall, 1260 Avenue of the Americas, (3-8-78).

NORTH CAROLINA

Allegany 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, Slaper-Beekwith House, 3813 Euclid Ave., (4-20-78).

Erie County

Birmingham, Starr-Truscott House, OH 133, (4-20-78).

Fairfield County

Baltimore vicinity, Masser, Henry, House, SE of Baltimore at 7079 Millersport Rd., (5-5-78).

Franklin County

Columbus, Drake, Elam, House, 2738 Old Country Lane, (4-6-78).

Lorain County

Avon, Cohoon, Wilbur, House, 2940 Stoney Ridge Rd., (4-6-78).

Lucas County

Maumee, Eckenrode and Breisach Houses, 203 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, 5285 West Pike, (4-20-78).

Pickaway County

Circleville, Circleville Historic District, Main and Court Sts., (5-10-78).

Seneca County

Tiffin, Downtown Tiffin Historic District, roughly bounded by Riverside Dr., Jeffer-

son, Monroe, Sycamore and Cee Sts., (5-2-78).

Stark County

Canton, Third Street Bridge, 3rd St., SE., (3-5-78).

Summit County

Akron vicinity, Barker Village Site, N of Akron, (4-19-78).

OKLAHOMA

Alaska County

Wapanucka vicinity, Madlister, Bo, Site, E of Wapanucka, (4-21-78).

Comanche County

Fort Sill, Chiefs Knoll, Macomb and Burfill Rds., (5-10-78).

Oklahoma County

Oklahoma City, Union Depot, 300 SW 7th St., (5-16-78).

OREGON

Columbia County

Rainier, Meech, George F., House, 713 B St., W., (4-14-78).

Wheeler County

Fessell, Hoover, Thomas Benton, House, 1st St. between Adams and Washington Sts., (4-14-78).

Pennsylvania

Allegheny County

Glenshaw, Lightner, Isaac, House, 2401 Mt. Royal Blvd., (4-30-78).

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., (4-29-78).


Greene County

Waynesburg, Miller Hall, 51 W. College St., (4-14-78).

Lancaster County

Safe Harbor vicinity, Big and Little Indian Rock Petroglyphs, & 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 94, (4-3-78).

Philadelphia County

Philadelphia, Chateau Cironn Apartment House, 222 S. 19th St., (4-25-78).

Venango County

Franklin, Plumer Block, 1205 Liberty St., (4-20-78).

Washington County

Mariana vicinity, Ulery Mill, SE of Mariana, (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, Ochre Spring Quarry, E of Johnston, (5-5-78).

Washington County

Charlestown, Kahal Kadosh Beth Elohim Synagogue, 90 Hasell St., (4-7-78) 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, (4-18-78).

Kershaw County

Boykin vicinity, Midfield Plantation, NE of Boykin on SR 83, (4-20-78).

Marlboro County

Bennettsville, Bennettsville Historic District, irregular pattern along Main St. from Everett to Lindsey and from Parsons to Murchison, (4-20-78).

SOUTH DAKOTA

Brookings County

Bruce, Walters, Solomon, House, off U.S. 71, (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

VIRGINIA

Boletourt County

Brunswick County
Lawrenceville vicinity, *Glodson Bridge*, S of Lawrenceville on VA 715 at Meherrin River, (5-5-78).

Campbell County

Fairfax County

Nelson County

Prince William County
Nokesville vicinity, *Nokesville Truss Bridge*, NE of Nokesville on VA 646, (4-15-78).

Rockbridge County

Rockingham County

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
Toleland, *Toleland Hotel, Kindred Ave. and Hotel Rd.*, (4-11-78).

Spokane
*First Congregational Church of Spokane*, W 311-329 4th Ave., (4-23-78).

WEST VIRGINIA

Kanawha County
Charlestown, *East End Historic District*, roughly bounded by the Kanawha River, Bradford, Quarrter, 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 provi-
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).

LOUISIANA
Orleans Parish
New Orleans, Algiers Courthouse, 225 Morgan St. (63.3).
New Orleans, Columbia Steam Fire Company, 830 Julia St. (63.3).

