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federal register

TUESDAY, JUNE 20, 1978

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

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

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

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

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

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture, Department of Energy; Consumer Product Safety Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C certain positions at the Department of Agriculture and the Department of Energy because they are confidential in nature and (2) transfers a position at the Consumer Product Safety Commission to more accurately reflect the current organizational structure of the agency.

EFFECTIVE DATES: Department of Agriculture—June 13, 1978; Department of Energy—June 12, 1978; Consumer Product Safety Commission—June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3313(q)(2) and 213.3331(b)(2) are added and 213.3360(a) and (d) are amended as set out below:

§ 213.3313 Department of Agriculture.

* * * * *

(q) *Food and Nutrition Service.* * * *

(2) One Director, Office of Policy, Planning and Evaluation.

* * * * *

§ 213.3331 Department of Energy.

* * * * *

(b) *Office of the General Counsel.* * * *

(2) One Staff Assistant to the General Counsel.

* * * * *

§ 213.3360 Consumer Product Safety Commission.

(a) Three Special Assistants, one Director of Congressional Relations, one Public Information Officer and one Staff Assistant to the Chairman.

* * * * *

(d) Two Special Assistants, one Staff Assistant, and one Secretary to a Commissioner.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-16998 Filed 6-19-78; 8:45 am]

[3410-34]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 300—INCORPORATION BY REFERENCE

Plant Pest Administrative Procedural Manuals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of incorporation by reference in the FEDERAL REGISTER of administrative procedural manuals relating to plant pest regulations.

SUMMARY: Plant pest regulations appearing in Title 7 of the Code of Federal Regulations reference certain administrative procedural manuals. In accordance with 1 CFR Part 51, the Plant Protection and Quarantine Programs (PPQ) of the Animal and Plant Health Inspection Service plans to incorporate these manuals in the FEDERAL REGISTER as the plant pest regulations are revised. Therefore, this document amends Title 7 of the Code of Federal Regulations by establishing a new Part 300 for the purpose of listing manuals incorporated in the FEDERAL REGISTER, and incorporating the "Plant Protection and Quarantine Programs Treatment Manual" and the "Japanese Beetle Program Manual." These manuals were approved for incorporation by the Director of the FEDERAL REGISTER on June 15, 1978.

EFFECTIVE DATE: June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

H. Ivan Rainwater, 301-436-8247.

SUPPLEMENTARY INFORMATION: The Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service issues instructional manuals containing treatments and administratively authorized procedures used in implementing plant pest regulatory and control programs. Since these manuals are referenced in plant quarantine regulations promulgated under Title 7 of the Code of Federal Regulations (CFR), they are being incorporated in the FEDERAL REGISTER. The "Plant Protection and Quarantine Programs Treatment Manual" and the "Japanese Beetle Program Manual" are incorporated by this document. Other program manuals will be incorporated in the future. Notice of changes in manuals which have been incorporated by reference will be published in the FEDERAL REGISTER periodically.

The new Part 300 is being established in order to have a designated place in the CFRs to list those manuals incorporated by reference in the FEDERAL REGISTER and give pertinent information regarding changes and availability.

The Plant Protection and Quarantine Programs Treatment Manual contains information on procedures for applying treatments which expedite the movement of articles regulated under plant quarantines and regulations. The manual also contains treatment schedules for regulated commodities that may be shipped into the United States through ports of entry.

The Japanese Beetle Program Manual contains administratively authorized procedures for the treatment of articles regulated under the Japanese Beetle Quarantine and regulations (7 CFR 301.48 et seq.).

PPQ officers may furnish any information contained in these manuals to any interested person.

Accordingly, this establishes a new Part 300 in Title 7 to read as follows:

§ 300.1 Statement of incorporation.
§ 300.2 Availability of material incorporated.
§ 300.3 List of materials incorporated.

AUTHORITY: 7 USC 150ee (71 Stat. 33) 7 U.S.C. (161) (44 Stat. 250).

§ 300.1 Statement of incorporation.

The Animal and Plant Health Inspection Service incorporates by reference in the FEDERAL REGISTER the materials listed in § 300.3 of this part for use in Title 7 of the Code of Federal Regulations. The materials are incorporated as they exist on the date of incorporation. Notice of changes will be published periodically in the FEDERAL REGISTER.

§ 300.2 Availability of material incorporated.

Materials incorporated by reference in § 300.3 of this part are available for inspection at the following locations:

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, Hyattsville, Md. 20782.

Office of the Federal Register Library, 1100 L Street NW., Room 8401, Washington, DC 20408.

Copies may be obtained by writing to the Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, Hyattsville, Md. 20782.

§ 300.3 List of materials incorporated.

(a) Plant Protection and Quarantine Programs Treatment Manual.

(b) Japanese Beetle Program Manual.

NOTE.— The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., this 15th day of June 1978.

Incorporation by reference provisions approved by the Director of the FEDERAL REGISTER, June 15, 1978.

JAMES O. LEE, Jr.,
Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 78-16976 Filed 6-19-78; 8:45 am]

[3410-05]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1978-Crop Rice Marketing Quota and Acreage Allotment

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This action is being taken is accordance with the provisions of Section 352 of the Agricultural Adjustment Act of 1938, as amended, which requires the Secretary of Agriculture to do the following: (1) Determine and proclaim a national rice acreage allotment; (2) apportion the national rice acreage allotment to farms and producers in their respective administrative areas; and (3) establish the rice allotment for the farm (or in producer administrative areas, the producer allotments allocated to the farm) which will be used to determine loan eligibility and to compute deficiency and/or disaster payments if necessary.

DATES: This determination shall be effective for the 1978 crop of rice.

FOR FURTHER INFORMATION CONTACT:

Robert G. Martin, (ASCS) (202) 447-7901, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: The need for this rule is to satisfy the statutory requirements as provided for in Section 352 of the Agricultural Adjustment Act of 1938, as amended (referred to as the "Act").

Since planting of the 1978 crop of rice is well underway, it is of the utmost importance that farmers be notified of their 1978 producer and farm rice acreage allotments as soon as possible. Therefore, it is determined that compliance with the notice, public rulemaking and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest.

FINAL RULE

Accordingly, 7 CFR Part 730 is amended to read as follows:

(1) The table of contents is revised to read as follows:

Subpart—1977-78 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1978 CROP RICE, AND APPORTIONMENT OF 1978 NATIONAL ACREAGE ALLOTMENT OF RICE AMONG THE SEVERAL STATES

Sec.
730.1502 National acreage allotment of rice for 1978.
730.1503 Apportionment of 1978 national acreage allotment of rice to farms and producers.

STATE RESERVE ACREAGES, COUNTY ACREAGE ALLOTMENTS AND RESERVE ACREAGES, 1978 CROP RICE

730.1504 State reserve acreages.

AUTHORITY: Secs. 352, 375, 52 Stat. 60, 66 as amended; (7 U.S.C. 1352, 1375); sec. 101, 91 Stat. 981; Sec. 701, 91 Stat. 940).

(2) 7 CFR 730.1502 to 730.1505 and the subpart are hereby amended with respect to the 1978 crop of rice to read as follows:

Subpart—1977-78 Marketing Year

§ 730.1502 National acreage allotment for the 1978 crop of rice.

It is hereby determined and proclaimed that a national acreage allotment of 1,800,000 acres shall be in effect for the 1978 crop of rice.

§ 730.1503 Apportionment of the 1978 national acreage allotment of rice to farms and producers.

The national acreage allotment of 1,800,000 acres for the 1978 crop of rice is apportioned to farms and producers on the basis of the rice allotments established for the 1975 crop of rice, with any adjustments made pursuant to section 352 (c) of the Act. The allotment so apportioned within each of the several rice producing States is a follows:

State:	*Acres*
Arkansas	434,940.6
California	326,590.2
Florida	960.0
Louisiana:	
Farm administrative area	499,422.2
Producer administrative area	18,479.3
State total	517,901.5
Mississippi	50,772.2
Missouri	4,964.0
North Carolina	41.0
Oklahoma	163.1
South Carolina	2,745.9
Tennessee	563.4
Texas	460,358.1
U.S. total	1,800,000.0

§ 730.1504 State reserve acreages

The State reserve acreages set forth in the table in this section were established by the State committees in accordance with Section 352 of the Act, as amended.

State:	*Reserve*[1]
Arkansas	0
California	50
Florida	10
Louisiana:	
Farm administrative area	0
Producer administrative area	0

State:	Reserve[1]
Mississippi	5
Missouri	0
North Carolina	0.4
Oklahoma	0
South Carolina	0
Tennessee	0
Texas	50

[1]State reserve for new growers, corrections and adjustments.

Signed at Washington, D.C., on June 14, 1978.

P. B. SMITH,
Acting Secretary.

[FR Doc. 78-16950 Filed 6-19-78 8:45 am]

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1475—EMERGENCY FEED PROGRAM

Final Rule

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The regulations in this subpart contain the terms and conditions of an Emergency Feed Program formulated under section 1105 of the Food and Agriculture Act of 1977, 91 Stat. 955. The objective of the program is to pay to eligible livestock owners a portion of the cost of feed purchased to replace that which is normally produced on the farm but which was not produced because of a disaster. The assistance is for the preservation and maintenance of livestock in any area of the United States, including Puerto Rico, Guam, and the Virgin Islands, where, because of flood, drought, fire, hurricane, earthquake, storm or other natural disaster, the production of feed including pasture is substantially below normal.

EFFECTIVE DATE: June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert M. Cook (ASCS) Tel. 202-447-7997. Emergency and Indemnity Payments Division, ASCS, USDA, Room 4095 South Building, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTAL INFORMATION: The Food and Agriculture Act of 1977 became effective on October 1, 1977. Section 1105 of that Act authorized the Emergency Feed Program. Prior to that date, assistance was provided certain eligible producers under an emergency program authorized by the Federal Disaster Assistance Administration. The Federal Disaster Assistance Administration advised the Department that effective October 1, 1977, it would terminate assistance on the purchase of feed for livestock. At the present time about 100,000 livestock producers are in emergency situations resulting from natural disasters to which this Emergency Feed Program may be applicable. The enclosed procedure has been developed after working closely with ASC State and county committees and their authorized representatives. Also, there have been numerous contacts with Congressional delegations as well as producer organizations. Accordingly, it is found upon good cause that compliance with the Notice of Proposed Rulemaking and public participation procedure would be impracticable, unnecessary and contrary to public interest. Therefore, these regulations are being issued without compliance with such procedure.

FINAL RULE

Accordingly, 7 CFR Part 1475 is amended by adding a new subpart—Emergency Feed Program (§ 1475.50 through § 1475.68) to read as follows.

Subpart—Emergency Feed Program

Sec.

1475.50 General statement.
1475.51 Administration.
1475.52 Definitions.
1475.53 Availability.
1475.54 Owner eligibility.
1475.55 Application and approval.
1475.56 Amount of assistance.
1475.57 Diposition of feed and adjustment of net allowance.
1475.58 Violations.
1475.59 Termination or suspension of the Program.
1475.60 Appeals.
1475.61 Performance based on misaction or misinformation.
1475.62 Assignments.
1475.63 Limitation of authority.
1475.64 Estates and trusts; minors.
1475.65 Setoffs.
1475.66 Overdisbursements.
1475.67 Death, incompetency, or disappearance.
1475.68 Records and inspection thereof.

Subpart—Emergency Feed Program

§ 1475.50 General statement.

The regulations in this subpart contain the terms and conditions of an emergency feed program formulated under Section 1105 of the Food and Agriculture Act of 1977. The objective of the program is to pay to eligible livestock owners a portion of the cost of feed purchased during an emergency in which they suffered substantial loss of feed production for their livestock due to a natural disaster. The program shall be in effect for any livestock owner determined eligible by an approving official designated by the Agricultural Stabilization and Conservation Service.

§ 1475.51 Administration.

The program will be administered by ASCS under the general direction and supervision of the Executive Vice President, CCC. In the field it will be administered through the State and county committees.

§ 1475.52 Definitions.

The terms used in this subpart and in all forms and documents used in connection herewith (except where the context or subject matter otherwise requires, or where otherwise defined herein) shall have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority is delegated to act in lieu of the Secretary.

(b) "CCC" or "ASCS" means the Commodity Credit Corporation or the Agricultural Stabilization and Conservation Service, respectively.

(c) "DASCO" means the Deputy Administrator, State and County Operations, ASCS.

(d) "State committee", "State office", "county committee", or "county office" means the respective ASC committee or ASCS office.

(e) "Approving officials" means the officials authorized under § 1475.55 (g) to approve or disapprove an application for assistance under this subpart.

(f) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity.

(g) "Owner" means the person who owns or the persons who jointly own the eligible livestock to be fed with the feed to be purchased under the program and who meet(s) the requirements of eligibility contained in § 1475.54. A person or persons who mortgage(s) livestock as security to obtain a loan shall be considered as the owner for the purposes of these regulations if they meet such requirements of eligibility. Notwithstanding any other provisions of this paragraph, livestock leased under a contractual agreement which has been in effect at least six months on the date of application, which requires that the lessee furnish the feed for such livestock and which provides for a beneficial interest in such livestock such as the right to market a share of the increase shall be considered as being owned by the lessee. For purposes of this program an owner does not include prison farms, local or State governments, school districts, tax supported colleges or universities or any other tax supported entity.

(h) "Eligible Feed" means any type of feed (feed grain, mixed feed, liquid supplemental feed, roughage, pasture, forage, etc.) that best suits the owner's livestock operation, is consistent with acceptable feeding practices and which was not produced by the applicant or upon which assistance has not been paid. Any type of feed not normally

considered a feed grain, such as wheat, but which is purchased under the program for livestock feed shall be considered a feed grain when making determinations of feed loss and feed available under § 1475.55 (d) and (e).

(i) "Crop year" means a period beginning on the date the grazing of new pasture growth normally begins and ending 12 months later.

(j) "Substantial loss of production" means that the amount of feed produced on the farm (including pasture, forage and feed in storage) during the crop year is at least 40 percent below that considered by the approving officials as being normal production for the farm and constituting a loss of feed caused by a natural disaster. Any loss of feed production which the approving official considers is attributable to overgrazing or farming practices not recognized as being normal in the area shall not be included in determining loss of production.

(k) "Feeding period" means the period (1) beginning on the date of application and (2) ending on the date when additional feed is normally expected to become available but not later than the end of the grazing period when pasture is the only crop produced.

(l) "Livestock" means beef and dairy cattle, horses, mules, sheep, goats and swine. Buffalo and beefalo are also included when maintained on the same basis as beef cattle in support of the beef industry.

(m) "Eligible livestock" means livestock which have been owned by the applicant for at least six months prior to the date of application. Notwithstanding any other provision of this paragraph (m), it may include livestock owned less than six months when (1) purchased by the applicant as replacement breeding stock according to customary breeding operations; (2) inherited by the applicant; (3) purchased by the applicant as part of a complete farm operation; (4) born as offspring of eligible livestock defined in this paragraph (m); or (5) determined by the county committee and it is concurred in by a representative of the State committee that it is a normal practice for the applicant to purchase livestock for feeding and that the livestock were not acquired primarily to obtain program benefits. Horses and mules will be considered eligible livestock if kept for the production of food and fiber or used in a controlled breeding program. Eligible livestock does not include horses and mules (1) kept for recreational purposes; (2) running wild or uncontrolled on the range; or (3) kept in excess of the number needed to produce food and fiber on the farm, unless they are actually used in a controlled breeding program.

(n) "Eligible animal units" means "eligible livestock" computed as follows: (1) Two units—one dairy cow or one bull two years old or more. (2) One unit—one horse, mule, bull, cow, heifer, or steer one year old or more (excluding dairy cows and bulls two years old or more); two cattle, horses, or mules less than one year old and more than six months old; three calves or colts less than six months old; three swine over six months old; five swine less than six months old; five sheep or goats (excluding lambs and kids); or seven lambs and kids.

(o) "Dairy cow" means a cow which is owned or leased for the purpose of producing milk for home use or sale.

(p) "Natural disaster" means flood, drought, fire, hurricane, earthquake, storm or other natural disaster, including excessive rain, hail, unseasonable frost and high winds.

§ 1475.53 Availability.

Benefits under the program shall be available to any owner of livestock which are maintained in the United States, including Puerto Rico, Guam, and the Virgin Islands who has suffered, during the crop year, a substantial loss of livestock feed normally produced on land owned (or operated under a bona fide lease) by the livestock owner.

§ 1475.54 Owner eligibility.

Subject to the other terms and conditions in this subpart, the owner may be approved for assistance in purchasing feed for eligible livestock if in the judgment of the approving officials the following eligibility requirements are met:

(a) *General.* (1) The disaster has caused a substantial loss of production of feed normally produced on the farm operated by the owner, (2) the owner does not have sufficient feed for the livestock, and (3) the owner is required to purchase a quantity of feed greater than normal.

(b) *Location of holdings.* All of the applicant's holdings, including land, feed produced, feed on hand, etc., shall be considered regardless of location in determining eligibility.

§ 1475.55 Application and approval.

(a) *Who may apply.* Any owner of livestock may file an application under this program. When an application is filed, the applicant, if an individual, a partner if the applicant is a partnership, or a duly authorized representative of the owner in the case of any other person shall execute the certification contained in Form ASCS-645. If an application is filed in the name of a corporation, except a family corporation, the application must be accompanied by a certified copy of a resolution by the Board of Directors of such corporation authorizing its representative to file the application on behalf of said corporation.

(b) *Where to apply.* An application must be filed at a county office in the county where the records covering the major portion of the applicant's holdings are located or in a county agreeable to both the applicant and the county committees.

(c) *Filing of applications.* (1) The owner or a duly authorized representative shall furnish all the information required of the applicant on the application and shall certify that the owner meets the requirements specified in § 1475.54. (2) Applications for feed assistance due to production losses which occur: (i) between the beginning of the crop year and the end of the calendar year must be filed by December 31 of such year, or (ii) between January 1 and the end of the crop year must be filed within 30 days after the disaster occurs.