MISSOURI
Jasper County
Joplin, Joplin Carnegie Library, 9th and Wall Sts.

NEW YORK
Ulster County
Saugerties, Upper Dock Site, Esopus Creek (63.3).

OREGON
Clackamas County

Pennsylvania

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Jasper County
Joplin, Joplin Carnegie Library, 9th and Wall Sts.

NEW YORK
Ulster County
Saugerties, Upper Dock Site, Esopus Creek (63.3).

OREGON
Clackamas County
NOTICES

MIDDLESEX COUNTY
Old Saybrook, Bushnell, Eliza, 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

INDIANA
Marion County
Indianapolis, Hannah-Oehler-Elder House, 3801 Madison Ave.

KENTUCKY
Bourbon County

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, Knihaia of Pythica Temple, 928-932 W. Chestnut St.

Livingston County
Grand Rivers, Lawton, Thomas, House, Wabash Ave.

McCracken County
Paducah, Hotel Irwin 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, Poffsieberger Road Bridge, S of Middletown over Caloetin Creek.

Prince Georges County
Clinton vicinity, Wyoming, S of Clinton on Thirt 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, 501 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 Recioy, 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, Sigers'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.

NOTICEs

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 4-3-78, 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.

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NOTES

Sandusky County
Woodville, Cronenwett, Geory, House, 906 W. Main St.

Shelby County
Botkins, Shelby House, 403 W. State St.

Van Wert County
Van Wert, Brunback 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, Togua Site, SE of Vonore at Little Tennessee River.

Vonore vicinity, Tugue 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 Saltirillo Creek.

Brazoria County
Brazoria vicinity, Ellerslie Plantation, SE of Brazoria off TX 36.

Jasper County

UTAH

Salt Lake County
Riverton, Dansie, 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 Tulob Gade.

WISCONSIN

Dane County
Paoli, Paoli Mills, 6806 Sun Valley Pkwy.

[FEDERAL REGISTER, VOL 43, NO. 109—TUESDAY, JUNE 6, 1978]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-3092]

ALLEN SHOE CO., INC., HAVERTHILL, 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 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., 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 Act must be met. It is concluded that all of the requirements have been met.


The International Trade Commission recently found that certain footwear articles, including women's nonrubber 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., contributed totally or partially separated from employment on or after January 25, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 3 of the Trade Act of 1974.
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 1976, a rise of 48.2 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.

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 1063.2 thousand tons in the first three quarters of 1976 to 1359.9 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 uncoated hot and cold rolled steel sheet, the 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 1975 compared to 1976 and in 1977 compared to 1976.

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 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.

NOTICES

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 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 of America 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 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 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 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 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. Pend Oreille Mine and Mill produces zinc concentrates 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 26th 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)
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 Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

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 were 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 P. 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 65360). 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.

CONCLUSION
After careful review of the facts obtained in the investigation, I conclude that 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 like or directly competitive with costume jewelry produced by the Cedarock Co., Inc., Pioche, Nev., 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 P. 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 petition 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 certificate 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]
[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 trans-ship 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 "artifices" 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 railro...
the finding that total domestic production of tin plated steel declined less than 2 percent in 1977 compared to 1976. 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. Irwin 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 26th 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-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 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 criteria 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-amps), and distribution transformers, ranging in size from 50 to 500 KVA (thousand volt-amps). 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 78 units in 1975 to 66 units in January-October 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 have reduced the need for 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.

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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]

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 produced 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]

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-2865: 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 2852). 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]

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-

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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., Inc., Auburn, N.Y. (TA-W-2967) and Schmanke Shoe Co., Inc., Rochester, N.Y. (TA-W-2969). 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, Dunn & McCarthy, 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 sale of shoes purchased predominately 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 Co. 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.

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 55306). 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.
CERTIFICATION REGARDING ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

PONCE PEARL, INC., PONCE, P.R.