(d) *Determining loss of production.* (1) The current crop year acreage and yield of crop(s) used to feed eligible livestock including pasture and the normal yield for such crop(s) shall be converted to grain equivalent and used in arriving at the amount of feed lost because of the disaster: *Provided,* That pasture loss shall not be computed for any type of animal unit which does not, and normally would not, utilize pasture during the feeding period and shall not be based on animal units in excess of the normal carrying capacity of the pasture.

(2) Loss of production may include feed stocks produced on the farm in the current crop year which were damaged or destroyed by a natural disaster while in storage provided that feed stocks not totally destroyed must be appraised for their remaining value as livestock feed.

(3) Any loss of production otherwise computed shall be reduced: (i) by the amount of loss attributable to an acreage of pasture for which any deferred grazing payment may have been earned in the current crop year; (ii) by the amount of any payment under the Disaster Payment Program for feed grain computed in accordance with Part 775 of this chapter and (iii) by the amount of any benefits received through insurance or any other indemnification for current year feed lost either in storage or during production. Such payment or reimbursement shall be converted to grain equivalent based on the larger of four cents per pound or the local market buying price of the crop at the time the application is filed.

(e) *Determining feed available.* (1) The total quantity of feed available to the owner shall be the quantity owned and on hand as of the date of application, in grain equivalent, plus any prior or current crop year feed sold or contracted for sale during the current crop year including any grain under loan.

(2) The amount of feed otherwise determined to be on hand shall be (i) reduced by the amount of any purchased feed on hand; (ii) increased by the amount of any payment under the Disaster Payment Program for feed grain computed in accordance with Part 775 of this chapter and the amount of any benefits received through insurance or any other indemnification for current year feed lost either in storage or during production. Such payment or reimbursement shall be converted to grain equivalent based on the larger of four cents per pound or the local market buying price of the crop at the time application is filed.

(3) The determination of feed on hand shall exclude any feed grain (i) reserved specifically for consumption by poultry or for use as seed to plant crops on the owner's farm(s) for the next harvest or (ii) of the prior crop year placed in storage under the Farmer Held Grain Reserve Program, or used as collateral for a loan and any feed (hay, grain, etc.) purchased for resale. Feed utilized in a feedlot for the commercial feeding of livestock is not considered feed purchased for resale and shall be included as feed available.

(f) *Quantities of Feed Assistance.* (1) The gross feed allowance shall not exceed the smaller of 10 pounds per day per animal unit, or whatever lesser quantity is established by the State committee or county committee, times the number of days in the feeding period times the eligible animal units.

(2) The net feed allowance shall be the smaller of: (i) the gross feed allowance less the total quantity of feed (feed grain, hay, silage, pasture and range converted to feed grain equivalent) determined by the approving officials to be available to the owner for feeding eligible livestock during the feeding period, or (ii) the quantity the approving officials determine to be adequate considering the total quantity of feed determined to be available to the owner for feeding eligible livestock during the feeding period because of the emergency.

(3) The total allowance for the entire feeding period shall be the smaller of the net allowance or the amount of feed production lost by the applicant.

(g) *Approval of Applications.* The county committee or its designee shall review each application filed.

(1) Approving officials are as follows: (i) The county committee or its designee is authorized to approve or disapprove all applications provided the applicant is not an ASC committee member or an ASCS employee. (ii) The State committee or its designee is authorized to approve or disapprove applications of county committee members and ASCS employees. (iii) DASCO or its designee shall approve or disapprove applications of State committee members. All applications forwarded to higher authority for consideration shall be accompanied by committee recommendations.

(2) No application shall be approved unless the owner meets all eligibility requirements. Information furnished by the applicant and other information, including knowledge of the county and State committee members concerning the owner's normal operations shall be taken into consideration in making recommendations and approvals. If information furnished by the owner is incomplete or not clear and sufficient information is not otherwise available as to the owner's operations to make a determination as to the owner's eligibility, the application shall not be approved until sufficient additional information is provided.

(3) The owner shall be notified in writing of (i) the action taken on the application by the approving officials and (ii) the applicant's right to appeal.

§ 1475.56 Amount of assistance.

(a) Based on the presentation of acceptable evidence of purchase, the owner shall be reimbursed at the rate of 50 percent of the cost of eligible feed purchased not to exceed two cents per pound of feed grain equivalent in an amount no greater than the total feed allowance computed according to § 1475.55 (f) (3).

(b) Acceptable evidence of purchase shall be limited to a sales document or receipt which (1) shall be signed by the seller (signature of seller may be waived when applicant certifies that signature is not convenient to obtain and the county committee is satisfied the document is a bona fide document), and (2) contains the date of purchase, amount, kind, price of feed purchased, and dates or expected dates of delivery.

(c) Eligible costs of purchased feed are limited to the purchase price at the point of possession and may include: (1) Items of cost normally associated with the preparation of mixed feed. (2) The cost of leasing or purchasing temporary pasture, range or other grazing providing the resulting assistance does not exceed the smaller of 50 percent of the cost of the grazing per eligible animal unit per day or 20 cents per day per animal unit. (3) The cost of feed for eligible livestock in a feed lot provided assistance is limited to the smaller of 50 percent of the cost per eligible animal unit per day or 20 cents per day per eligible animal unit.

§ 1475.57 Disposition of feed and adjustment of net allowance.

(a) *Feed for livestock.* (1) Feed obtained under this subpart shall not be exchanged for other services, cash, credits, or any other thing of value. (2) An amount of feed equal to that acquired under the program shall be fed to the applicant's eligible livestock.

(b) *Reporting changes.* (1) If there is a reduction in the number of eligible livestock, this fact shall be promptly reported to the county office. (2) If additional feed becomes available to the owner from production on the farm (including pasture) during the feeding period, this fact shall be promptly reported to the county office.

§ 1475.58 Violations.

(a) Any person who disposes of any feed for which reimbursement is made under this program in any manner other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved to be recovered by the Secretary in a civil suit brought for that purpose. In addition, such person shall be subject to a fine of not more than $10,000 or imprisonment of not more than one year or both.

(b) The issuance of a false sales document, the changing of dates or data on a sales document, or the making of a false statement in an application for assistance or other document, for the purpose of enabling the applicant to obtain a payment to which the applicant is not entitled, may subject the person issuing such document or making such changes in the dates or data or making such false statement to liability under applicable Federal civil and criminal statutes.

(c) The county committee may deny program participation to any person for a period of from one to three years, if it is determined that such person knowingly made a false statement for the purpose of obtaining benefits under the program.

§ 1475.59 Termination or suspension of the program.

The county committee may at any time suspend or terminate assistance under the program when it appears local conditions do not justify continuation of the assistance. The suspension or termination of the assistance shall not apply to any purchases made prior to the effective date thereof.

§ 1475.60 Appeals.

Any owner may obtain reconsideration and review of determinations affecting participation in the program in accordance with Part 780 of this chapter.

§ 1475.61 Performance based on misaction or misinformation.

Performance based on misaction or misinformation where such performance was rendered in good faith in reliance upon action or advice of a county or State committee or their authorized representative shall be han-

dled in accordance with Part 790 of this chapter.

§ 1475.62 Assignments.

An applicant shall not assign any payment due or to come due under the regulations in this subpart.

§ 1475.63 Limitation of authority.

(a) State and county committees do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(b) The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee when such action has not been taken by the county committee. The State committee may also (1) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

(c) No delegation herein to a State or county committee shall preclude DASCO or its designee from determining any question arising under the regulations in this subpart or from reversing or modifying any determinations made by a State or county committee.

§ 1475.64 Estates and trusts; minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person has authority to sign the applicable documents.

(b) A minor who is a producer shall be eligible for assistance under this subpart only if such person meets one of the following requirements: (1) The rights of majority have been conferred on the minor by court proceedings or by statute; (2) a guardian has been appointed to manage the minor's property and the applicable program documents are signed by the guardian; or (3) a bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1475.65 Setoffs.

(a) If any indebtedness of the producer to any agency of the United States is listed on the county claims control record, payments due to the producer under the regulations in this part shall be applied, as provided in Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(b) Compliance with the provisions of this section shall not deprive the producer of any right the producer would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1475.66 Overdisbursements.

A producer shall be liable for repayment of the amount by which any payment disbursed to the producer exceeds the amount of such payment authorized under the regulations in this subpart.

§ 1475.67 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any producer who is entitled to a payment, such payment may be made to the person or persons specified in the regulations contained in Part 707 of this chapter. The persons requesting such payment shall file Forms ASCS-325, "Application For Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent", as provided in that part.

§ 1475.68 Records and inspection thereof.

The producer, and any other person who furnishes information to such producer or to the county committee to enable the producer to receive a payment under this subpart, shall maintain any books, records, and accounts supporting any information furnished to the county committee for three years following the end of the year during which the application for payment was filed. The producer or any other person who furnishes such information to the producer or to the county committee shall permit authorized representatives of the Department of Agriculture and the General Accounting Office, during regular business hours, to inspect, examine, and make copies of such books, records, and accounts.

NOTE.—The reporting and/or recordkeeping requirement contained herein has been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C. on June 12, 1978.

WELDON B. DENNY,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-16951 Filed 6-19-78; 8:45 am]

[3410-37]

Title 9—Animals and Animal Products

CHAPTER III—FOOD SAFETY AND QUALITY SERVICE, (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

MECHANICALLY PROCESSED (SPECIES) PRODUCT

Standards and Labeling Requirements

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Federal meat inspection regulations by setting forth a definition (including parameters for measuring compliance), permitted uses, and labeling requirements for "Mechanically Processed (Species) Product," (e.g., "Mechanically Processed Beef Product") which is prepared by the mechanical processing and separation of bone and attached muscle tissue. These provisions are needed in order to protect the public by assuring that the standardized product is of high quality.

EFFECTIVE DATE: July 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Irwin Fried, Product Standards, Labels and Packaging Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

HISTORICAL BACKGROUND

On April 27, 1976, the Administrator published a notice of proposed rulemaking titled "Definition of Meat and Classes of Meat, Permitted Uses, and Labeling Requirements" (41 FR 17560-17566). That proposed rulemaking included, among other things, a proposal for the permitted manufacture of "Mechanically Deboned Meat (MDM)," "Mechanically Deboned Meat for Processing," and "Mechanically Deboned Meat for Rendering." As proposed, these materials were defined as the product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle tissue. Nutritional parameters were proposed for "Mechanically Deboned Meat" and "Mechanically Deboned Meat for Processing." Limits for "Mechanically Deboned Meat" were to be lower for calcium and fat and higher for protein than parameters for the other two classes. "Mechanically Deboned Meat for Processing" was to have a requirement for protein quality equal to the requirement for "Mechanically Deboned Meat" as measured by Protein Effi-

ciency Ratio (PER) or by the proportion of essential amino acids to total protein.

No nutritional parameters were to be set for "Mechanically Deboned Meat for Rendering," which was not to be used as such in the formulation of meat food products. No limitation on amount used in products was proposed for "Mechanically Deboned Meat," but "Mechanically Deboned Meat for Processing" was to be limited to 20 percent of the total meat, meat byproducts, poultry products, or poultry meat content of the product. The proposal also specified those products in which "Mechanically Deboned Meat" or "Mechanically Deboned Meat for Processing" were to be permitted as ingredients.

Among the more than 1,100 comments from the public on this proposal were a number raising questions concerning the health and safety aspects of (1) the amount and digestibility of calcium and bone particles in MDM; (2) contents of toxic and essential trace elements; (3) contents of pesticide residues; (4) amount and quality of lipids; and (5) possible microbiological hazards associated with the use of MDM.

Also on April 27, 1976, an interim regulation that included standards for the use of MDM was published in the FEDERAL REGISTER. The interim regulation was to remain in effect pending final rulemaking on the proposal, unless rescinded before rulemaking was completed. The interim regulation was considered necessary in order to develop data, previously unavailable except on an experimental basis, for determining if the analytical parameters were effective in assuring nutritional quality of the products.

The interim regulation was challenged in the United States District Court for the District of Columbia by a coalition of consumer oriented organizations and the Attorney General of Maryland. On September 10, 1976, a Preliminary Injunction was issued by the court enjoining the Secretary from using the provisions of the interim regulation with respect to MDM. In the Court's opinion, the Department had not adequately assessed the potential health hazards of MDM in three areas:

(1) Possible gastroenterological side effects which may result from frequent ingestion of bone particles;

(2) The possibly unduly high levels of strontium-90 which may be contained in bone particles; and

(3) The possible long-term effects of the fat content present in MDM on the cardiovascular systems of those Americans for whom processed meat products constitute a significant portion of their diets.

The court also indicated that until such assessments were made, MDM was considered adulterated and an adulterant. In addition, the Court held that the product could not be called "meat" in that it was not meat as traditionally defined. Following the court order, the Department ordered discontinuation of the placement of the official mark of Federal inspection on all MDM, which in effect stopped the production and use of it.

ESTABLISHMENT OF A PANEL

In order to respond to the questions on health and safety raised by the Court, an analytical program was initiated to develop data on the amounts of nutrients and substances of concern which might be present in MDM. To evaluate findings from this analytical program and pertinent information and data gathered from other sources, a panel of Government scientists was convened. The Panel consisted of experts in a wide range of subject areas dealing with health and safety aspects of foods. The Panel was asked to respond to questions which had been raised by the Court, questions in the comments that had been filed on the proposed rulemaking, and other issues which became evident during the deliberation of the Panel.

The Panel's conclusions and recommendations were published in the reports titled "Health and Safety Aspects of the Use of Mechanically Deboned Meat, Volume I—Final Report and Recommendations, Select Panel" and "Health and Safety Aspects of the Use of Mechanically Deboned Meat, Volume II—Background Materials and Details of Data." Both volumes were made available to the public in connection with the Tissue from Ground Bone proposal referred to below.

The summary of the Panel's conclusions and recommendations is as follows:

The Panel, after reviewing all pertinent data and information and the reports of the subcommittees, unanimously accepted those reports and drew the following conclusions and made the following recommendations:

A. Bone particle size as obtained with mechanical deboners currently available presents no hazards to health. However, the Panel recommended that limits for maximum particle size be included in any regulation to be promulgated allowing the preparation in commerce of MDM.

B. A slight nutritional benefit is to be expected for most people from the calcium in MDM, especially for persons whose customary intake of calcium falls below the Recommended Dietary Allowance. The calcium which would be added to the diet by MDM is not so great in amount as to pose a hazard to the health of most people except for those persons who are hyper-absorbers of calcium and already likely to be under medical supervision to limit their calcium intakes.

C. The fluoride content of MDM poses no health problem for adults. Fluoride intakes of children need to be controlled more closely than intakes of adults in order to avoid mottling of teeth. Since little is known about the fluoride intake of children, caution is advised. Data on projected consumption of MDM show that intakes of fluoride from MDM would be negligible, even for children consuming much higher than average quantities of MDM with a high fluoride content. MDM in the Panel's judgment presents no problem for children. However, fluoride intake of infants is known to be high. The Panel, therefore, concluded that prudence dictates that MDM not be incorporated into baby and junior foods at present. This recommendation is based primarily on lack of information rather than evidence of a hazard and should be subject to further evaluation as data are gathered.

D. The Panel concurred with the subcommittee evaluation that, based on currently available data and relative to the magnitude of other environmental sources of lead, the amount of lead which would be provided by mechanically deboned meat is toxicologically insignificant for children and adults.

E. Amounts of cadmium in MDM are so small as to be not detectable by current analytical procedures, and are of no public health significance.

F. Selenium was judged not to be a health problem. There is no evidence to indicate that selenium concentrates in bone.

G. Increases in dietary intakes of strontium-90 from use of MDM would be negligible, amounting to about a 1 percent increase in exposures which are already well below tolerable limits. MDM poses no health hazards in regard to strontium-90.

H. Cobalt, copper, iron, nickel, zinc, arsenic, and mercury pose no potential problems in relation to use of MDM. Consumption data indicate that MDM would probably provide about 1 percent of the expected daily intake of cobalt. Additional iron from MDM would be in the order of 2.5 percent of the total iron intake, and should be readily available to the body. Zinc content of MDM is essentially the same as zinc in hand-deboned meat, and use of MDM should not affect bioavailability of zinc from other dietary sources. Arsenic has not been found in mechanically deboned poultry, and poultry would be expected to have greater relative intakes of arsenic than red meat animals. Therefore, arsenic should present no problem in MDM. Mercury does not accumulate in bone.

I. Chlorinated hydrocarbon residues present no special problem in MDM, because if present in measurable amounts, they are found in quantities

well below established tolerance or action limits.

J. Data presently available on the lipid spectrum of MDM show that it is comparable to the lipid pattern found in hand-deboned meats. However, because of concern over the general problem of excessive intakes of fat and their effect on health, the Panel recommended that limits be placed on the fat content of MDM, on the basis of good manufacturing practices, and that limits also be placed on the fat content of products in which MDM could be used.

K. Proposed standards for protein content and quality (PER) are reasonable. Efforts should be continued to find more rapid and economical methods for monitoring protein quality, to replace the cumbersome PER assay.

L. The microbiology of MDM presents no unique hazards and should not be a problem if good manufacturing practices and quality control programs are employed.

M. Tetracyclines—Tetracyclines accumulate in the bones of young animals, and a recent German study has found tetracyclines in calf bones. The amounts are such that even at the highest level found, residues in products made with MDM derived from calf bones likely would be within present permitted tolerances. The U.S. slaughters comparatively few calves, and it is unlikely that there will be calf MDM. Tetracyclines in older cattle and swine present no problem. Though it is apparent that the use of tetracyclines in calves is on the decline in the United States, controls should be established to assure that if MDM is prepared from calves it will not exceed established tolerances for such drugs.

N. The Panel agreed that MDM contained in food products should be so labeled in the ingredients statement, so that persons who must stringently restrict calcium intake could avoid these products. The Panel further agreed that there was no need for health or safety reasons to make nutrition labeling mandatory for products containing MDM, although nutrition labeling of all food products should be encouraged.

O. The Panel recommended that efforts should be made to inform and educate health and medical professionals and the general public about dietary effects of use of MDM, especially in relation to calcium and fluoride.