In accordance with section 223 of the Trade Act of 1974 and 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 the owner of the F/V "MEMCO," 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 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 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 26th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc 78-15651 Filed 6-5-78; 8:45 am]

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-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 domestic production increased from 1973 to 1977.

Imports of scallop meat increased from 19,737 thousand pounds in 1975 to 28,253 thousand pounds in 1976. Imports increased from 19,812 thousand pounds in the first 9 months of 1976 to
NOTICES

[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 the imported articles of “like or directly competitive” 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 dying 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. 78-15656 Filed 6-5-78; 8:45 am]

[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 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 16, 1977 (42 FR 59865). 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. manufactures and repairs oxygen lances that are used in steelmaking furnaces. A Department survey of steel manufacturers revealed that the increase was 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 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. 78-15656 Filed 6-5-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
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.

J. GILMAN
Acting Director, Office of Foreign Economic Research.

(FR Doc. 78-15656 Filed 6-5-78; 8:45 am)

[4510-28]

(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 the investigation initiated on February 7, 1978, into the eligibility 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 under Title II, Chapter 2 of the Act, 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.

J. GILMAN
Acting Director, Office of Foreign Economic Research.

(FR Doc. 78-15657 Filed 6-5-78; 8:45 am)

[4510-28]

(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 the investigation initiated on February 7, 1978, into the eligibility 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 under Title II, Chapter 2 of the Act, 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.

J. GILMAN
Acting Director, Office of Foreign Economic Research.

(FR Doc. 78-15658 Filed 6-5-78; 8:45 am)

4510-28]

(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 the investigation initiated on February 7, 1978, into the eligibility 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 under Title II, Chapter 2 of the Act, 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 Massillon, 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.

J. GILMAN
Acting Director, Office of Foreign Economic Research.

(FR Doc. 78-15659 Filed 6-5-78; 8:45 am)

4510-28]
NOTICES

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 criteria has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolute-

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, 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.

Signed at Washington, D.C., this 26th 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 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 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. 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. 78-15660 Filed 6-5-78; 8:45 am]

[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.

[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 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: structural, plate, pilings, and forgings. Workers engaged in the production of plate, structural, 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 produced 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 criteria have 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.

DEFINITIONS

Note: Definitions of terms used in the Trade Act of 1974 are found in 29 CFR 90.12.

[4510-28]

FAIR TRADE PRACTICES

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, 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.

NOTICES

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Investigations have been filed in this case 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 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, Bureau of International Labor Affairs, 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, at the address shown below, not later than June 16, 1978.

[FR Doc. 78-15519 Filed 5-31-78; 8:48 am]

RELATIVE INCREASE OF IMPORTS

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitioners 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, Bureau of International Labor Affairs, 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, at the address shown below, not later than June 16, 1978.

[FR Doc. 78-15519 Filed 6-6-78; 8:48 am]
### 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.

**SAB A. LEVITAN, Chairman.**

### 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 Pennsylvania Avenue, NW., Washington, D.C. 20530. The main telephone number of the Commission 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.**

### NUCLEAR REGULATORY COMMISSION

**ADVISORY COMMITTEE ON REACTOR SAFE-GUARDS, SUBCOMMITTEE ON THE DIABLO CANYON NUCLEAR POWER STATION**

**Meeting**

NOTICES

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, Management Officer.
Advisory Committee

[FR Doc. 78-15585 Filed 6-5-78; 8:45 am]

[7590-01] (Docket No. 50-2477)
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 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 leak detection 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 application for the amendment submitted 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 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. 78-15587 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-

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978
ment. 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. REED,
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 Part 50, the licensee 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. 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 hydrogen 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 performed by 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. The staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from 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, the 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.


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 (Fp) 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. 50-3441)

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, Ore., and Pacific Power & Light Co., which revised technical specifications for operation of the Trojan nuclear plant (the facility), located in Columbia County, Ore. 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 No. 28 to license No. NPF-1, and (2) 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, Ore. 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 Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 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 Operating Reactors.

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]
NOTICES

[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, 650 disabled veterans, Clearance Office, 395-3772.