P. The Panel recommended that further research should be encouraged on MDM when it is again produced commercially. Suggestions for research are given in several of the subcommittee reports.

The Revised Proposal

As a result of the Panel's recommendations and conclusions, the Court activity and the widespread interest and concern about MDM, a revised proposal was published in the Federal Register on October 6, 1977 (42 FR 54437-54442). The proposal offered the following changes from the original proposal:

(1) The product would be named "Tissue From Ground Bone" (TFGB) and would be labeled "Tissue From Ground (Species) Bone" in the ingredients statement. The name of the processed product in which it was used would be qualified by the term "Tissue From Ground (Species) Bone Added."

(2) The product would be classified as a meat food product rather than as a class of meat.

(3) The number of classes of this type of product would be reduced from three to one.

(4) The product would be limited to 20 percent of the total of all meat, meat byproducts, poultry products, and poultry meat used in a processed product.

(5) The product could not be used in baby (strained), junior, or toddler foods.

(6) The calculation of percent of essential amino acids would be in terms of total amino acids rather than in terms of total protein.

(7) The size of the openings of any screens, sieves, or ports used in preparing TFGB could be no greater than 0.5 mm in diameter.

(8) The requirements for minimum protein and maximum fat would be set at 14 and 30 percent respectively.

Summary of Comments

A total of 4,537 comments was received, including the presentations that were made at the Public Hearing held on the proposed rulemaking on February 14, 1978. Of these comments, more than four-fifths (3,826) were from consumers. Consumer groups, including formal consumer organizations and comments containing five or more signatures from more than one family, accounted for 65 comments and 1,035 signatures. Industry comments, including those from meatpackers, machinery and equipment companies, related food processors, food wholesalers, retail organizations, and attorneys writing for industry clients, accounted for 344 comments. Twenty-seven trade groups commented. There were 70 comments from academia which included faculty and students of universities and high school teachers of subjects such as home economics, economics, and biology. Thirty-five professionals such as physicians, dentists, veterinarians, dietitians, attorneys, and food managers commented. Five professional societies were represented. Farmers and farm-related organizations accounted for 139 comments. Twenty-six comments originated from Federal, State, and local government agencies; Congressmen or delegates; and the international agency for worldwide food standards, CODEX ALIMENTARIUS.

As further explained below this document sets forth a standard for "Mechanically Processed (Species) Product (MP(S)P)" which has the same parameter requirements with respect to protein, PER, fat, and calcium as was proposed for TFGB.

Health and Safety

Many commenters indicated that products containing TFGB are safe and healthful for human consumption. Numerous other commenters disagreed with this conclusion. Those commenters in disagreement questioned whether products containing TFGB would adversely affect humans because of long-term use; whether calcium is poisonous or otherwise harmful to health; whether TFGB would be unsafe because of the presence of strontium-90, lead, or pesticides; whether TFGB would be digestible; whether the bone particles would be hazardous to the mouth, teeth, and gums; whether the presence of bone marrow in TFGB would adversely affect gout sufferers; and whether TFGB would be microbiologically safe.

There is no basis for expecting that the long-term use of MP(S)P would pose health hazards or that the long-term effects would be any different from other processed meat food products.

The quality of the fat as measured by fatty acid profiles and the quality of the protein as measured by amino acid profiles are essentially the same for MP(S)P and meat.

The argument that the introduction of MP(S)P in the marketplace will result in greater consumption of fat and cholesterol does not seem valid to the Administrator. It seems highly unlikely to the Administrator that consumers will drastically change their eating habits by using foods which contain "MP(S)P" instead of other classes of foods such as poultry and fish although it is possible that some consumers will buy franks, chili, etc., containing "MP(S)P" because of a price differential. Furthermore, processors of products without fat limitations have determined the levels of fat necessary to provide a palatable, saleable product, and it is not likely that the use of "MP(S)P" will change their standards of quality. The fatty acid content of MP(S)P and the saturated and unsaturated fatty acid patterns of MP(S)P are essentially the same as in hand-deboned red meat. In addition, the Select Panel reported that the cholesterol content of MP(S)P was approximately that of meat. Meat varies in fat content over a wide range, both below and above the maximum established for MP(S)P. Therefore, because

neither the quality nor the quantity of fat would differ for MP(S)P and meat, the Administrator concludes that there is no reason to expect a greater increase in fat or cholesterol content of diets containing MP(S)P.

From all the information available to the Department and the findings of the Panel, the administrator has determined that the amounts of lead, strontium-90, and chlorinated hydrocarbons added to the diet at the level of usage and parameters defined for MP(S)P are extremely small, are not unlike levels added by most other foods, and are well within established tolerance levels.

In assessing the amounts of fluoride that could be added to the food supply by MP(S)P, the Panel used 90th percentile intake and 90th percentile fluoride concentrations which would result in projected fluoride intakes that are much higher than likely under any circumstances. At these extreme levels of intake, the data show that the added fluoride intake would be minimal for all age groups. However, the Panel indicated that the fluoride intake of infants is already high and prudence dictates that the addition of even an extremely small amount should not be sanctioned. The Panel's concern was that small added amounts of fluoride might for some infants cause mottling of the teeth, affecting their appearance but not their health. It was therefore recommended that MP(S)P not be allowed in baby, toddler, and junior foods. The Administrator has accepted the Panel's recommendation and has concluded that MP(S)P may not be used in baby, toddler, or junior foods.

The TFGB proposal specified that the product shall not have a calcium content exceeding 0.75 percent. In a sizeable number of documents, objections were stated against allowing this much calcium in the product because calcium is a health hazard or poison. Many other commenters indicated that additional calcium would be beneficial to the diet of most persons and that TFGB would also be a good source of other essential nutrients, such as iron.

The Select Panel found that the intake of the very small amounts of calcium resulting from ingestion of MP(S)P represents negligible increases in the daily calcium intake and cannot be considered hazardous, and that even higher intakes of calcium than provided by MP(S)P would be beneficial because a large sector of the population may not consume an adequate amount of this essential nutrient. A significant and positive correlation exists between the content of calcium and the fluoride or lead content of bone. The Panel established that MP(S)P containing no more than 0.75 percent calcium was safe in terms of its fluoride and lead contents. Safety of fluoride and lead has not been established for levels higher than those found in products containing no more than 0.75 percent calcium. The Administrator has therefore determined that the amount of calcium in MP(S)P shall not exceed 0.75 percent. The review of the literature by the Panel revealed a number of studies on the ingestion of bone particles that demonstrated that bone particles much larger than those found in MP(S)P are not likely to cause problems, and that even these bone particles are easily dissolved by gastric juices. Furthermore, animal studies conducted both by the Department and by university scientists revealed no hazards from ingestion of bone particles in MP(S)P. As concluded by the Panel and from all information available to the Department, the Administrator has determined that the ingestion of bone particles from MP(S)P will not cause perforation of the gastrointestional tract or mechanical injury to the mouth, tongue, teeth, or gums. It should also be noted that the Administrator agrees with the Select Panel that there is no expectation of a carcinogenic or chronic disease hazard to humans from the ingestion of bone particles from MP(S)P.

Concern was expressed about diseased bone reaching the food supply. Current requirements with respect to the inspection, handling and disposal of animals, carcasses, and parts of animals known or suspected to have diseases or abnormalities are adequate and effective, and the Administrator knows of no reason why MP(S)P should present any special requirements in this regard.

Concern was expressed that if the bone marrow content of MP(S)P were significant, the nucleic acid content of MP(S)P might be higher than that found in meat and that this increase could have serious health implications for gout sufferers. In this connection a researcher indicated in his comments that the purine content (an indicator of nucleic acid) should be similar to that contained in meat. He did not, however, provide supporting data and the nucleic acid content of MP(S)P has not otherwise been established. If the nucleic acid content of the product appears to be a problem to some consumers, the required labeling will provide adequate identification of the product and gout sufferers can avoid the product if they choose. The Administrator has also determined it prudent to inform health and medical professionals about this possible dietary effect of the use of MP(S)P.

Some commenters indicated that microbiological controls should be established for this product. Other commenters indicated that it would be highly advisable to have process controls for time and temperature of storage and use of TFGB and raw materials for its preparation. The Administrator concludes that microbiological standards are not appropriate nor a wise use of money and people. The Department has found no evidence whatsoever that there is any bacterial health hazard associated with this product when handled within good manufacturing practices. There is evidence from the experience of the State of Oregon with bacterial standards for ground meat that the microbiological standards were not effective in reducing bacterial content of the ground meat, that the standards were unfair to consumers who might be led to believe they resulted in meats with a low bacterial content and thus improved quality, and that the cost of enforcing the standards was not justified by the benefits desired.

However, because of the potential rise in temperature of MP(S)P during processing, and the fact that this product consists of small particles having more surface area than in most meat food products, special processing and storage requirements are warranted. The Administrator has therefore determined that the processing and storage requirements set forth in the text of the final rule are necessary in order to assure that the product would not spoil during processing and storage.

In view of all of the information available to the Administrator including the findings of the Panel, the Administrator has concluded that MP(S)P is wholesome and safe and should be permitted, except in baby, junior, and toddler foods.

Economics

Numerous commenters indicated that they objected to the use of TFGB. Many of these commenters also stated that they would not buy or serve TFGB.

Commenters also expressed a belief that consumers would be paying for meat and getting bone, that prices would not stabilize or decrease as a result of use of TFGB, and that the net result would be to increase prices of all formulated meat products, whether or not they contained TFGB.

Commenters expressed concern for economic effects on farmers, ranchers, and the laboring force by indicating a belief that the numbers of animals sold and unit prices of live animals would be depressed as the result of using TFGB, and that some meat cutters would lose their jobs because of the use of machines. There were also opinions that the process was not needed because of an overplentiful supply of meat.

Other commenters indicated that they believed only industry would benefit from the use of TFGB; indus-

try would fatten its pockets at the expense of consumers and farmers and/or ranchers.

In contrast, some commenters stated that TFGB should help control costs of meat products for consumers; others stated that TFGB would allow for more efficient use of the whole carcass and would save meat; and others stated that TFGB would result in a better return to the farmer or rancher because use of TFGB would add value to the carcass, as contrasted to use as tankage or fertilizer. One comment from a meatcutter paid by piecework indicated he would earn more money if TFGB were used because he would not be slowed by work on hard-to-bone cuts such as necks. Other comments discussed the value to the United States of exporting TFGB and indicated it could help the balance of payments.

In response to some of the above objections, it should be noted that the labeling requirements would enable consumers to make cost comparisons between products containing and products not containing MP(S)P and to make decisions as to the economic value of these products. Further, the other objections are not relevant to whether MP(S)P should be produced and distributed in that the Administrator has no authority to prohibit the production of wholesome, unadulterated, and properly labeled products.

LABELING

Many of the comments received in response to the proposal indicated that the proposed name, "Tissue From Ground Bone (TFGB)," should not be adopted. Reasons for opposition were that the name was misleading and repugnant to the consumer, and that it was illegal because it was false. A number of comments from industry, trade groups, and academic persons pointed out that it was inappropriate to indicate that the product would be prepared from ground bone in that some press-type equipment did not require pregrinding or cracking before processing into TFGB and that it was possible to prepare TFGB from whole carcasses, sides, or parts. The product contains both meat and bone, including bone marrow. It appears that the term TFGB would incorrectly indicate that the product in question is made wholly from parts of bone. Accordingly, the Administrator has determined that the name "Tissue From Ground Bone" could be misleading to consumers and other persons and therefore should not be adopted.

Many comments also indicated that the product should be named "Mechanically Deboned Meat" since this name has been adopted by the industry in this country and is widely used in other countries. The comment filed by CODEX ALIMENTARIUS objected to the proposed name on the basis that it would prejudice international CODEX work by having a depreciative designation in one of the major participating countries, and that CODEX has so far generally accepted the name "Mechanically Deboned Meat." A number of commenters argued that USDA is legally required to call a product by its common or usual name, and that the common or usual name of the product, through longstanding usage, is "Mechanically Deboned Meat." It should be noted that this product is a standardized product and must be called by its standardized name regardless of any other name associated with the product. Further, the Administrator has determined not to adopt the name "Mechanically Deboned Meat" because this name would be false or misleading to consumers in that the term "deboned" would incorrectly represent that the product does not contain bone or bone marrow and that the term "meat" would incorrectly represent that the product consists solely of "meat." Some commenters indicated that in their view this product is "meat." In the Administrator's opinion the product cannot be considered meat in the traditional sense because of the presence of bone marrow and bone.

Many other proposed names for the product were received. Some of the proposed names were "Mechanically Deboned Meat Product," "Mechanically Deboned Meat Food," "Mechanically Separated Meat," "Mechanically Processed Meat," "Mechanically Processed Meat Tissue," and "(Species) Food Product." The Administrator has concluded that the product should be named "Mechanically Processed (Species) Product." The term "product" in the Federal meat inspection regulations as defined include any substance from livestock which is capable of use as human food, including meat and bones. Also the product is "mechanically processed" and should indicate the type of livestock from which the product is produced. Therefore, it appears appropriate to name the product "mechanically processed (species) product" (MP(S)P); e.g., "mechanically processed beef product."

The TFGB proposal contained a provision requiring product names to be qualified by the phrase "Tissue From Ground Bone Added" when TFGB was used as an ingredient.

On the question of whether or not a qualifying phrase should be included with the product name, the majority of comments were against such a requirement (589 against to 44 in favor). Many of the objections were based on the belief that such a practice discriminates against a safe, healthful product since such a requirement is not made for ingredients such as salt or sugar. Two-thirds of the 44 commenters favoring a qualifying phrase indicated that the phrase would be used as a warning to enable them to avoid buying the product.

The Administrator has concluded that since MP(S)P is unique and would not be an expected ingredient in a product, a qualifying statement should be added to the names of those products containing MP(S)P or imitation MP(S)P. Accordingly, all labels of products containing MP(S)P will be required to qualify the product name with the phrase "With Mechanically Processed (Species) Product" and products containing imitation MP(S)P will be required to qualify the product name with the phrase "With Imitation Mechanically Processed (Species) Product."

In order that such qualifying statements are likely to be read and understood by consumers, the Administrator has determined that they shall be at least ½ the size of the product name.

Many commenters and the Select Panel indicated that the labeling should clearly indicate the presence of bone, as some individuals must limit their intake of foods containing calcium. The Administrator believes this health problem to be an important consideration. Therefore, labels of products containing MP(S)P and imitation MP(S)P shall also bear the additional qualifying statement, "Contains Up To — % Powdered Bone" under the first qualifying statement. The percent of powdered bone represents the amount of hard dry bone in the finished food product. The bone is described as powdered to indicate clearly the small particle size of the hard dry bone. The percentage is determined by multiplying the calcium content of the MP(S)P by the factor 4 and then by the percent of MP(S)P in the finished product. The factor 4 is based on a maximum ratio of hard dry bone to calcium.

Also, in order that such qualifying statement is likely to be read and understood by consumers, such statement qualifying the product shall be at least ¼ the size of the product name. This qualifying statement would not be required to be as large as the statement with respect to MP(S)P or imitation MP(S)P. Powdered bone is merely a component of MP(S)P or imitation MP(S)P, and it does not appear that it is necessary for it to have equal prominence with the full ingredient, MP(S)P or imitation MP(S)P. The requirement that the statement be specified in not less than ¼ of the size of the product name should be sufficient to effectively notify consumers of the presence of this component of MP(S)P or imitation MP(S)P while at the same time not unfairly disparaging the product.

On the question of whether or not TFGB should be included in the ingre-

dients statements in proper order by weight, 264 comments favored inclusion and 406 were against it. Most of those taking a position against inclusion did so in the belief that TFGB was meat, and needed no further labeling except possibly for a statement on maximum calcium content of the product. However, MP(S)P is not meat and will be a standardized product following publication of this rule. Therefore, it must be listed separately from meat in its order of predominance by weight in the ingredients statements of finished products in which it is used.

A few commenters urged that percent of TFGB in products be included in label listings. However, the Administrator believes that the identification of MP(S)P in the qualifying phrase will suffice to alert consumers of its presence and that percentage labeling is not necessary.

The desire was expressed to include on the labels of those products containing MP(S)P the percentage of certain minerals, viz., fluoride, and calcium. The Administrator has considered this suggestion but has concluded that the issues of nutrition labeling and percentage labeling are broader than the subject of this rulemaking, should be separately considered, and should cover a wide range of meat and poultry products, not just one meat food product.

For those individuals who must restrict or avoid foods containing calcium, the labeling of the product with a qualifying statement to indicate the presence of MP(S)P and "powdered bone" should provide sufficient notice.

PARAMETERS AND PROTEIN QUALITY

The comments showed much disagreement with respect to the proposed TFGB requirements of no less than 14% protein, no less than 2.5 PER, and no more than 30% fat.

Forty-six commenters objected to the proposed minimum of 14 percent protein, while 33 favored it. Nearly half of the objections came from industry. Many of these objections stated that requiring such a high protein minimum would severely restrict the kinds of materials that could be used in preparing TFGB, and that this requirement would severely limit the amount of high-protein food which could be added to the meat supply of the country. Some comments suggested that the minimum protein level be set at 12 percent rather than 14 percent.

Commenters' objections to the requirement for a minimum PER of 2.5 for the most part were based on the costs of obtaining PER data and the belief that the protein quality was high enough that a formal requirement need not be included in the regulation. One consumer group objected to 2.5 as the requirement on the basis that it was too low and should be 2.8, which they stated was closer to the usual PER for meat. A few commenters objected to allowing the percentage of essential amino acids (EAA) to be used as an alternate to PER, on the basis that USDA had no conclusive evidence that 33 percent EAA was equivalent to a PER of 2.5.

More objections (80) were raised concerning the proposed maximum fat limit of 30 percent than were raised for any other parameter. These objections came primarily from industry and academic sources and were based on their judgment that this requirement, even more than the protein requirement, would severely restrict the kinds of starting materials that could be used. For instance, choice grade cattle would contain more than 30 percent fat on a carcass basis and could not be used. Also, it would not be possible because of the fat limitation to prepare whole hog sausage using TFGB. Only very lean, probably old animals could be used in deboning whole carcasses because of this restriction.

In many of these comments it was stated that it was better to put the fat restriction on the finished product rather than on an ingredient, and that TFGB would be used in finished products already having limits on fat content, so a double restriction was being placed on the same parameter.

Consumers expressing their opposition to the fat limit generally believed it to be too high. Many of these comments were based on the assumption that the 30 percent limit was for added fatty tissue, not total fat content.

Limits on protein, PER, and fat were defined for the purpose of assuring that the standardized product would be a product of high quality. The Administrator cannot agree that the 14 percent minimum protein requirement would severely limit the amount of quality food that could be added to the food supply. From the information available to the Department, it is apparent that the 14 percent protein minimum is attainable. Furthermore, products that merely fail to meet the protein, PER or fat limit could be utilized as "Imitation MP(S)P."

Analyses made for the Department on PER show that a minimum PER of 2.5 can be readily attained in MP(S)P. Also, any product that attains a PER of 2.5 is of high protein quality since it would be equal to casein, which has been considered the benchmark for high quality protein. The Administrator has therefore concluded that a minimum PER of 2.5 is reasonable and appropriate. He has further decided to retain the essential amino acid test as an alternate to PER in that the percent essential amino acid test will give essentially the same information as PER in terms of protein quality.

The panel, in its deliberations, was reluctant to approve a product that would increase the total fat composition of meat products in which it was used. The proposed fat content requirement was the same as for a number of meat products for which there are standards, *e.g.*, frankfurters, hamburger, beef sausage, ground beef, etc. At the present time, there are a number of products in which "MP(S)P" is a suitable ingredient but for which fat limitations do not exist. In order to provide a standardized product of high nutritional quality the limitation on fat in "MP(S)P" is being retained in the final rule.

One commenter expressed concern that the protein quality of the product would be adversely affected by the presence of high levels of connective tissue which is mostly collagen. The Panel had not expressed concern about the collagen content because, in the view of its protein expert, collagen is supplementary to other proteins and increases the overall nutritional value of the protein. Further, the collagen content of MP(S)P, estimated by the Panel's protein expert to be around 20 to 30 percent, is about the same as that of many cuts of meat. Content of the amino acid hydroxyproline is an indicator of collagen content of a protein. Data obtained by the Department on hydroxyproline content of MP(S)P were charted against PER values obtained on the same samples, and showed no relationship—that is, samples with high hydroxyproline contents might or might not have low PER's. The requirement of a minimum PER of 2.5, equivalent to that of the high-quality protein casein, could be expected to serve as a control for the amount of collagen in MP(S)P. This is indicated by the fact that hydroxyproline contents for the most part varied within narrow limits (0.4 to 0.5 percent). The Administrator has therefor determined that a requirement for a minimum PER of 2.5 will assure adequate amounts of essential amino acids and will protect the protein quality.

Comments criticized the Select Panel for not comparing the amino acid profile of "Mechanically Processed (Species) Product" to the meat trimmings it would replace. A comparison has been made and shows that on a gram per gram of nitrogen basis, the amino acid content of "Mechanically Processed (Species) Product" is comparable to values given for beef in "Amino Acids Content of Foods—Home Economics Research Report No. 4" and to more recent values accumulated by the Consumer and Food Economics Institute—Science and Education Administration, USDA.

The TFGB proposal contained provisions which would require product to

be strained through a screen, sieve, or port with the openings not exceeding 0.5 millimeters in diameter.

The Administrator does not wish to discourage the development of other equipment that would not employ the use of sieves, ports, or screens. The conclusions of the Select Panel concerning digestibility and safety of use were based on evaluations of bone particles which had been processed through sieves, ports, or screens not exceeding 0.5 millimeters in diameter. The proposed processing procedures would produce product of which ninety-eight percent would not exceed 0.5 mm in any dimension and of which the largest particle would not exceed 0.85 mm in dimension. Therefore, the final rule has been changed to limit the bone particles to these criteria regardless of the equipment used.

Use Limits

Comments from consumers stated that allowing products to contain as much as 20 percent TFGB might present health hazards. Other objections to the 20 percent use limit requirement, primarily made by industry spokesmen, were based on the belief that USDA had been arbitrary in selecting this limit and had no evidence that a greater use limit would pose any problems of health and safety. Some comments from academic sources, professionals, and professional groups, which included data and reports of research, however, indicated that optimum use limits in terms of quality tend to be around 20 percent or less, and that usages at 30 percent or more could cause loss of eating quality.

The Administrator has determined that the 20 percent use limitation is optimum, that it allows for the use of MP(S)P without diminishing the quality and overall expected characteristics of the products identified for inclusion; and, furthermore, as the Panel has concluded, does not result in any health or safety problems. For these reasons, the 20 percent use limitation which the Panel used as the basis for its report is being retained. This will not preclude the possibility that as data are gathered and technology improves, the limit could be raised or removed entirely.

Objections to the proposed product use limits came from industry and academic sources. Many of these objections were based on the exclusion of TFGB from ground beef and hamburger, and cited research showing that acceptable product could be prepared using TFGB. The TFGB proposal contained provisions to prohibit use of the product in ground beef, hamburger, fabricated steaks, barbecued meats, roast beef—parboiled and steam roasted, corned beef cuts, lima beans with ham and similar products, beef with gravy and gravy with beef, and meat pies. In these products, other than hamburger, ground meat, and fabricated steaks, the consumer expects solid pieces of meat. Further, the textural consistency normally expected by the consumer with respect to hamburger, ground meat, and fabricated steaks is significantly different from that contributed by MP(S)P. Standards for ground beef and hamburger require that they be prepared from skeletal meat, and MP(S)P does not consist solely of skeletal meat. Therefore, its presence in ground beef and hamburger is not warranted. However, MP(S)P would be allowed in patties, which are used by many consumers as an alternate to ground beef and hamburger.

In the proposed rulemaking on TFGB under § 319.6, Limitations with respect to use of Tissue From Ground Bone, corned beef cuts were identified as products in which TFGB could not be used for the reason stated above. However, by mistake § 319.100 was proposed to be amended to allow the use of TFGB in corned beef cuts. This mistake has been corrected in this rulemaking.

Other Considerations

Forty-six commenters stated that they had no confidence that USDA would be able to control production and use of TFGB to ensure that it would meet the requirements contained in the proposal. The Administrator agrees that special requirements are needed in order to assure that establishments formulate "MP(S)P" to consistently comply with its precise requirements and thereby avoid false or misleading labeling. This was the purpose of the proposal to require that a quality control program be used in connection with the production of TFGB. This requirement has been retained for the production of MP(S)P.

Since this requirement is necessary to avoid false or misleading labeling, the utilization of such a system is being made a prerequisite to label approval. Also, requirements with respect to frequency and size of samples required to be tested are specified. Frequency of analyses for the basic finished product constituents of fat, protein, and calcium, and for the analyses for basic finished product constituents of essential amino acid content and protein efficiency ratio are set forth in the text of the final rule. It appears that the rates of sampling would be sufficient to determine whether the products would be in compliance with requirements. An analysis for the basic finished product constituents, essential amino acid content and protein efficiency ratio, is required to be performed much less frequently because the variability of these substances would be considerably less than those related to fat, protein, and calcium. Also a requirement is added that all samples be at least 1 pound. This is necessary in order to assure that the samples would be of sufficient size for analysis.

In addition, criteria and procedures are added in order to provide for termination of approval of the quality control system.

Also, it should be emphasized that such quality control systems will not be substitutions for required inspection and that the program shall continue to supply the inspection coverage necessary to carry out the responsibilities of the Secretary under the Federal Meat Inspection Act.

Two commenters questioned whether or not TFGB should be cleared as a new "food additive" under the provisions of the Federal Food, Drug and Cosmetic Act and if so, whether responsibility for its clearance rests with USDA or FDA. In this connection it should be noted that MP(S)P is a meat food product and not a "food additive." A meat food product is any meat or other portion of the livestock carcass that is capable for use as human food.

One commenter stated that TFGB could not be a meat food product because it was used in preparing meat food products. However, it is clear that a meat food product can be used as an ingredient in another meat food product.

In 11 comments, questions were posed on the reliability of the Select Panel and its report. A few of these comments referred to an "unnamed" panel of "experts." The docket did not name Panel members, although they were named in the Panel's final report. The Select Panel, which was composed entirely of government employees, contained members who are internationally recognized for their expertise in various aspects of toxicology, nutrition, and medicine, and the Administrator has concluded that the Panel was highly competent and did a thorough job. Evaluations of the Panel's report by nongovernment scientists were nearly unanimous in concluding that the Panel's report was of high scientific quality.

In view of the Panel's findings, the views, data, and information available to the Department, and being mindful of the need for increasing food supplies and reducing waste of available proteinaceous nutritive materials, the Administrator has concluded that production of "Mechanically Processed (Species) Product" should be allowed with the restrictions imposed. Therefore, Parts 317, 318, and 319 of the Federal meat inspection regulations (9 CFR Parts 317, 318, and 319) are amended as follows:

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

1. Section 317.2(j) is amended by adding a new subparagraph (13) to read as follows:

§ 317.2 Labels: Definition; required features.

* * * * *

(j) * * *

(13) When any "Mechanically Processed (Species) Product" described in 319.5 of this subchapter is used as an ingredient in the preparation of a meat food product, the name of the finished product shall be further qualified by the phrases "With Mechanically Processed (Species) Product" and "Contains Up To —% Powdered Bone". When any "Imitation Mechanically Processed (Species) Product" is used as an ingredient in the preparation of a meat food product, the name of the meat food product shall be preceded by the term, "Imitation" and the name of the finished product shall be further qualified by the phrases "With Imitation Mechanically Processed (Species) Product" and "Contains Up To —% Powdered Bone." The percent of bone shall be the amount of hard bone in the finished food product. The percentage of powdered bone shall be determined by multiplying the calcium content of the "Mechanically Processed (Species) Product" by the factor 4 and then by the percent of "Mechanically Processed (Species) Product" in the finished product. Examples of such label declarations are: "Pork Sausage" "With Mechanically Processed (Species) Product" "Contains Up To —% Powdered Bone"; "Frankfurter" "With Mechanically Processed (Species) Product" "Contains Up To —% Powdered Bone"; "Imitation Cooked Salami" "With Imitation Mechanically Processed (Species) Product" "Contains Up To —% Powdered Bone". Any phrase qualifying the product name shall be at least one half the size of the product name except that "Contains Up To —% Powdered Bone" shall be at least one quarter the size of the product name. In addition, the ingredient statement shall include in proper order of predominance "Mechanically Processed (Species) Product," or "Imitation Mechanically Processed (Species) Product," e.g., Mechanically Processed Beef Product, Imitation Mechanically Processed (Species) Product.

* * * * *

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

2. The table of contents for Part 318 is amended to add

Sec.
318.18 Handling of certain material for mechanical processing

and a new § 318.18 is added to read as follows:

§ 318.18 Handling of certain material for mechanical processing.

Material to be processed into "Mechanically Processed (Species) Product" or into an imitation of such product shall be so processed within 1 hour from the time it is cut or separated from carcasses or parts of carcasses, except that such product may be held for no more than 72 hours at 40° F. (4° C.) or less, or held indefinitely at 0° F. (−18° C.) or less. "Mechanically Processed (Species) Product" or an imitation of such product shall, directly after being processed, be used as an ingredient in a meat food product except that it may be held prior to such use for no more than 72 hours at 40° F. (4° C.) or less or indefinitely at 0° F. (−18° C.) or less.

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

§§ 319.2–319.4 [Reserved]

3. Sections 319.2, 319.3 and 319.4 would be reserved, and a new § 319.5 is added to Part 319, Subpart A of the meat inspection regulations to read as follows:

§ 319.5 Standards for Mechanically Processed (Species) Product.

(a) Mechanically processed (species) product is any product resulting from the mechanical separation and removal of most of the bone from attached skeletal muscle and meeting the other provisions of this paragraph. At least 98 percent of the bone particles present shall have a maximum size no greater than 0.5 millimeter in their greatest dimension and there shall be no bone particles larger than 0.85 millimeter in their greatest dimension. The product resulting from the separating process shall not have a calcium content exceeding 0.75 percent; shall have a minimum protein content of not less than 14.0 percent with a minimum PER of 2.5 (except as modified in paragraph (e)(1) of this section), and a fat content of not more than 30 percent. Such product failing to meet the calcium requirements of this paragraph shall only be used in producing animal fats. Such product failing to meet any of the other requirements of this paragraph shall only be used in producing animal fats or, alternatively, may be used in the formulation of imitation products.

(b) [Reserved]

(c) [Reserved]

(d) [Reserved]

(e)(1) An essential amino acid content of at least 33 percent of the total amino acids present in "Mechanically Processed (Species) Product" shall be accepted as evidence of compliance with the protein quality requirement set forth in paragraph (a) of this section. The percent of essential amino acid content is calculated as the total of the percentages of isoleucine, leucine, lysine, methionine, phenylalanine, threonine, and valine, divided by the percentage of total amino acids and multiplied by 100.

(2) A prerequisite for label approval for products consisting of or containing "Mechanically Processed (Species) Product" is that such "Mechanically Processed (Species) Product," shall have been produced by an establishment under an approved plant quality control system. Such a plant quality control system shall be approved if the Administrator determines that it meets the requirements of this section. The system must provide the controls and information necessary to assure that the product will meet the requirements described in § 319.5(a) and to enable establishment personnel and program employees to monitor the system for effectiveness. The system shall include a written description of the methods used by the establishment to maintain uniformity of the raw ingredients used in manufacturing product, to control the handling and processing of the raw ingredients and the finished product, and shall contain provisions for chemical analyses of the product to determine compliance with standards for the product. Analysis of a sample of at least 1 pound from each lot to verify contents of fat, protein and calcium in "Mechanically Processed (Species) Product" shall be performed by the operator of the establishment or his agent to assure that finished product will meet the requirements in § 319.5(a), except that such analyses with respect to fat, protein, and calcium shall be required to be performed with respect to only one randomly selected lot of every five lots if the preceeding ten analyses and all such analyses performed by the Department during the preceding ten-analyses period establish compliance with the requirements of § 319.5(a). An analysis of a sample of at least 1 pound to verify content of essential amino acids and protein efficiency ratio in "Mechanically Processed (Species) Product" shall be performed by the operator of the establishment or his agent at the rate of at least one

per month during production to assure that finished product will meet the requirements of § 319.5(a), except that such analyses with respect to essential amino acid content and protein efficiencey ratio shall be required to be performed only once every 6 months if the preceding three analyses and all such analyses performed by the Department during the preceding three-analyses period establish compliance with the requirements of § 319.5(a). Finished product samples shall be analyzed by a laboratory in accordance with methods prescribed in the current "Official Methods of Analysis of the Association of Official Analytical Chemists."[1] The plant quality control system shall be subject to periodic review, and the designation of approval of such system may be terminated by the Administrator if he finds, after notice and reasonable opportunity to present views has been accorded to the establishment, that such system is not adequate to assure compliance with the requirements of the act with respect to such preparation. As soon as possible after such termination, the establishment shall be notified in writing by the Administrator of the reason therefor and afforded reasonable opportunity to present views thereon, and if there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. This paragraph applies only to aspects of preparation of products not required to be conducted under current or future mandatory quality control programs or systems.

4. A new § 319.6 is added to Part 319, Subpart A of the Federal meat inspection regulations (9 CFR 319.6) to read as follows:

§ 319.6 Limitations with respect to use of Mechanically Processed (Species) Product.

(a) When the Mechanically Processed (Species) Product described in § 319.5 is used as an ingredient in other meat food products, the finished product shall be labeled in accordance with § 317.2(j)(13) of this subchapter. Products required to be prepared from meat or meat byproducts of one species may contain Mechanically Processed (Species) Product only of the same species.

(b) Mechanically Processed (Species) Product described in § 319.5 may constitute up to 20 percent of the meat portion of any meat food product except those listed in paragraph (c) of this section.

(c) Mechanically Processed (Species) Product described in § 319.5 may not be used in baby, junior or toddler foods, ground beef, hamburger, fabricated steaks (§ 319.15 (a), (b), and (d)), barbecued meats (§ 319.80), roast beef—parboiled and steam roasted (§ 319.81), corned beef cuts (§ 319.100), lima beans with ham and similar products (§ 319.310), beef with gravy and gravy with beef (§ 319.313), and meat pies (§ 319.500).

5. The second sentence of § 319.15(c) is amended to read:

§ 319.15 Miscellaneous beef products.

* * * * *

(c) * * * Binders or extenders, Mechanically Processed (Species) Product used in accordance with § 319.6, and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product characteristics are essentially that of a meat pattie.

* * * * *

§ 319.105 [Amended]

6. Section 319.105 "Chopped Ham" is amended by adding a new paragraph (b)(10) to read as follows: "Mechanically Processed (Species) Product used in accordance with § 319.6."

7. The first sentence of § 319.141 is revised to read:

§ 319.141 Fresh pork sausage.

"Fresh Pork Sausage" is sausage prepared with fresh pork or frozen pork or both, but not including pork byproducts, and may contain Mechanically Processed (Species) Product in accordance with § 319.6, and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. * * *

8. The first sentence of § 319.142 is revised to read:

§ 319.142 Fresh beef sausage.

"Fresh Beef Sausage" is sausage prepared with fresh beef or frozen beef, or both, but not including beef byproducts, and may contain Mechanically Processed (Species) Product used in accordance with § 319.6, and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. * * *

9. The first sentence of § 319.143 is revised to read:

§ 319.143 Breakfast sausage.

"Breakfast Sausage" is sausage prepared with fresh and/or frozen meat; or fresh and/or frozen meat and meat byproducts, and may contain Mechanically Processed (Species) Product in accordance with § 319.6, and may be seasoned with condimental substances as permitted in Part 318 of this subchapter. * * *

10. The first sentence of § 319.144 is revised to read:

§ 319.144 Whole hog sausage.