U.S. CIVIL SERVICE COMMISSION


DEPARTMENT OF STATE (EXCLUDING AID AND WELFARE)

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-89, single time, 520 residents in local area, C. Louis Rinecannon, 395-3211.

DEPARTMENT OF AGRICULTURE


FOREST SERVICE

Visitor Reactions to Visitor Information Programs and Facilities of Summit District, Stanislaus National Forest, Calif., single time, 1,000 visitors using summit district visitor facilities, Clearance Office, 395-3772.

DEPARTMENT OF COMMERCE


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.


DEPARTMENT OF JUSTICE


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.


REVISES

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


EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Application for Contribution Toward the Cost of Part B (Medical Insurance of Medicare), SP2814-A, on occasion, annu­lants eligible under RFHEB program, 151,500 responses, 7,750 hours, Richard Eis­inger, 395-3214.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE


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.


DAVID R. LEUTHOLD,
Budget and Management Office.
[FR Doc. 78-15773 Filed 6-5-78; 8:45 am]
clear and settle, through an interface, clearing corporations, allowing participants in one clearing corporation to clear and settle, through an interface, transactions involving securities held in the accounts of 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 six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. 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. 78-15555 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 TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE**

The purpose of 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-4, File No. SR-PSD-78-1.

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
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 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 indicated 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.

[0825-01] SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1481]

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


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, Providence Capitol Building, Room 690, 200 E. Pascagoula Street, Jackson, Mississippi 39201.
Small Business Administration, Branch Office, Gulf National Life Insurance Building, 2nd Floor, 111 Fred Haise Boulevard, Biloxi, Mississippi 39530.
Or other locally announced locations.

[Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.]

A. VERNON WEAVER, Administrator.

[FR Doc. 78-15620 Filed 6-5-78; 8:45 am]
NOTICES

[7035-01] INTERSTATE COMMERCE COMMISSION
(Notice No. 6771)

ASSIGNMENT OF HEARINGS
JUNE 1, 1978.

Cases assigned for hearing, postponement, or dismissal appearing below will be published only once. This list contains prospective assignments only and does not include cases previously assigned. Hearings will be held at the rates of 8 1/2 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 discontinuing 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 202-369-2850, prior to June 19, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[PR Doc. 78-15632 Filed 6-5-78; 8:45 am]

[7035-01] MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS


The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protest to an application may be filed with the field official named in the Federal Register publication more than 15 days from the date of publication of this notice.


Grounds for relief—market competition.

By the Commission.

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

[FR Doc. 78-15633 Filed 6-5-78; 8:45 am]
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 quantum or quality of service, 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.

**NOTICES**

**MOTOR CARRIERS OF PROPERTY**

No. MC 90670 (Sub-No. 6TA), filed April 12, 1978, in the Federal Register issue of May 17, 1978, and republished as corrected this issue. Applicant: GLENN R. RIECHMANN, d/b/a RIECHMANN TRUCK SERVICE, Route 2, Box 137, Alhambra, IL 60901. Applicant's representative: Cecil L. Goetsch, 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. Jemdt, Assistant, General Transportation Division, 624 Federal Building, Chicago, IL 60601. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 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., 5800 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: Explosives, heavy and bulky commodities, cement, household goods 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; WP Warehouse Co., Inc., 7575 Chancellor Drive, Orlando FL; (2) United Coatings, Inc., 3050 North Rockwell, Chicago, IL 60618; (4) Ames A. McDonough Co., Box 1774, Parkersburg, WV 26101; (5) ABC-Transportation, Inc., 201 11th Avenue, New York, NY 10001. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025. 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 Coinman Street SW, P.O. Box 8008, Grand Rapids, MI 49508. Applicant's representative: Martin J. LeVith, 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: 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, Rossmont, PA 19010. Send protests to: C. R., Dept. 406, Executive Building, 624 Federal Building, Philadelphia, PA 19106.

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, 620 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, fireplace logs (compressed sawdust, wax impregnated); charcoal lighter fluid, in cans in carton, -cherry chips (not charred), and vermiculite, other than crude, from Belle, MO, to points in AL, AR, FL, GA, IL, IA, KS, KY, LA, MN, MS, MO, NE, NY, 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: 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 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 20030. 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 27822. Send protests to: Archie W. Andrews, District Supervisor, ICC, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

a common carrier, by motor vehicle, over irregular routes, transporting: Composition building stock, furniture and fixtures, 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: 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 6183, 5 World Trade Center, New York, NY 10043. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Drugs, medicines, cosmetics, toilet articles, and related materials used in the manufacture, processing, packaging, and distribution of commodities named in (1) above. From points in CA, OR, WA, and AZ. (2) Returned and rejected freight, knocked down and parts thereof, 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 Hirman, 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, High Point, 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 freight, and materials, equipment 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. Kejss, 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 P (Gaudalupe Road), Chandler, AZ. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, AZ 85014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Liquid plastic materials (except in bulk), and such other commodities as are manufactured from such materials, used in the manufacture 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., for 180 days. Support­ ing shipper's: Celanese Polymer Specialties Co., Inc., P.O. Drawer F, Mulberry, AR 72947. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Oklahoma City, OK, for 180 days. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Liquid plastic materials (except in bulk), and such other commodities as are manufactured from such materials, used in the manufacture 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.

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: (1) Furniture and fixtures, stock panels, and wood dimension stock, 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): (1) 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. 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 Carlsbad, 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, Carlsbad, NJ 07072. Send protests to: Transportation Assistant, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1366, Chicago, IL 60604.

No. MC 142059 (Sub-No. 39TA), 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: Wrought iron pipes, fittings, and parts, and related materials, from Chicago and Calumet, 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 1366 Chicago, IL 60604.

No. MC 142059 (Sub-No. 40TA), filed April 4, 1978. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 82, Sellersburg, IN 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Oklahoma City, OK, for 180 days. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Liquid plastic materials (except in bulk), and such other commodities as are manufactured from such materials, used in the manufacture 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., for 180 days. Support­ ing shipper's: Celanese Polymer Specialties Co., 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 lips, 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
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bulk), between Fort Smith, AR on the one hand and, on the other, points in the following states: 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 facility 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, Interstate Commerce Commission, Box 497, Eldora, IA 50627. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 2902 West 2nd Street, P.O. Box 1511, Sioux Falls, SD 57101.

Applicant: UNITED SUPPLIERS, INC., P.O. Box 497, 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: (A)(1) those commodities named in (1) above from Roanoke, VA to S. J. Ronceverte, WV; (2) between the plant site of J. P. Liscum & Son, Inc., 100 Bittle Cove, Lewisburg, WV 24901; (3) those commodities named in (1) above from Phillipsburg, KS, to points in SD, MN, IA, and NE. (4) Plastic pipe, from Ulysses, KS, to points in SD, MN, IA, and NE.

Applicant: ROBERT D. ANTHOLZ d/b/a BAIN 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 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: James H. Nelson, Manager, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

Applicant: SLOAN TRANSPORTATION, INC., 6522 West 2nd Street, P.O. Box 1511, Sioux Falls, SD 57101. Applicant's representative: Mark Menard, S.D. Transport Service, Inc., 1301 South 480, Sioux Falls, SD 57101. 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) building brick; (4) building 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, the points in GA, IL, MN, KY, NY, NC, OH, PA, SC, TN, VA, WV, 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, WV, and VA; (6) Lumber, mill products, particleboard, plywood, wooden products, and wooden doors, from points in AR, CA, ID, IA, MT, OK, OR, SD, TX, and WA, to points in KS, IA, NE, and NV. Restricted to traffic moving 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: James H. Nelson, Manager, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

Applicant: BERN 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., 1301 South 480, Sioux Falls, SD 57101. 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) building brick; (4) Lumber, mill products, particleboard, plywood, wooden products, and wooden doors, from points in AR, CA, ID, IA, MT, OK, OR, SD, TX, and WA, to points in KS, IA, NE, and NV. Restricted to traffic moving under a 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: James H. Nelson, Manager, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