"Whole Hog Sausage" is sausage prepared with fresh and/or frozen meat from swine in such proportions as are normal to a single animal, and may include any Mechanically Processed (Species) Product produced from the animal and used in accordance with § 319.6, and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. * * *

§ 319.145 [Amended]

11. Section 319.145(a)(1) is amended to read:

(a) * * *

(1) "Italian Sausage" shall be prepared with fresh or frozen pork, or pork and pork fat, and may contain Mechanically Processed (Species) Product in accordance with § 319.6.

12. Section 319.145(a)(2) is amended by adding the following sentence immediately after the first sentence of that subparagraph.

(a) * * *

(2) * * * Mechanically Processed (Species) Product may be used in accordance with § 319.6.

* * * * *

13. Section 319.145(a)(3) is amended by adding the following sentence to the end of that subparagraph:

(a) * * *

(3) * * * Mechanically Processed (Species) Product may be used in accordance with § 319.6.

* * * * *

§ 319.180 [Amended]

14. The sixth sentence of § 319.180(a) is revised to read:

(a) * * * Such products may contain raw or cooked poultry meat not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and Mechanically Processed (Species) Product used in accordance with § 319.6. * * *

15. The seventh sentence of § 319.180(b) is revised to read:

(b) * * * These sausage products may contain poultry products, individually or in combination, not in excess of 15 percent of the total ingredients, excluding water, in the sausage, and may contain Mechanically Processed (Species) Product in accordance with § 319.6. * * *

16. The second sentence in § 319.180(c) is changed to read:

(c) * * * When such sausage products are prepared with meat from a single species of cattle, sheep, swine, or goats they shall be labeled with the term designating the particular species in conjunction with the generic name, e.g., "Beef Frankfurter," and when such sausage products are prepared in part with Mechanically Processed (Species) Product in accordance with § 319.6, they shall be labeled in accord-

[1] This incorporation by reference has been approved by the Director of the Federal Register and is on file in the Federal Register Library.

ance with § 317.2(j)(13) of this subchapter.

§§ 319.104, 319.182, 319.260–319.261, 319.280–319.281, 319.300–319.301, 319.305–319.306, 319.312 and 319.760 [Amended]

17. The following sentence is inserted immediately after the first sentence of each of the following sections: 319.104(f) Pressed ham, Spiced ham, and similar products, 319.182 Liver sausage and braunschweiger, 319.260 Luncheon meat, 319.261 Meat loaf, 319.280 Scrapple, 319.281(a)(1) Bockwurst, 319.300 Chili con carne, 319.301 Chili con carne with beans, 319.305 Tamales, 319.306 spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar products, 319.312 Pork with barbecue sauce and beef with barbecue sauce, and 319.760(a) Deviled ham, deviled tongue, and similar products:

"Mechanically Processed (Species) Product may be used in accordance with § 319.6."

§§ 319.281, 319.302, 319.304, 319.307, 319.311, 319.600 and 319.762 [Amended]

17a. The following sentence is added at the end of the following sections: 319.281(a)(1) Bockwurst, 319.302 Hash, 319.304 Meat stews, 319.307 Spaghetti sauce with meat, 319.311 Chow mein vegetables with meat and chop suey vegetables with meat, 319.600(a) and 319.600(b) Pizza, and 319.762 Ham spread, tongue spread, and similar products:

"Mechanically Processed (Species) Product may be used in accordance with § 319.6."

§ 319.303 [Amended]

18. Section 319.303 is amended by adding a new paragraph (b)(9) to read:

(b) * * *

(9) * * *Mechanically Processed (Species) Product when derived from carcasses of cattle may be used in accordance with § 319.6.

* * * * *

It does not appear that additional relevant information would be available by further public participation in rulemaking proceedings on these amendments. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice or other public procedures with respect to these amendments are impracticable and unnecessary.

(Sec. 21, 34 Stat. 1264 (21 U.S.C. 621); 42 FR 35625, 35631.)

Done at Washington, D.C., on June 15, 1978.

DONALD L. HOUSTON,
Acting Administrator
Food Safety and Quality Service.

[FR Doc. 78-17020 Filed 6-19-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q; Docket No. R-0161]

PART 217—INTEREST ON DEPOSITS

Maximum rates of Interest Payable

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Technical amendment to final rule.

SUMMARY: This rule change provides a technical amendment in the form of an additional reference added to the Board's Regulation Q that is made necessary as the result of the recently adopted amendment creating two new deposit categories. This action will add a reference to these two new deposit categories to the paragraph of Regulation Q that sets forth interest rate limits on deposits of less than $100,000.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION, CONTACT:

Allen L. Raiken, Associate General Counsel or Gilbert T. Schwartz, Senior Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3000).

SUPPLEMENTARY INFORMATION: On May 11, 1978, the Board amended Regulation Q (12 CFR Part 217) to create two new deposit categories of time deposits that member banks can offer to depositors (43 FR 21435). The rules, which were effective June 1, 1978, permitted member banks 1) to pay interest on time deposits of $1,000 or more with maturities of eight years or longer at a maximum rate of 7¾ percent and 2) to pay interest on time deposits of $10,000 or more with maturities of exactly six months (26 weeks) at a ceiling rate equal to the auction average discount rate established for United States Treasury bills with maturities of months issued on or immediately prior to the date of deposit. In promulgating the amendments to Regulation Q, the announcement of the Board's action inadvertently failed to amend § 217.7(b)(1) to refer specifically to the provisions of Regulation Q that authorize member banks to offer the new deposit categories. This action provides the necessary amendment to § 217.7(b)(1).

Pursuant to section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), effective immediately, § 217.7 of Regulation Q (12 CFR 217.7) is amended to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

* * * * *

(b) *Time deposits of less than $100,000.* (1) Except as provided in paragraphs (a), (d), (e), and (f), and subparagraphs (2), (3), and (4) of this paragraph, no member bank shall pay interest on any time deposit at a rate in excess of the applicable rate under the following schedule:

* * * * *

By Order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors of the Federal Reserve System, June 7, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-17021 Filed 6-19-78; 8:45 am]

[6210-01]

[Reg Z; FC-0149]

PART 226—TRUTH IN LENDING

Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation.

SUMMARY: The Board is publishing the following official staff interpretation of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: On or after July 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2761).

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) An opportunity for public comment on an official staff interpretation may be provided upon request of interested parties and in accordance with 12 CFR 226.1(d)(2)(ii). As provided by 12 CFR 226.1(d)(3) every request for public comment must be in writing, should clearly identify the number of the official staff interpretation in question, should be addressed

to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and must be postmarked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) 15 U.S.C. 1640(f).

[FC-0149]

§ 226.7(a)—"Single written statement" does not mean that initial open end disclosures must be placed on the same side of a single sheet of paper.

JUNE 7, 1978.

This responds to your * * * letters requesting official staff interpretations of §§ 226.4 and 226.7 of Regulation Z. This letter answers your final question; your other questions will be dealt with in a separate letter.

You ask whether the initial open end credit disclosures required by § 226.7(a) can be set forth on two sides of a single sheet of paper. Section 226.7(a) provides that disclosures be made on a "single written statement." You note that, in contrast to that section, § 226.8(a), relating to credit other than open end, expressly requires that disclosures be made "on the same side of the page" or on "one side of a separate statement." Thus, you argue that a creditor would be permitted under § 226.7(a) to place the required disclosures on the front and the reverse sides of a page.

In the staff's opinion, the language "single written statement" does not mean that the initial open end credit disclosures required by § 226.7(a) must be placed on the same side of a single sheet of paper. Consequently, a creditor would not be prohibited from using the front and the reverse sides of "a single written statement."

In accordance with your request, this is an official staff interpretation issued pursuant to § 226.1(d)(2) of Regulation Z, as revised on April 21, 1978. It will become effective thirty days after it is published in the FEDERAL REGISTER, unless the Board receives an appropriate and timely request for public comment. You will be promptly notified if such a request is received.

I note that you may represent creditors subject to the laws of the State of Connecticut. Since Connecticut has been granted an exemption from the applicable provisions of the Truth in Lending Act, you may wish to contact the office of Mr. David H. Neiditz, Bank Commissioner of the State of Connecticut, for his views.

I trust that these official comments satisfactorily answer your inquiry. If you have other questions in the future, please feel free to contact Mr. Edward F. Kipfstuhl, Manager, Consumer Affairs and Regulations Department, at the Federal Reserve Bank of New York, New York, N.Y. 10045.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, June 14, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-17022 Filed 6-19-78; 8:45 am]

[1505-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURE AND RULES OF PRACTICE

PART 5—STANDARDS OF CONDUCT

Amendment of Employee Conduct Regulations

Corrections

In FR Doc. 78-16168 appearing at page 25333 in the issue for Monday, June 12, 1978, the following corrections should be made:

1. On page 25334 in the nineteenth line of the third paragraph in the first column the word now reading, "surface" should read, "surfaced."

2. In the ninth line appearing under § 5.14 in the third column on page 25334 the words now reading, "other wise" should read as, "otherwise."

3. In the second column on page 25335 the title appearing beside number 8 should read, "The Chief Administrative Law Judge."

[6750-01]

[Docket 9053]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Safeway Stores, Incorporated

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires an Oakland, Calif. firm's retail food stores to cease over-pricemarking and failing to sell advertised items at or below advertised prices. Further, food stores are required to conspicuously post advertisements and notices encouraging customers to check prices of advertised items. The order additionally obligates the firm to maintain business records for a period of three years, and to establish a surveillance program designed to ensure compliance with the terms of the order.

DATES: Complaint issued September 3, 1975, order issued May 18, 1978.[1]

FOR FURTHER INFORMATION CONTACT:

Albert H. Kramer, Director, Bureau of Consumer Protection, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580. (202) 523-3727.

SUPPLEMENTARY INFORMATION: On Tuesday, January 10, 1978, there was published in the FEDERAL REGISTER, 43 FR 1506, a proposed consent agreement with analysis In the Matter of Safeway Stores, Incorporated, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

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

Subpart—Advertising Falsely or Misleadingly: § 13.155 Prices. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1882 Prices. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2013 Offers deceptively made and evaded; § 13.2063 Scientific or other relevant facts.

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

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-16970 Filed 6-19-78; 8:45 am]

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

[6355-01]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1505—REQUIREMENTS FOR ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES INTENDED FOR USE BY CHILDREN

Statement of Policy and Interpretation Regarding Stalled Motor Testing

AGENCY: Consumer Product Safety Commission.

ACTION: Interpretation of regulation.

SUMMARY: The Commission issues this Statement of Policy and Interpretation to clarify the Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children. This statement describes the method the Commission uses to determine if moving parts associated with the motor can be touched by any person from outside the toy. If any such parts can be touched, the toy will be tested with the motor stalled. In addition, the statement provides a clarification of the maximum temperatures which may be attained by accessible surfaces of the toy and by the internal components of the toy during this testing.

EFFECTIVE DATE: June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

David W. Thome, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6400.

SUPPLEMENTARY INFORMATION: On December 13, 1977, Natural Science Industries, Ltd. petitioned the Commission [Petition No. HP 78-3] to amend the Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children (16 CFR Part 1505). Specifically, the petitioner asked the Commission to amend 16 CFR § 1505.6(e)(4)(ii) to clarify two aspects of the language which currently reads as follows:

> (ii) A motor-operated toy shall be tested with the motor stalled if the construction of the toy is such that any person can touch moving parts associated with the motor from outside the toy. The performance of the toy shall be considered unacceptable if, during the test, temperatures higher than those specified in § 1505.8 are attained or if temperatures higher than those specified for Type C surfaces in § 1505.7 are attained on any accessible surface of the motor.

The requirement for stalled motor testing is intended to address contact burn hazards from hot surfaces and shocks and fire hazards due to overheating of the electrical components of the motor.

The petitioner believes that this section is unclear as to what is meant by "moving parts associated with the motor" in the first sentence and under what conditions the stalled motor test should be applied. The petitioner questions whether it is intended that the mere presence of accessible "moving parts associated with the motor" should necessitate the application of stalled motor testing; or whether the stalled motor test should be conducted only when "normal use and foreseeable damage or abuse" to such accessible moving parts could lead to a stalled motor.

The petitioner believes that stalled motor testing should be required only in the latter instance and suggests that the following wording be added to the first sentence of § 1505.6(e)(4)(ii) to further define or clarify what is meant by moving parts associated with the motor:

> * * * and such moving parts, if subjected to normal use and reasonably foreseeable damage or abuse, can cause the motor to stall.

The Commission does not believe that the suggested change is warranted. It is the intent of the Commission that electrically operated toys be subjected to stalled motor testing if there is a moving part associated with or driven by the motor which can be touched by a child. A stalled motor can produce overheating in the motor components which in turn could result in a breakdown of insulation and exposure to a shock or fire hazard. If any moving parts of the toy associated with the motor are accessible, there are a variety of ways in which the motor could be stalled either intentionally or unintentionally. Such means could include grasping an exposed moving part with the hand or with a tool; wedging or jamming a component with a screwdriver, pencil or similar implement; damage to the toy; or setting other objects on top of a moving part. Given the wide variety of ways in which a motor can be stalled, it would appear to be virtually impossible to develop tests that would meaningfully define all of the types of normal use or reasonably foreseeable abuse which could result in motor stalling. The Commission therefore believes that establishing that a moving part associated with the motor can be touched by a child is reasonable justification for determining that a toy shall be subjected to the stalled motor testing so as to guard against, fire, shock, and burn hazards that could result from a stalled motor.

The Commission also believes that adoption of the petitioner's suggested language would create problems of clarity. The petitioner does not suggest any test procedure to simulate normal use or reasonably foreseeable abuse. It would, therefore, be left to each individual tester to determine subjectively the conditions under which a motor could be stalled.

While the Commission declines to adopt the petitioner's suggested revisions to § 1505.6(e)(4)(ii), the Statement of Policy and Interpretation published below describes a method which can be used to resolve any questions as to whether a given moving part associated with a motor can be touched. This method involves inserting a ¼ inch diameter rod, such as described in § 1505.4(h)(1) of the regulation, into the motor area of the toy. If the rod touches moving parts associated with the motor, the toy shall be tested with the motor stalled.

The second clarification requested by National Science Industries, Ltd. concerns the maximum acceptable temperatures which may be attained during the stalled motor test. The petitioner specifically questions whether the phrase "on any accessible surface of the motor" in the second sentence refers only to temperatures specified for Type C surfaces in § 1505.7 or whether it also refers to temperatures specified in § 1505.8. The petitioner maintains that because no hazard is presented by the excessive heating of internal components which cannot be touched by a child, these temperature restrictions should apply only to accessible surfaces.

The requirements of the stalled motor testing prescribed in § 1505.6(e)(4)(ii) are designed not only to prevent burns caused by contact with the outside surface of the toy, but also to eliminate electrocution or fire hazards which could be caused by the overheating of internal components. Therefore, during the stalled motor testing, the internal components of the toy must not exceed the maximum temperatures specified by the table in § 1505.8 which is intended to eliminate overheating of internal components. The requirements of § 1505.7, however, address contact burns which could occur if surfaces at elevated temperatures can be contacted by the user.

For the reasons discussed above, the Commission denies petition HP 78-3, submitted by Natural Science Industries, Ltd., insofar as it requests amendment or substantive changes to the Requirements for Electrically Operated Toys or Other Electrically Operated Articles Intended for Use by Children. To eliminate any confusion as to the interpretation of § 1505.6(e)(4)(ii), the Commission publishes below a Statement of Policy and Interpretation clarifying this section. The statement explains the method used by the Commission to test for ac-

cessibility and how the Commission interprets the applicability of the temperature limits in § 1505.7 and § 1505.8 to the stalled motor test.

Because the material published below is a general statement of Commission policy involving enforcement of a regulation, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and opportunity for public participation and delay in effective date are inapplicable. Therefore, the statement published below shall be effective upon date of publication.

Accordingly, pursuant to the Federal Hazardous Substances Act §§ 2(8)(1)(A), 2(r), 3(e) and 10(a), 74 Stat. 372, 378, 80 Stat. 1303-1304, 83 Stat. 187, 189 (15 U.S.C. 1261, 1262, 1269); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)), and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 573, § 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)), 16 CFR Part 1505 is amended as follows:

1. By inserting a new Subpart A heading immediately preceding § 1505.1 to read as follows:

Subpart A—Regulations

§ 1505.6 [Amended]

2. By adding at the end of § 1505.6(e)(4)(ii), "(See also § 1505.50)".

3. By adding a new Subpart B to read as follows:

Subpart B—Policies and Interpretations

§ 1505.50 Stalled motor testing.

(a) § 1505.6(e)(4)(ii) requires that a motor-operated toy be tested with the motor stalled if the construction of the toy is such that any person can touch moving parts associated with the motor from outside the toy. The performance of the toy shall be considered unacceptable if, during the test, temperatures higher than those specified in § 1505.8 are attained or if temperatures higher than those specified for Type C surfaces in § 1505.7 are attained on any accessible surface of the motor.

(b) To determine if a moving part associated with the motor can be touched from outside the toy, the Commission staff will use a ¼-inch diameter rod, as referenced in § 1505.4(h)(1). If the rod, when inserted into openings in the toy, can touch any moving part associated with the motor, the toy will be tested with the motor stalled.

(c) The requirement that temperatures higher than those specified in § 1505.8 not be attained applies to those internal components which are described in § 1505.8. Additionally, temperatures of accessible surfaces shall not exceed those specified for Type C surfaces in § 1505.7.

(Secs. 2(q)(1)(A), 2(r), 3(e), 10(a), 74 Stat. 372, 378, 80 Stat. 1303-1304, 83 Stat. 187-189 (15 USC 1261, 1262, 1269); sec. 30(a), 86 Stat. 1231 (15 USC 2079(a)).

Effective Date: These amendments become effective June 20, 1978.

Dated: June 15, 1978.

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

[FR Doc. 78-16975 Filed 6-19-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 77N-0234]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Neomycin Palmitate-Trypsin-Chymotrypsin Concentrate Lotion; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Confirmation of effective date of final rule.

SUMMARY: This document confirms the effective date of a final rule that revoked provisions for certification of a combination drug product in a concentrate lotion form that contains neomycin palmitate, trypsin, and chymotrypsin.

DATE: Effective date confirmed: April 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Nathan J. Treinish, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: A regulation was published in the FEDERAL REGISTER of March 10, 1978 (43 FR 9801) revoking § 444.540b (21 CFR 444.540b), which provided for certification of neomycin palmitate-trypsin-chymotrypsin concentrate lotion. The product is regarded as lacking substantial evidence of effectiveness and has never been approved. The opportunity was given to any person adversely affected by the order to file objections to it and request a hearing by April 10, 1978.

Under the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Drugs (21 CFR 5.78), notice is given that no objections or requests for hearing were filed in response to the March 10, 1978 regulation. Accordingly, the amendment promulgated thereby became effective April 20, 1978.

Dated: June 9, 1978.

JEROME A. HALPERIN,
Acting Deputy Director of Bureau of Drugs.

[FR Doc. 78-16828 Filed 6-19-78; 8:45 am]

[4410-01]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Administrative Hearings; Extensions of Time for Response to Orders to Show Cause

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This rule enables the Administrative Law Judge for the Drug Enforcement Administration to extend, upon request and showing of good cause, the time allowed a registrant or applicant to respond to an Order to Show Cause.

EFFECTIVE DATE: This rule shall be effective June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen E. Stone, Office of the Chief Counsel, Drug Enforcement Administration, Washington, D.C. 20537; Telephone number: (202) 633-1141.

Under the authority vested in the Attorney General by 21 U.S.C. 821 and 875, and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28, Code of Federal Regulations, it is hereby ordered that § 1316.47 of Chapter II, Part 1316, Subpart D of Title 21, Code of Federal Regulations be amended by renumbering the existing provisions as paragraph (a) and by providing a new paragraph (b) to read as follows:

§ 1316.47 Request for hearing.

* * * * *

(b) The Administrative Law Judge, upon request and showing of good cause, may grant a reasonable extension of the time allowed for response to an Order to Show Cause.

The amendment made by this Order shall be effective on June 20, 1978.

Dated: June 14, 1978.

PETER B. BENSINGER,
Administrator.

[FR Doc. 78-16974 Filed 6-19-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-547]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Increase in Loan Amount for Mobile Homes in Alaska

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The following amendment increases the maximum permissible loan amount for a mobile home loan in Alaska by forty percent (40%). This increase was authorized by the Housing and Community Development Act of 1977. The Act also authorizes comparable increases in Guam and Hawaii. However, since costs figures are not available for Guam and Hawaii, no changes are contemplated in those areas at this time.

EFFECTIVE DATE: June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Acting Director, Title I Insured Loan Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755-8686.

SUPPLEMENTARY INFORMATION: The Secretary has determined that this amendment confers a benefit and that advance notice and public procedure are unnecessary and that good cause exists for making the amendment effective upon publication.

Accordingly, a new § 201.531 is added to read as follows:

§ 201.531 Loans in Alaska.

The maximum loan amounts set in § 201.530 may be increased in an amount not to exceed forty percent (40%) where the mobile home is purchased and located in the State of Alaska.

* * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d); (12 U.S.C. 1703) as amended).)

Issued at Washington, D.C. June 9, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 78-16971 Filed 6-19-78; 8:45 am]

[4210-01]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-304]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Boca Raton, 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 city of Boca Raton, 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 city of Boca Raton, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Boca Raton, are available for review at City Hall, 201 West Palmetto Park Road, Boca Raton, 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 city of Boca Raton, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
E-4 Canal	Camino Garden Blvd	8
	West El Camino Real Rd.	9
	Palmetto Park Rd	9
	Northwest 7th St	10
	Northwest 13th St	10
	Northwest 20th St	11
	Northwest 30th St	11
	Spanish River Blvd Northwest.	11
	Interstate 95	11
	Seaboard Coast Line RR	12
	Northwest 51st St	12
	Jeffery St	12
Hillsboro Canal	U.S. No. 1 north	8
	U.S. No. 1 south	8
	Florida East Coast RR	8
	Interstate 95	8
	Seaboard Coast Line RR	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128) and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16664 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-2899]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Augusta, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the city of Augusta, Ga. These base 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: On publication of the Flood Insurance Rate Map for the city of Augusta, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Augusta are available for review at City and County Municipal Building, 530 Green Street, Augusta, Ga.

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 Augusta.

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).

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, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Savannah River	U.S. Highway 1	142
	5th St	144
	Southern RR	145
	13th St	147
	I-20	160
Raes Creek	Atlantic Coastline RR	150
	Washington St	160

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 11, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16666 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3262]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of College Park, Fulton County, Ga.

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 College Park, Fulton County, Ga. 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 College Park, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of College Park, are available for review at City Hall, 3667 Main Street, College Park, Ga.

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.

SUMMPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of College Park, Ga.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Camp Creek	Downstream corporate limits (East Point-College Park).	847
	Camp Creek Parkway	858
	Fairway Dr	876
	Rubby Lane (upstream side).	902
	Lyle Rd	918
Sullivan Creek	Riverdale Rd	918
	West Fayetteville Rd	927
	Sullivan Rd	943
	Interstate 85 (downstream northbound).	946
	Interstate 85 (upstream side southbound).	949
	Fulton-Clayton County line (eastern side).	974
	Fulton-Clayton County line (western side).	981

(National Flood Insuance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16667 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3359]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Weber City, Scott County, Va.

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 Weber City, Scott County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Weber City, Scott County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Weber City, Scott County, Va., are available for review at the Town Clerk's Office, Route 4, U.S. Highway 23, Gate City, Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Weber City, Scott County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
North Fork Holston River.	U.S. Highway 23 (downstream).	1,217
	U.S. Highway 23 (upstream).	1,218
Big Moccasin Creek.	Corporate limits	1,247
	U.S. Highway 58 and 421 (downstream).	1,255
	U.S. Highway 58 and 421 (upstream).	1,256
	Southern RR. (downstream).	1,256
	Southern RR. (upstream).	1,257
	Corporate limits	1,258

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

Issued: May 22, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-16677 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3483]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Portland, Middlesex County, Conn.

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 Portland, Middlesex County, Conn. 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 Portland, Middlesex County, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Portland, Middlesex County, Conn., are available for review at Town Hall, Portland, Conn.

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 Portland, Middlesex County, Conn.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hales Brook	Upstream of State Route 17.	139
	Upstream of Thompson Hill Rd.	231
Reservoir Brook	Upstream of Wilcox Rd.	39
	Approximately 50 ft upstream of Thompson Hill Rd.	190
	Upstream of the Old Marborough Turnpike.	221
Connecticut River.	Intersection of the southeastern corporate limits and the north bank of the Connecticut River.	20
	Upstream of State Route 17A.	23
	Intersection of the northern corporate limits and the east bank of the Connecticut River.	26
Carr Brook	Upstream of Strickland Rd.	25
	Upstream of Rose Hill Rd.	84
	Pennfield Hill Rd	169

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16662 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3485]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Lake Park, 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 Lake Park, 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 Lake Park, Fla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Lake Park, are available for review at Town Hall, 535 Park Avenue, Lake Park, 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 Lake Park, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Worth	Shoreline from northern corporate limits to southern corporate limits.	7
	Lake Shore Dr. to Cypress Dr.	7
C-17	West end of Gateway Rd.	12
Rainfall ponding	West end of Industrial Ave.	17

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16665 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3582]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Town of Wallingford, New Haven County, Conn.

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 Wallingford, New Haven County, Conn. 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 Wallingford, New Haven County, Conn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the town of Wallingford are available for review at the Town Engineer's Office, Town Farm Road, Wallingford, Conn.

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 Wallingford, New Haven County, Conn.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Muddy River	At the District corporate limit.	90
	Dayton Hill Rd	105
	Dam 400 ft upstream from Dayton Hill Rd.	114
	Woodhouse Ave	118
	Tyler Mill Rd	147
	50 ft downstream from Northford Rd.	178
	Mackenzie Reservoir Dam.	200
	Whirlwind Rd	203
	Scard Rd	203
	0.5 mi upstream from Scard Rd.	218
	Linney Hall Lane	229
	Farm Lane	240
	Old Durham Rd	247
	Spring Lake Dam	261
	Hampton Trail	265

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Quinnipiac River...	Toelles Rd	23
	700 ft upstream from confluence with Oakdale Brook.	29
	70 ft upstream from Hall Ave.	42
	Route 15	46
	Church St	55
	Dam 450 ft upstream from Route 5A.	57
	225 ft downstream from Oak St.	63
	300 ft downstream from corporate limit.	72
Grieb Court Brook.	120 ft downstream from Old Durham Rd.	243
	Old Durham Rd	247
	Grieb court	254
Wharton Brook.....	2200 ft upstream from confluence with Quinnipiac River.	24
	Penn Central RR and Route 5.	33
	Route 91 connector	51
	Confluence with Lyman Hall Brook.	57
	150 ft downstream from Wharton Brook Dr.	65
	Wharton Brook Dr	76
	75 ft upstream from Ward St.	84
	Walkway 1,000 ft downstream of Wall St.	85
	350 ft upstream from Wall St.	88
	East Center St	94
	Walkway 300 ft downstream of Simpsons Pond Dam.	104
	Simpsons Pond Dam	118
	Christian St	142
	Old Durham Rd	171
	East Main St first crossing.	179
	East Main St. second crossing.	224
	Grieb Rd	247
	500 ft downstream from Barnes Rd.	320
Lyman Hall Brook	Reskin Dr	58
	75 ft upstream from Field Dr.	64
	Cardinal Dr	65
	Pond Hill	84
	Harrison Rd	96
Oakdale Brook	Confluence with Quinnipiac River.	29
	Route 15	35
	Private drive 130 ft downstream of Hartford Turnpike.	40
	Hartford Turnpike	46
	Private drive 350 ft downstream of Cook Hill Rd.	68
	Cook Hill Rd	87
	Montowese Trail Rd	122
Woodings Pond Brook.	Confluence with Quinnipiac River.	47
	Hartford Turnpike	70
	30 ft downstream from road to school.	76
	Parker Farms Rd	104
	Ridgewood Rd	138
Meetinghouse Brook.	Confluence with Quinnipiac River.	56
	Railroad bridge	72
	Route 5	77
	Power transmission line.	97

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator. 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16663 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3639]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIARY REVIEW

Final Flood Elevation Determinations for San Juan County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for San Juan County, are available for review at Land Use Administrator's Office, San Juan County Courthouse, Silverton, Colo.

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 San Juan County, Colo.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Animas River.....	Confluence with Mineral Creek.	9,234
	Confluence with Cement Creek.	9,279
	Silverton corporate limits (near 14th St.).	9,287
	Silverton corporate limits (upstream of 14th St.).	9,313
	Bridge No. 2	9,339
Mineral Creek.....	Silverton corporate limit (downstream).	9,236
	Corporate limit (approximately 2,800 ft upstream).	9,273
	Bear Creek	9,403
Cement Creek.....	Corporate limits near confluence with Animas River.	9,282
	Upstream most corporate limit.	9,363

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16661 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3712]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for King County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for King County, Wash., are available for review at the King County Courthouse, Building Management, 3rd and James, Seattle, Wash.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administator, 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 King County, Wash.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Snoqualmie River	North fork Snoqualmie River.	427
	Confluence of South fork Snoqualmie River.	425
	Chicago, Milwaukee, St. Paul and Pacific RR.	423
	Meadowbrook Ave	423
	Burlington Northern RR.	420
	Washington State Highway 522.	416
	Snoqualmie Falls	130
	Washington State Highway 203.	95
	Confluence of Tolt River.	73
	Carnation Rd	60
	Northeast 124th St	49
	Woodinville Duvall Rd	45
	County boundary	43
Middle fork Snoqualmie River.	Mount SI Rd	
	Confluence—	480
	Snoqualmie River and middle fork Snoqualmie River.	427
South fork Snoqualmie River.	Mount SI Rd	488
	Southeast Bendego St	440
	Burlington Northern RR.	438
	Interstate 90	437
	Washington State Highway 522.	434
	Chicago, Milwaukee, St. Paul and Pacific RR.	433
North fork Snoqualmie River.	428th Ave. Southeast confluence with Snoqualmie River.	426
Sammamish River	Northeast 45th St	33
	Confluence of Bear Creek.	33
	Leary Way	33
	Washington State Highway 908.	32
	Burlington Northerner	32
	Northeast 116th St	27
	Northeast 124th St	26
	Northeast 145th St	26
	Woodinville-Duvall Rd	24
	Burlington Northerner	24
	Interstate 405	23
	Burlington Northern RR.	20
	Waynita Dr. NE	19
	68th Ave. NE	15
	Confluence with Lake Washington.	15
Issaquah Creek	Issaquah-Coalfield Rd	224
	Private road	147
	do	142
	67th Ave. SE	129
	Sycamore Dr. SE	125
	Southwest Clark St	96
	Access road	90
	East Sunset Way	88
North fork Issaquah Creek.	Issaquah Ave. North	67
	Interstate 90	67
	Private road	64
North fork Snoqualmie River.	Burlington Northern RR.	59
	Private road—5866221st Pl. SE	57
	Private road	55
Tibbetts Creek	Private road (stream mile 2.21).	182
	Private road (stream mile 2.16).	176
	Private road (stream mile 1.91).	134
	Private road (stream mile 1.70).	113
	Private road (stream mile 1.47).	92
Renton Issaquah Rd.		79
	Newport Way	75
	Northwest Mall St	56
	Interstate 90	44
	Sammamish Parkway SE.	43
Bear Creek	Northeast 116th St	77
	Private road	67
	Northeast 95th St	67
	Confluence of Evans Creek.	51
	Union Hill Rd	45
	Redmond Fall City Rd	43
	Confluence with Sammamish River.	33
Evans Creek	220th Ave. NE	95
	Northeast 45th St	92
	Northeast 50th St	84
	Redmond Fall City Rd	82
	Private road	79
	Redmond Fall City Rd	67
	196th Ave. NE	62
	Union Hill Rd	56
	Confluence with Bear Creek.	51
Cedar River	Chicago, Milwaukee, St. Paul and Pacific RR (river mile 19.60).	472
	Chicago, Milwaukee, St. Paul and Pacific RR (river mile 16.88).	376
	Chicago, Milwaukee, St. Paul and Pacific RR (river mile 14.62).	313
	State Highway 169	312
	State Highway 18	308
	State Highway 169	285
	Chicago, Milwaukee, St. Paul and Pacific RR (river mile 13.38).	285
	Cedar Grove Rd	226
	Southeast 50th St	186
	149th Ave	99
	State Highway 169	76
	Downstream corporate limits.	68
Green River	Whitney Rd	167
	Confluence of Newaukum Creek.	155
	Green Valley Rd	83
	Big Soos Creek	73
	Burlington Northern RR.	73
	U.S.G.S. Gaging Station	64
	8th St. NE	63
	East Valley Highway	45
	Burlington Northern RR.	44
	78th Ave. South	43
	Chicago, Milwaukee, St. Paul and Pacific RR.	43
	Washington State Highway 167.	42
	West Valley Highway	41
	Washington State Highway 516.	38
	South 212th St	33
	South 180th St	28
	Straders Blvd	25
	Interstate 405	24
	West Valley Highway	23
	Interstate 5	14
	42d Ave. South	12
	East Marginal Way	10
	U.S. Highway 99	10
	16th Ave. South	8
	1st Ave. South	8
	Burlington Northern RR.	8
	South Spokane St	8

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

Issued: May 17, 1978.

GLORIA M. JIMENEZ,

Federal Insurance Administrator.

[FR Doc. 78-16678 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3721]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Jacksonville, Pulaski County, Ark.

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 Jacksonville, Pulaski County, Ark. 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 Jacksonville, Pulaski County, Ark.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Jacksonville, Pulaski County, Ark., are available for review at the City Engineer's Office, Jacksonville, Ark.

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 Jacksonville, Pulaski County, Ark.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Meto main stem.	Upstream of Arkansas Highway 161.	246
	Jacksonville cutoff road from Arkansas Highway 161.	253
Rocky Branch.....	Upstream of South Redmond Rd.	250
	Gregory Rd.....	283
Bayou Meto tributary No. 1-A.	Upstream of Marshall Rd.	258
Jack Bayou main stem.	Eastern Pulaski County limits.	256
Jack Bayou tributary No. 1.	Eastern Pulaski County limits.	253
	Upstream of Arkansas Highway 161.	273
Jack Bayou tributary No. 1-A.	Upstream of Arkansas Highway 161.	275
Jack Bayou tributary No. 2.	Upstream of U.S. Highway 67 and 167.	262
Jack Bayou tributary No. 2-A.	Confluence with Jack Bayou tributary No. 2.	258
Jack Bayou tributary No. 2-B.	Upstream of eastern drive of Pine Meadows Trailer Park.	268

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16660 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3727]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Fort Scott, Bourbon County, Kans.

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 Fort Scott, Bourbon 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Fort Scott, Bourbon County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Fort Scott, Bourbon County, Kans., are available for review at City Hall, Office of Code Enforcement, Fort Scott, Kans.

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 Fort Scott, Bourbon County, Kans.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Marmaton River ...	Just downstream of National Ave.	801
	4th St. (extended)	803
	Confluence of Mill Creek.	800
East Creek.....	Just downstream of Walnut St.	805
	Just upstream of Oak St	824
Buck Run	Just upstream of 3d St	803
	Confluence of Buck Run tributary.	817
	Approxjmately 100 ft downstream of 20th St.	874
Buck Run east fork.	Approximately 200 ft upstream of Clark St.	857
Buck Run tributary.	Just upstream of Wilson St.	841

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16669 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3729]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of West Monroe, Ouachita Parish, La.

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 West Monroe, Ouachita Parish, La. 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 West Monroe, Ouachita Parish, La.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of West Monroe, Ouachita Parish, La., are available for review at the Office of the Building Inspector, West Monroe, La. 71291.