Applicant: ROBERT D. ANTHOLZ d/b/a BAIN 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: (A)(1) Bark, sawdust and wood chips, in bulk; (2) sawdust and wood chips, in bulk; (3) building brick; (4) building 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, the points in GA, IL, MN, KY, NY, NC, OH, PA, SC, TN, VA, WV, 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, WV, and VA; (6) Lumber, mill products, particleboard, plywood, wooden products, and wooden doors, from points in AR, CA, ID, IA, MT, OK, OR, SD, TX, and WA, to points in KS, IA, NE, and NV. Restricted to traffic moving under a 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: James H. Nelson, Manager, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

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bulk), between Fort Smith, AR on the one hand and, on the other, points in the following states: 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 facility 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, Interstate Commerce Commission, Box 497, Eldora, IA 50627. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 2902 West 2nd Street, P.O. Box 1511, Sioux Falls, SD 57101. Applicant: SLOAN TRANSPORTATION, INC., 6522 West 2nd Street, P.O. Box 1511, Sioux Falls, SD 57101. Applicant's representative: Mark Menard, S.D. Transport Service, Inc., 1301 South 480, Sioux Falls, SD 57101. 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) building brick; (4) Lumber, mill products, particleboard, plywood, wooden products, and wooden doors, from points in AR, CA, ID, IA, MT, OK, OR, SD, TX, and WA, to points in KS, IA, NE, and NV. Restricted to traffic moving under a 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: James H. Nelson, Manager, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.
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[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 210(a) of the Interstate Commerce Act, as 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 St., New Orleans, LA 70110, for applicant. Any interested person may file a petition for reconsideration within 20 days of the date of this notice. 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 6-3-78; 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 of publication, 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 the 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 protest should include a copy of the specific portions of its authority which protestant believes to be in conflict with those sought in the application.

Matters, and things relied upon, but shall not include issues or allegations phrased generally. A protest should include a copy of the specific portions of its authority which protestant believes to be in conflict with those sought in the application.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.
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FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978

Christian V. Graf, 407 North Front Street, Harrisburg, PA 17110. 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 Reedeen, 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 115589.

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 containers in bulk, from the facilities of Warner Robins, GA, to points in Bedford, Campbell, Carroll, Floyd, Franklin, Hallifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski, and Roanoke Counties, (2) machinery, 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, 22573 Haggerty Road, P.O. Box 400, Northville, MI 48179. 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, Magnesium, MO, Magnesium Rock, OH, and Channahon, IL, to points in the United States and east of U.S. Hwy 85. (Hearing site: Washington, DC, or Chicago, IL.)

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). 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 mechanically refrigerated equipment, 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 85718 (Sub-No. 7F), filed April 28, 1978. Applicant: SEWARD MOTOR FREIGHT, INC., 1041 Elm Street, P.O. Box 128, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82026, Lincoln, NE 68501. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Storage Sulfate of Ammonium, 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: CLEAYON G. WHITAKER, INC., Route 17, Exit 84, Deposit, NY 13754. Representative: Martin Werner, P.O. Box 1409, 167 Fairfield Road, Fairfeld, NY 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 mechanically refrigerated equipment, 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 1028, Greeneville, TN 37744. 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 undercarriages, from points in
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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: Bums Harbor, IN, 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 306, Forest Park, GA 30093. Representative: Richard M. Teitelbaum, 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, and 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-128456 (Sub-No. 21) and other subparts.

No. MC 107513 (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 Hampton 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 784, 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, from Elk Point, SD, on 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: SENTRY TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Applicant's representative: James M. Burich, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Insulation board and materials and supplies used in its installation, from Alexandria, LA, 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: Plastic granules, flakes, and powdered bulk, in tank vehicles, from: Allyn's Point, CT, to the United States and Canada (except in bulk), from Grand Forks, ND, to points in MN, and ND. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 112223 (Sub-No. 111F), filed April 26, 1978. Applicant: QUICKIE TRANSPORT CORP., 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: 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 112237 (Sub-No. 380F), filed April 25, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. 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: Liquid fertilizer solutions, in bulk, in tank trucks, to points in KY, TN, MS, AL, GA, FL, NC, SC, VA, and WV. (Hearing site: Louisville, KY, or OH.)