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 West Monroe, Ouachita Parish, La.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of f looding	Location	Elevation in feet, national geodetic vertical datum
Black Bayou	Approximately 100 ft upstream of Claiborne Rd. (U.S. Highway 80).	91
	Approximately 100 ft upstream of Thomas Rd.	76
Levee ditch	Just downstream of Linderman Ave.	73
Golf Course Creek	Just downstream of Slack St.	75
Highland School Branch.	Approximately 100 ft upstream of Claiborne Rd. (U.S. Highway 80).	89
Gravel Pit Branch	Just downstream of U.S. Highway I-20.	83
Tupawek Bayou	Just upstream of Arkansas Rd.	86
Tupawek Bayou (backwater effects from Ouachita River).	Just downstream of Louisiana Highway 143.	85
North Tupawek Bayou.	Just upstream of Camp Kiroli Rd.	85
Ouachita River	Just upstream of U.S. Highway I-20.	84

(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. 4001-412.8); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16670 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3730]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Winnsboro, Franklin Parish, La.

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 Winnsboro, Franklin Parish, La. 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 Winnsboro, Franklin Parish, La.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Winnsboro, Franklin Parish, La., are available for review at City Hall, Winnsboro, La.

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 Winnsboro, Franklin Parish, La.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Turkey Creek	Just downstream of Louisiana Highway 15.	65
	Downstream of Louisiana Highways 4 and 17.	67
Ash Slough	Just upstream of Eighth St.	69
	Just downstream of Havard St.	69
	David St. (extended)	70

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16671 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3866]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for County of Montgomery, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the county of Montgomery, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Montgomery, Va., are available for review at the Montgomery County Administrator's Office, 4 South Franklin Street, Christianburg, Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the county of Montgomery, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 Part CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roanoke River	County boundary	1,178
North Fork Roanoke River.	Confluence with South Fork Roanoke River.	1,197
	Confluence of Bradshaw Creek..	1,238
	Virginia Route 637 (upstream).	1,333
	Virginia Route 603 (upstream).	1,452
	Virginia Route 712	1,468
	Confluence of Indian Run.	1,510
	Virginia Route 747 (upstream).	1,667
	County boundary	1,790
Bradshaw Creek	Norfolk & Western Ry. (upstream).	1,246
	County boundary	1,381
Indian Run	Virginia Route 785 (upstream).	1,537
South Fork Roanoke River.	U.S. Highways 11 and 460 (northbound lane).	1,213
	Virginia Route 636 (upstream).	1,279
	U.S. Highways 11 and 460 (northbound lane) (upstream).	1,317
	Confluence with Spring Branch.	1,327
	Virginia Route 637 (upstream).	1,379
	Confluence with Elliott Creek.	1,401
	Confluence of Bottom and Goose Creeks.	1,528
Spring Creek	Virginia Route 609	1,323
	Virginia Route 637 (upstream).	1,413
	Virginia Route 753	1,476
Elliott Creek	Virginia Route 639 (upstream).	1,425
	Virginia Route 722	1,465
Bottom Creek	Virginia Route 637	1,536
Goose Creek	Virginia Route 637	1,532
	Floyd County line	1,554
New River	County boundary	1,666
	Confluence of Stroubles Creek.	1,714
	Confluence of Plum Creek.	1,738
	Confluence of Little River.	1,758
Toms Creek	Confluence with New River.	1,702
	Virginia Route 652 (upstream).	1,707
	Virginia Route 725 (upstream).	1,793
	Virginia Route 684 (upstream).	1,855
	Virginia Route 654 (upstream).	1,869
Stroubles Creek	Norfolk & Western Ry	1,714
	Confluence of Slate Branch.	1,798
	Virginia Route 659 (upstream).	1,822
	Virginia Route 657 (upstream).	1,982
	Corporate limits	1,984
Slate Branch	Virginia Route 659 (upstream).	1,816
	Virginia Route 643 (upstream).	1,977
Plum Creek	Virginia Route 600 (upstream).	1,816
	Virginia Route 738 (upstream).	1,830
Little River	Virginia Route 605	1,758
	Radford hydroelectric dam (upstream).	1,766
	Virginia Route 613 (upstream).	1,818
	Virginia Route 693 (upstream).	1,832
	Virginia Route 613 (7,500 ft upstream of Virginia Route 693).	1,846
	Virginia Route 787 (upstream).	1,911
	Old State Route 695	2,015
	Virginia Route 8 (upstream).	2,076
	County boundary	2,094
Craig Creek	County boundary	1,620
	Virginia Route 621	1,821
	Virginia Route 621 (upstream).	1,883

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

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-16675 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3870]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for County of Wythe, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the county of Wythe, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Wythe, Va., are available for review at the Wythe County Courthouse, 275 South Fourth Street, Wytheville, Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the county of Wythe, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaverdam Creek	Confluence with Miller Creek.	2,017
	Norfolk & Western RR	2,018
	Upstream limit of detailed study.	2,028
Cripple Creek	State Route 619	2,174
	State Route 602	2,180
	3,775 ft upstream of State Route 619.	2,185
	32,000 ft upstream of State Route 619.	2,277
	Confluence of Dry Run	2,287
	Upstream of Route 21	2,292
	36,675 ft upstream of State Route 619.	2,293
Dry Run	Confluence with Cripple Creek.	2,287
	Upstream of State Route 619.	2,302
	Upstream of U.S. Route 21.	2,316
	3,170 ft upstream of confluence with Cripple Creek.	2,320
Francis Mill Creek	State Route 779	2,183
	Upstream of State Route 602.	2,209
	4,700 ft upstream of confluence with Cripple Creek.	2,240
	7,110 ft upstream of confluence with Cripple Creek.	2,275
Ivanhoe Creek	Confluence with New River.	1,969
	State Route 639	1,973
	Upstream of State Route 94.	1,977
	Upstream of State Route 742 at 3,130 ft above confluence with New River.	1,991
	Upstream of State Route 742 at 4,280 ft above confluence with New River.	2,001
	Upstream of State Route 732.	2,011
McGavock Run	Confluence with Reed Creek.	2,018
	Downstream of Norfolk & Western RR.	2,019
	Upstream of Norfolk & Western RR.	2,023
	Downstream of State Route 1010.	2,025
	Upstream of State Route 1010.	2,027
	Downstream of State Route 610.	2,048
	Upstream of State Route 610.	2,051
	Road 716	2,065
Miller Creek	Confluence with Reed Creek.	2,017
	3,100 ft upstream of confluence with Reed Creek.	2,017
	4,500 ft upstream of confluence with Reed Creek.	2,024
New River (at Fosters Falls).	41,500 ft upstream of county corporate limits.	1,912
	46,300 ft upstream of county corporate limits.	1,927
New River (at I-77).	U.S. Route 52	1,938
	57,300 ft upstream of county corporate limits.	1,943
New River (at Austinville).	63,900 ft above county corporate limits.	1,949
	Upstream of State Routes 639 and 69.	1,956
	74,100 ft above county corporate limits.	1,958
New River (at Ivanhoe).	88,000 ft above county corporate limits.	1,969
	92,200 ft above county corporate limits.	1,973
Reed Creek (at Max Meadows).	Confluence with Miller Creek.	2,017
	Upstream of State Road 121.	2,018
Reed Creek (at Wytheville).	U.S. Routes 11 and 52	2,044
	Upstream of State Route 687.	2,050
	State Route 649	2,066
	State Route 640	2,075
	Upstream of diversion dam.	2,079
	Upstream of U.S. Route 21.	2,089

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

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-16676 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3901]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Clinchport, Scott County, Va.

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 Clinchport, Scott County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Clinchport,

Scott County, Va., are available for review at the Clinchport Post Office, Clinchport, Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Clinchport, Scott County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clinch River	Downstream corporate limits.	1,237
	Railroad bridge	1,238
	Confluence of Stock Creek.	1,239
	Upstream corporate limits.	1,240
Stock Creek	Confluence with Clinch River.	1,239
	State Route 65	1,239
	Southern RR	1,239
	Upstream corporate limits.	1,239

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

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-16673 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3903]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Fredericksburg, Va.

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 Fredericksburg, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Fredericksburg, Va., are available for review at the City Planner's Office, Fredericksburg City Hall, Fredericksburg, Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Fredericksburg, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rappahannock River.	Confluence with Hazel Run.	38
	Kings Highway	40
	U.S. Route 1	41
	Upstream corporate limits.	45

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

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-16674 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-3910]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Town of Oakesdale, Whitman County, Wash.

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 Oakesdale, Whitman County, Wash. 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 Oakesdale, Whitman County, Wash.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Oakesdale, Whitman County, Wash., are available for review at the Oakesdale Police Department, Oakesdale, Wash.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Oakesdale, Whitman County, Wash.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
McCoy Creek	Corporate limits	2,446
	Confluence of unnamed stream.	2,450
	Washington St	2,452
	Bartlet St	2,454
	Jackson St	2,455
	First St	2,457
	William St	2,458
	Corporate limits	2,467
Spring Creek	Confluence with McCoy Creek.	2,457
	Burlington Northern RR.	2,457
	Third St	2,459
	Fourth St	2,460
	Bartlet St	2,462
	Steptoe St	2,464
	Union Pacific RR	2,465
	Confluence of unnamed stream.	2,469
	Corporate limits	2,475

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-16679 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-4012]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Payson, Utah County, Utah

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 Payson, Utah County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Payson, are available for review at City Hall, 20 East Utah Avenue, Payson, Utah.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Payson, Utah.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Peteetneet Creek	300 South St	4,692
	500 South St	4,716
	600 South St	4,733
	700 South St	4,746
	800 South St	4,758

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

Issued: May 22, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-16672 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-4084]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Reedy, Roane County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in town of Reedy, Roane County, W. Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for town of Reedy, Roane County, W. Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for town of Reedy are avail-

able for review at Town House, Lattimer Street, W. Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for town of Reedy, Roane County, W. Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Reedy Creek	At northeast tip of corporate limits.	678
	At southeastern corporate limits.	679
Right fork of Reedy Creek.	At Center St	678
	At western corporate limits.	678

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

Issued: May 22, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-16680 Filed 6-19-78; 8:45 am]

[4210-01]

[Docket No. FI-12703]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Rome, Floyd County, Ga.

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 Rome, Floyd County, Ga. 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 Rome, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rome, are available for review at City Hall, Rome, Ga.

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.

SUPPLEMENATY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Rome, Ga.

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 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Etowah River	Broad St	596
	Southern RR	597
	East 2d Ave	597
	Turner McCall Blvd	598
Oostanaula River	2d Ave	596
	North 5th Ave	596
	Southern RR	596
Unnamed Tributary to Etowah River.	Valley Brook Dr	602
Silver Creek	East 12th St	599
	Cresent Ave	601
	Southern RR	603
Prentis Branch	Southern RR	611
Unnamed Tributary to Silver Creek.	Southern RR (downstream).	600
	Cedar Ave	600
	Southern RR (upstream).	601
Burwell Creek	7th Ave	596
	Southern RR	596
Horseleg Creek	Horseleg Creek Rd	596
	Hanks St	597
	Williamson St	603
	Burnett Ferry Rd	613
	Castlewood Dr	617
	Coosawattee Ave	628
	Deerbrook Dr	628
South Fork Horseleg Creek.	Creek View Dr	621
	Wood View Dr	621
Little Dry Creek	Martha Berry Blvd	596
	Charlton Rd	597
	Redmond Rd	598
South Fork Little Dry Creek.	Southern RR	596
	Division St	597
	Lavender Dr	605
	Delwood Dr	610
	Watson St.	616

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-16668 Filed 6-19-78; 8:45 am]

[4310-02]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 43H—PREPARATION OF A ROLL OF ALASKA NATIVES

Implementation of Revised Disenrollment Program

JUNE 14, 1978.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Alaska Native Claims Settlement Act (the "Act") provided that fair and just settlement be made of all land claims by Natives and Native groups of Alaska and directed the Secretary of the Interior to prepare a roll of Alaska Natives. The Bureau of Indian Affairs is amending its regulations governing the disenrollment of Alaska Natives to implement a revised disenrollment policy and program.

EFFECTIVE DATE: This amendment shall become effective July 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, 1951 Constitution Avenue N.W., Washington, D.C. 20245, telephone, 202-343-2985.

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the FEDERAL REGISTER, Vol. 43, No. 68 at 14684 on April 7, 1978. Comments were received from representatives of regional corporations as well as from representatives of individual Alaska Natives. All comments were carefully reviewed and as a result, we are incorporating several changes in the regulations, as finally published.

First, the regulations will provide that all disenrollment contests which have been filed, including those which have resulted in the issuance of a written opinion by the Administrative Law Judge, will be reviewed by the Coordinator and the Regional Solicitor. This is to ensure uniformity and, therefore, fairness in the application of the revised disenrollment policy.

A second revision is that § 43h.15(e) will be amended, to state "fraudulent conduct (within the meaning of 18 U.S.C. 1001)" as a possible ground for disenrollment. The purpose of this revision is to clarify the kinds of conduct that are to be considered fraudulent. Several commentators suggested that evidence of a false or incorrect statement by the enrollee should be sufficient grounds for resuming the disenrollment contest against such persons. Under 18 U.S.C. 1001, an incorrect statement is not, by itself, fraudulent conduct and is not, therefore, sufficient justification for pursuing a disenrollment complaint.

A third revision will provide an exception to § 43h.15(e). If a disenrollment contest has been filed against an enrollee whose enrollment was previously opposed in accordance with the provisions of 25 CFR Part 43h, by the village or regional corporation, then such contestee shall submit an affidavit from the village or region as to that person's eligibility before the enrollment coordinator withdraws the disenrollment complaint against such individual.

The fourth revision is designed to assure fairness where a contestee's disenrollment hearing has already been held. If the Coordinator and Regional Solicitor amend a disenrollment complaint, under the new regulations, to state "fraudulent conduct" or "no Native ancestry" as the grounds for disenrollment, the Administrative Law Judge may schedule a second hearing if the record of the first hearing does not contain adequate evidence and arguments on such amended grounds.

Lastly, the deadline for completion of the review by the Regional Solicitor and Coordinator, contained in § 43h.15(g) shall be extended to October 1, 1978.

Several of the comments received dealt with the depth of examination necessary in determining citizenship cases. We will issue detailed instructions to the Coordinator on that point to insure that all appropriate citizenship laws are considered in reviewing each case. Furthermore, such instructions will include a discussion of the elements of fraudulent conduct under 18 U.S.C. 1001. Finally, the instructions will specify that "no Native ancestry" is to be applied in accordance with the stautory definition of Native. The authority for issuing these regulations is contained in 5 U.S.C. 301 and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 230 DM 1 and 2.

Subchapter F of Chapter A of Title 25 of the Code of Federal Regulations is hereby amended by adding new paragraphs to § 43h.15 as follows:

§ 43h.15 Disenrollment.

* * * * *

(d) All disenrollment contests which have been filed, pursuant to this part as of the date of promulgation of these regulations shall be reviewed by the Coordinator together with the Regional Solicitor.

(e) Following the review of disenrollment contests prescribed by § 43h.15(d), the Coordinator and the Regional Solicitor shall continue to contest an individual's enrollment *only* where the complaint already filed states one of the following as grounds for that individual's disenrollment: That such person died before or was born after December 18, 1971, or has no Native ancestry, or is not a United States citizen either by birth or naturalization. Except that, if the complaint states "less than ¼ Native blood" as the grounds for disenrollment, but the contestee in fact, has *no* Native ancestry, the contest may be resumed and the complaint amended to read "no Native ancestry" as the grounds for disenrollment. Furthermore, if the grounds currently stated or other information included on the face of the complaint and the statement of reasons attached thereto clearly indicate that a person has been incorrectly placed on the roll as a result of that person's fraudulent conduct (within the meaning of 18 U.S.C. 1001), the contest may be resumed and the complaint amended to state fraudulent conduct as the grounds for disenrollment.

(f) The Coordinator and the Regional Solicitor shall proceed immediately to withdraw or dismiss all other pending enrollment complaints with notices to all parties, except that any contestee whose original enrollment was protested by a regional or village corporation at the time of the contestee's enrollment shall provide to the Coordinator an affidavit from the protesting corporation as to the contestee's eligibility before the Coordinator shall withdraw the complaint against such persons. The Coordinator shall immediately notify all such contestees who were originally protested by a village or regional corporation, that they must provide such an affidavit by October 1, 1978, or the disenrollment contest against them will be resumed, regardless of whether the grounds fall within those specified in paragraph (e) of this section.

(g) In any case where the Coordinator and the Regional Solicitor resumes a disenrollment contest by amending the complaint to state no Native ancestry or fraudulent conduct as the grounds, and where a hearing was already held on the original disenrollment complaint, the Administrative Law Judge may order a second hearing if he or she feels such hearing is necessary to acquire better evidence on the amended grounds for disenrollment.

(h) The Regional Solicitor and Coordinator shall complete all reviews called for by § 43h.15(d) no later than October 1, 1978.

(i) For purposes of § 43h.15(e) the Coordinator and Regional Solicitor shall proceed against an individual on grounds that he is not a United States citizen only after they have investigated and satisfied themselves that the contestee has not been naturalized in any state and that the contestee is not a United States citizen by birth or in accordance with the appropriate immigration and naturalization laws. A prior ruling by the Regional Solicitor that an individual was a United States citizen shall be conclusive and the disenrollment complaint shall be dismissed or withdrawn immediately.

No further changes are made to the text of Part 43h.

PRINCIPAL AUTHORS:

Jeanne Franklin and Scott Keep, Office of the Solicitor, Department of the Interior.

FORREST J. GERARD,
Assistant Secretary—
Indian Affairs.

[FR Doc. 78-16881 Filed 6-19-78; 8:45 am]

[3710-08]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

MILITARY SERVICE PROVISIONS

Miscellaneous Deletion

AGENCY: Department of the Army, DoD.

ACTION: Deletion of Rules.