No. MC 114552 (Sub-No. 159F), filed May 5, 1978. Applicant: SENN TRUCKING CO., a corporation. P.O. Drawer 220, Newberry, SC 29108. Representative: Walter Cross, P.O. Box 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a common carrier, by motor vehicle,
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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, MI, NE, and WI, to points in IA, KS, 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 facilities of Kraft, Inc., at Pocatello, ID, to points in WA, CA, MT, UT, AZ, ND, SD, NE, KS, OK, MO, TX, LA, MN, WI, and IL, and (2) from points in WA, CA, MT, UT, AZ, 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 114446 (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.)

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.)


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.)

Notes.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission, and consolidated, 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. Cubrell, 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., near New Windsor, NY, 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: Claytie Binnion, 1108 Continental 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.)

Notes.—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. Cubrell, 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 each 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.)
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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: Food-stuffs, from the facilities of Alcan Aluminum Corp., at Williamsport, PA, 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 Merchants 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, 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 field oil 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, 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. 185F), filed May 1, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Eulex, TX 76039, Representative: Rocky Moore, P.O. Box 434, Eulex, 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 Description in Motor Carrier Certificates, 61 MCC 459, (except new kitchen equipment), from the facilities of Johnson Creek and Oconomowoc, WI, to points in MI, 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. 185F), filed May 1, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Eulees, TX 76039. Representative: Rocky Moore, P.O. Box 434, Eulees, TX 76039. Authority granted as a common carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer and dry fertilizer materials (except commodities in bulk), from points in the United States (except AK and HI), 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 133095 (Sub-No. 185F), filed May 1, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Eulees, TX 76039. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, 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 130457 (Sub-No. 27F), filed May 1, 1978. Applicant: CALIFORNIA RIVER TRANSPORTATION, INC., 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, MO, 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: Charles Belue, 1828 Riverside, 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 Greenville County, SC, to points in GA, NC, SC, and VA. (Hearing site: Charleston, NC.)

Note.—The carrier must satisfy the Commission that its operations will not result in any 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 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 commodities 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
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objectional dual operations because of its authority under MC 134150 (Sub-Nos. 2, 3, 5, and 6). 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 135627 (Sub-No. 32F), filed May 2, 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 36085. Representative: Chris V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Conined 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 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: Confectionery (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. 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. 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 141532 (Sub-No. 2F), filed May 8, 1978. Applicant: POLAR TRANSPORT, INC., 176 King Street, West Newbury, MA 01985. Representative: Frank E. Long, P.O. Box 9, South Court Squa, 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 Services, Inc., Portland, and points in Aroostook County, ME, to points in AL, DE, DC, FL, GA, KY, LA, MD, ND, NJ, NY, 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 TRAFFIC CONTROL, 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 sub-numbers thereunder.

No. MC 142931 (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 18944. 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: Foodstuffs (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 Fairview, NJ. (Hearing site: Washington, DC.)

No. MC 144207 (Sub-No. 1F), filed April 24, 1978. Applicant: SOUTHWEST 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, expansion, and renovation of, 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 144678 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 14816.

No. MC 144693F, filed April 27, 1978. Applicant: GLENN’S TRUCK SERVICE, INC., No. 1 Produce Row, St. Louis, MO 63102. Representative: Harry Ross, 85 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 Summark, Inc., at St. Louis, MO, and it is to points in AZ, NM, CO, UC, ID, WA, OR, CA, AR, LA, OK, NM, KS, CO, MO, and MS, and restricted to the transportation of shipments originating at the named origin. (Hearing site: St. Louis, MO.)
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.)
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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COMMODITY CREDIT CORPORATION.


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:
   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. 86-580 Docket, CCC Resolution No. 15, CZ-266.

CLOSED PORTION OF MEETING:
10. Docket TCP 33a re 1978-crop rice loan, purchase and payment program.
12. Docket TCS 315 re Purchase of wheat.

CONTACT PERSON FOR MORE INFORMATION:

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. Halhaway, Member.

[3410-05]

COMMODITY FUTURES TRADING COMMISSION.

“FEDERAL REGISTER” CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 24168.


CHANGES IN THE MEETING:
1. Proposal for improving internal security.
2. Any agenda items carried forward from a previously announced meeting.

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

“FEDERAL REGISTER” CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 24168.


CHANGES IN THE MEETING:
1. Additional agenda item (number 8).
2. Any agenda items carried forward from a previously announced meeting.

[6570-06]

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 202-634-6746.

This notice issued May 30, 1978.
[8-1167 Filed 6-2-78; 3:32 pm]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.


PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11 a.m., Friday, June 7, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

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. 86-580 Docket, CCC Resolution No. 15, CZ-266.

CLOSED PORTION OF MEETING:
10. Docket TCP 33a re 1978-crop rice loan, purchase and payment program.
12. Docket TCS 315 re Purchase of wheat.

CONTACT PERSON FOR MORE INFORMATION:

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. Halhaway, Member.

[3-1163 Filed 6-2-78; 11:50 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.


PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11 a.m., Friday, June 7, 1978.

CHANGE IN THE MEETING: The following items have been added:

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1. Bob Bergland, Secretary of Agriculture, Chairman.
2. P. R. Smith, Member.
3. Ray Fitzgerald, Member.
4. M. Rupert Cutler, Member.
5. Dale E. Halhaway, Member.

[3-1163 Filed 6-2-78; 11:50 am]

[6570-06]

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. Proposal for improving internal security.
2. Any agenda items carried forward from a previously announced meeting.

[6210-01]
SUNSHINE ACT MEETINGS

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. NSF annual reports.
D. Report on NSB nominees.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

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:

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. NSF committees; and
   c. Program review.
8. Introduction to planning environment review.
9. Interim reports of task forces.
10. Final reports of task forces.

THE RENEGOTIATION BOARD.

DATE AND TIME: Thursday, May 25, 1978; 2 p.m.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED:

Special Board Meeting concerning:

CONTACT PERSON FOR MORE INFORMATION:


NUCLEAR REGULATORY COMMISSION.

PLACE: Commissioner’s conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

WEDNESDAY, JUNE 7
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-1147-78 Filed 6-6-78; 11:18 am)
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

COMMUNITY DEVELOPMENT BLOCK GRANTS

Categorical Program Settlement Grants
RULES AND REGULATIONS

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: This Subpart H is being promulgated for achievement of categorical projects primarily involved are renewal projects terminated by Congress in 1974. Projects are expected to provide supplemental assistance for the financial settlement and, to the extent feasible, the completion of projects assisted under the categorical grant programs terminated by Congress in 1974. 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 July 6, 1978, 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. All 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 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 570.485(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 570.486 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 570.487 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 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, § 570.303.

§ 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 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 which the project was or will be implemented, 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 the 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 project, Neighborhood Development Program (NDP) or Community Development Block Grant (CDBG) that were previously authorized but not funded, and project activities in a conventional urban renewal project, 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 and paid for.

(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 amount 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 settlements, 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; PMC 74/98; criteria and standards; HUD requirements; flood hazards; equal opportunity; occupational safety and health; 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 the 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 55 shall be shown for each activity listed in the schedule of activities submitted pursuant to § 570.463(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 the date by which all submission deadlines for 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).

(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) Combined purpose funding. A request for funds to be used for both purposes stated in paragraph (b)(2) will be considered for funding by May 31 and August 31 of each year. Urgent needs applications will be considered for funding by May 31. Applications 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.

(b) Funding selections for fiscal year 1978 will be made by May 31 and August 31. Project funding needs 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.
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 §570.484(b)(7)(i) of subpart N; and, with respect to grants made for project 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 incomplete 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 56.

(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.


ROBERT C. EMBRY, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc. 78-15629 Filed 6-5-78; 8:45 am]
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