SUMMARY: In support of the Presidential objective to improve Government regulations, the Department of Defense has launched a project to improve military service regulations published in the CFR. Using the guidelines issued by General Counsel, OSD, the Army has determined that certain Army regulations do not have sufficient impact on the public to warrant publication in the FEDERAL REGISTER and Code of Federal Regulations (CFR). Notice is hereby given that thirty regulations are being deleted from the Code of Federal Regulations. This deletion does not revoke or cancel the Army regulations concerning the same subject information.

EFFECTIVE DATE: June 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Miss Marian G. Spittle (202) 693-0631 or write: HQDA (DAAG-AMR-R) WASH, DC 20314

In consideration of the above, 32 CFR Chapter V is amended as set forth below:

1. Parts 504, 511, 512, 517, 519, 532, 533, 538, 554, 561, 563, 570, 572, 573, 576, 577, 580, 582, and 632 of 32 CFR are deleted.

2. Part 536 is amended by deleting § 536.44 and §§ 536.50 thru 536.57.

3. Part 564 is amended by deleting the following sections:

Sections 564.1 thru 564.5
Sections 564.7 thru 564.11
Sections 564.14 thru 564.18

By Authority of the Secretary of the Army.

Dated: June 12, 1978.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administrative Management, TAGCEN.

[FR Doc. 78-16904 Filed 6-19-78; 8:45 am]

[4110-83]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 58—GRANTS FOR TRAINING OF PUBLIC HEALTH AND ALLIED HEALTH PERSONNEL

Grants for Graduate Programs in Health Administration

AGENCY: Public Health Service, HEW.

ACTION: Interim-final regulations.

SUMMARY: These regulations implement the Secretary's authority to make grants to public or nonprofit private educational entities (excluding schools of public health) to support the health administration, hospital administration, and health planning graduate educational programs of such entities.

DATES: These regulations are effective immediately. As discussed below, comments on the regulations are invited. To be considered, comments must be received on or before August 21, 1978.

ADDRESS: Data, views and arguments related to the regulations may be presented in writing to the Director, Bureau of Health Manpower, Health Resources Administration, 3700 East West Highway, Center Building, 4th Floor, Hyattsville, Maryland, 20782. All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, at the above address, weekdays (Federal Holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Dr. Merrill B. DeLong, Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Center Building, Room 5-27 at the above address, telephone 301-436-6824.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, with the approval of the Secretary, Department of Health, Education, and Welfare, is establishing a new Part 58 of Title 42, Code of Federal Regulations, entitled "Grants for Training of Public Health and Allied Health Personnel" and a new Subpart A within that Part entitled "Grants for Graduate Programs in Health Administration."

Section 791 of the Public Health Service Act (42 U.S.C. 295h) provides that the Secretary shall make annual grants to public or nonprofit private educational entities (including schools of social work, but excluding schools of public health) to support the graduate educational programs of such entities in health administration, hospital administration, and health planning. The purpose of this Subpart A is to establish regulations implementing this authority.

Particular attention is drawn to the following provisions of the regulations:

Section 58.3 *Eligibility.* Section 791 of the Act specifies that in order to be eligible to apply for a grant, an applicant public or non-profit education entity must offer a graduate educational program which has been accredited for the training of individuals for health services administration, hospital administration or health planning by a recognized body or bodies approved for such purpose by the Commissioner of Education. The Secretary has determined that the body currently recognized for such purpose by the Commissioner of Education is the Accrediting Commission on Education for Health Services Administration. It should be noted that under these regulations, if another body were given initial or expanded recognition by the Commissioner to include these areas, institutions with programs accredited by such body would also become eligible for grants under this subpart.

Section 58.4 *Application.* It should be noted that these regulations would require each applicant to submit a plan specifying the ways in which it proposes to utilize funds awarded under this subpart, and in particular the extent to which funds may be used to strengthen its educational program in certain specified areas. The Secretary has determined that the areas so identified are of high priority in meeting current and future needs for more adequately trained health services administrators and planners, particularly in achieving Departmental goals related to cost containment, improved health systems planning and better management of the health system.

Section 58.5 *Assurances Required.* This section sets out the statutory assurances required of all applicants under section 791 of the Act. Under these provisions, an institution which receives a grant in the current fiscal year for expenditure during the next fiscal year will be required to assure that (1) it will graduate at least 25 students in school year 1979-80; (2) that it will expend at least $100,000 in non-Federal funds for the support of the program in school year 1979-80; and (3) that it will increase its full-time first year enrollment in school year 1978-79 by an amount prescribed by statute over its enrollment in school year 1976-77.

Timely implementation is essential if eligible applicants are to have ade-

quate lead time to comply with the requirements of the statute and this subpart so that grants can be made prior to the end of fiscal year 1978 (September 30, 1978). Therefore, the Secretary has determined pursuant to 5 U.S.C. 553 and Department policy that it would be impracticable and contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of these regulations.

Notwithstanding the omission of the proposed rulemaking procedures, interested persons are invited to submit written comments or data relating to these regulations to the Director of the Bureau of Health Manpower at the address given above. All relevant materials received not later than August 21, 1978, will be considered, and following the close of the comment period, the regulations will be revised as warranted by the public comments received. It is intended that any revision of the regulation arising from these comments will be published within 90 days of the close of the comment period.

The regulations as set forth below will be effective June 20, 1978.

Accordingly, a new Part 58 of Title 42 of the Code of Federal Regulations is established and a new Subpart A of that Part adopted as set forth below.

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

Dated: April 25, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: May 31, 1978.

JOSEPH A. CALIFANO, Jr.
Secretary.

Subpart A—Grants for Graduate Programs in Health Administration

Sec.
58.1 Applicability.
58.2 Definitions.
58.3 Eligibility.
58.4 Application.
58.5 Assurances required.
58.6 Grant Awards.
58.7 Expenditure of grant funds.
58.8 Nondiscrimination.
58.9 Grant payments.
58.10 Grantee accountability.
58.11 Records, audit and inspection.
58.12 Applicability of 45 CFR Part 74.
58.13 Additional conditions.

AUTHORITY: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); sec 791 of the Public Health Service Act, 90 Stat. 2303 (42 U.S.C. 295h).

Subpart A—Grants for Graduate Programs in Health Administration

§ 58.1 Applicability.

The regulations of this subpart are applicable to the award of grants under section 791 of the Public Health Service Act (42 U.S.C. 295h) to public or nonprofit private educational entities (including schools of social work and excluding schools of public health) to support the graduate educational programs of these entities in health administration, hospital administration and health planning.

§ 58.2 Definitions.

As used in this subpart:

"Act" means the Public Health Service Act.

"Construction" means the construction of new buildings, the acquisition or expansion of existing buildings and the remodeling, alteration and renovation of existing buildings.

"Council" means the National Advisory Council on Health Professions Education established by section 702 of the Act.

"Educational entity" means a school, college or university which is accredited by a body or bodies recognized for such purposes by the Commissioner of Education.

"Fiscal year" means the Federal fiscal year, beginning October 1, and ending the following September 30.

"Graduate educational program" means a program of education leading to a master's degree or equivalent, or a doctoral degree or equivalent.

"Nonprofit" as applied to any entity means one which is a corporation or association, or is owned or operated by one or more corporations or associations, no part of the net earnings of which inures or may lawfully inure, to the benefit of any private shareholder or individual.

"School of public health" means a school which provides training leading to a graduate degree in public health or an equivalent degree and which has been accredited by the Council on Education for Public Health as a school of public health.

"School year" means the traditional approximately 9 month September to June annual session at an educational institution.

"State" means any one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 58.3 Eligibility.

Any public or nonprofit education entity (excluding schools of public health) located in a State is eligible to apply for a grant to support a graduate educational program which has been accredited for the training of individuals for health services administration, hospital administration, or health planning by a recognized body or bodies approved for such purpose by the Commissioner of Education.

§ 58.4 Application.

(a) Each eligible educational entity desiring a grant under this subpart shall submit an application, including the assurances required by section 791 of the Act and 58.5 of this subpart,[1] in the form and at the time as the Secretary may prescribe. The application must be signed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(b) Each application submitted pursuant to this subpart must include a plan, in the form and containing such information as the Secretary may prescribe, describing how the applicant proposes to utilize funds awarded under this subpart and in particular the extent to which funds may be used to strengthen the educational program in the following areas:

(1) The provision of training which will prepare health administrators and health planners for employment in a wide variety of settings, including public and voluntary agencies, extended care facilities, ambulatory facilities and health planning agencies.

(2) The development or expansion of special curriculum content in health planning, policy and regulation, health economics, quantitative methods and financial management.

(3) The provision of field training in settings described in (1) and which involves experience related to the curricular areas described in (2).

(4) The provision of field training in settings designed to provide mid-career development for practicing health administrators and planners.

(5) The development of programs designed to provide regional educational opportunities in areas where there are no accredited programs in health services administration or in which there are documented shortages of trained health services administrators or planners.

§ 58.5 Assurances required.

(a) The application must contain assurances satisfactory to the Secretary that:

(1) At least 25 individuals will complete the graduate educational programs of the applicant for which the application was made in the school

[1] Application material can be obtained from the Grants Management Office, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Hyattsville, Maryland 20782.

year beginning in the fiscal year for which an applicant receives a grant;

(2) The applicant will expend or obligate at least $100,000 in funds from non-Federal sources to conduct the graduate educational program for which the application was made (excluding expenditures for construction) in the school year beginning in the fiscal year for which an applicant receives a grant;

(3) The applicant will maintain for the school year beginning in the fiscal year ending September 30, 1978, and for each subsequent school year for which a grant is applied for, a first year enrollment of full-time students in the graduate educational programs for which the application was made which exceeds the number of full-time first year students enrolled in that program in the school year beginning in the fiscal year ending September 30, 1976 by (i) 5 percent of that number if the number of full-time first year students enrolled was 100 or less; or (ii) the greater of 2.5 percent of that number, or 5 students if the number of full-time first year students enrolled was more than 100. For purposes of this section the term "full-time student" means a student who is enrolled in an educational entity on a full-time basis as determined by the educational entity. The number of students enrolled in an educational entity for any year shall be the number enrolled as of October 15 of that school year. The classification of a full-time student as a first year student will be made in accordance with the usual policies of the educational entity, except that no student may be counted more than once as a first year student.

(b) The Secretary may, after consultation with the Council, waive in whole or in part the requirements of paragraph (a)(3) of this section relating to increases in enrollment upon written notification by the appropriate accreditation body or bodies that compliance with that paragraph will prevent the educational entity from meeting that body or bodies accrediting standards with respect to the graduate educational programs for which the application was made. In deciding whether to give a waiver under this paragraph the Secretary will consider the extent to which the educational entity has means available to it by which it could meet the increased enrollment requirements without failing to meet the accreditation standards.

§ 58.6 Grant awards.

(a) Within the limit of funds available for such purpose, the Secretary after consultation with the Council, will award grants to those educational entities which meet the requirements of section 791 of the Act, and of this subpart.

(b) The amount of each grant shall be equal to the total amount of funds available for this purpose divided by the number of educational entities with approved applications.

§ 58.7 Expenditure of grant funds.

(a) Grant funds may be obligated by the educational entity at any time before the end of the 24-month period specified in the grant award document for any purpose related to the graduate educational program of the school for which the grant was made, except as otherwise provided in paragraph (b) of this section. Any remaining funds must be refunded to the Federal Government.

(b) Grant funds may not be expended for construction (except that grant funds my be used for alteration and renovation) or student assistance.

§ 58.8 Nondiscrimination.

(a) Recipients of grants under this subpart are advised that in addition to complying with the terms and conditions of these regulations, the following laws and regulations are applicable:

(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and its implementing regulation, 45 CFR Part 80 (prohibiting discrimination in Federally assisted programs on the grounds of race, color, or national origin).

(2) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and its implementing regulation, 45 CFR Part 84 (prohibiting discrimination in Federally assisted programs on the basis of handicap).

(3) Section 704 of the Act (42 U.S.C. 292d) and its implementing regulation, 45 CFR Part 83 (prohibiting discrimination on the basis of sex in the admission of individuals to training programs).

(4) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and its implementing regulation, 45 CFR Part 86 (prohibiting discrimination on the basis of sex in Federally assisted education programs).

(b) The grantee may not discriminate on the basis of religion in the admission of individuals to its training programs.

§ 58.9 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 58.10 Grantee accountability.

(a) Accounting for grant funds shall be in accordance with institutional accounting practices, based on generally accepted accounting principles, consistently applied regardless of the source of funds. The grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures meeting the requirements of this subpart.

(b) The total sum of: (1) Any amount not accounted for pursuant to paragraph (a) of this section, and (2) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74 shall be payable to the Federal Government as final settlement with respect to each grant under this subpart. Such sum shall be a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided by law.

§ 58.11 Records, audit and inspection.

(a) In addition to the applicable requirements of 45 CFR Part 74, the grantee must establish and maintain such records as the Secretary may by regulation or order require, including records which completely disclose the amount and disposition of the total amount of funds received by the grantee for the project, the total cost of the project for which a grant was received, the total amount of that portion of the total cost of the project received by or allocated to such grantee from other sources, and such other records as will facilitate an audit conducted in accordance with generally accepted auditing standards.

(b) The grantee is responsible for providing and paying for an annual financial audit of its books, accounts, financial records, files and other papers and property in accordance with the requirements of section 705(b) of the Act. The audit must be conducted by and certified to be accurate by an independent certified public accountant utilizing generally accepted auditing standards. A report of such audit must be filed with the Secretary at such time and in such manner as the Secretary may require.

(c) The grantee must make available to the Secretary or the Comptroller General of the United States or any of their duly authorized representatives all such books, documents, papers, and records for examination, copying, or mechanical reproduction, on or off the premises of the grantee upon a reasonable request therefor.

§ 58.12 Applicability of 45 CFR Part 74.

The relevant provisions of the following subparts of 45 CFR Part 74, establishing uniform administrative requirements, shall apply to all grants awarded under this subpart.

45 CFR PART 74

SUBPART

A—General.
B—Cash Depositories.
C—Bonding and Insurance.

D—Retention and Custodial Requirements for Records.
F—Grant-related Income.
G—Matching and Cost-Sharing.
K—Grant Payment Requirements.
L—Budget Revisions Procedures.
M—Grant Closeout, Suspension, and Termination.
O—Property.
Q—Cost Principles.

§ 58.13 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the grant purposes, the interests of the public health, or the conservation of grant funds.

[FR Doc. 78-16332 Filed 6-19-78; 8:45 am]

[4310-84]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5062]

[Montana 17093]

MONTANA

Withdrawal for Public Recreation Site

In FR Doc. 71-7988 appearing on page 11097 in the issue of Wednesday, June 9, 1971, the description for sec. 21 under "T. 3 S., R. 1 E.," should read as follows:

"Sec. 21, lots 3 and 6, E½NE¼;".

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amendment No. 8 to Service Order No. 1200]

PART 1033—CAR SERVICE

Decision; Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of Union Pacific Railroad Co.

JUNE 13, 1978.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 8 to Service Order No. 1200)

SUMMARY: The Missouri Pacific Railroad Company (MP) by Service Order No. 1200 is authorized to operate over tracks of the Union Pacific Railroad Company (UP) between South Omaha, Nebr., and Omaha, Nebr., in order to reduce substantially the number of train movements over rail-highway grade crossings, thereby minimizing hazards to the public and to operating personnel of the railroad. Amendment No. 8 extends Service Order No. 1200 until December 15, 1978, from its present expiration of June 15, 1978.

DATES: Effective 11:59 p.m., June 15, 1978; Expires 11:59 p.m., December 15, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The amendment is printed in full below.

Upon further consideration of Service Order No. 1200 (39 FR 38103; 40 FR 2990, 30268; 41 FR 2644, 29387; 42 FR 3309, 31163 and 63788), and good cause appearing therefor:

It is ordered:

§ 1033.1200 Missouri Pacific Raiload Co. Authorized to Operate Over Tracks of Union Pacific Railroad Co.

Service Order No. 1200 is amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1978, unless otherwise modified, changed, or suspended by order of the Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 15, 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 copy with the Director, Office of the Federal Register.

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

H. G. HOMME, JR.
Acting Secretary.

[FR Doc. 78-17004 Filed 6-19-78; 8:45 am]

proposed rules

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

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

PUBLIC INFORMATION

Special and Consequential Damages; Proposed Supplement to REA Bulletin 40-6

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to issue a Supplement to REA Bulletin 40-6, Construction Methods and the Purchase of Materials and Equipment. This proposed supplement would permit REA borrowers to modify REA Form 200, Construction Contract-Generating, without prior REA approval, so as to enable them to solicit proposals from contractors for the construction of generation facilities on a limited liability basis with respect to special and consequential damages. Due to the reluctance of many private contractors to bid REA-financed generation projects under the existing contract provisions, REA believes that it is in the borrowers' best interest to have the proposed alternative liability clause available for their use. As proposed, if the borrower elects to solicit proposals on the alternate liability clause basis, the contractor's liability for special and consequential damages would be limited to the contract amount. This action is intended to stimulate additional interest in REA-financed generation construction and enable REA borrowers to solicit proposals on a basis which will be considered acceptable to the majority of private contractors. On issuance of this Supplement to REA Bulletin 40-6, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than July 20, 1978.

ADDRESS: Interested persons may submit written data, views of comments to the Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-4413. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director, Power Supply and Engineering Standards Division during regular business hours.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a Supplement to REA Bulletin 40-6. A copy of the proposed bulletin may be secured in person or in writing from the Director, Power Supply and Engineering Standards Division.

Dated: June 13, 1978.

DAVID A. HAMIL,
Administrator.

[FR Doc. 78-16859 Filed 6-19-78; 8:45 am]

[3410-30]

Food and Nutrition Service

[7 CFR Part 250]

[Amdt. 41]

NATIONAL SCHOOL LUNCH PROGRAMS

Donation of Food For Use in United States, Its Territories and Possessions and Areas Under Its Jurisdiction

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Nutrition Service proposes to amend the regulations governing the food donation program to: (1) Update the quoted provisions of the National School Lunch Act, as amended by the National School Lunch and Child Nutrition Amendments of 1977 (Pub. L. 95-166, 91 Stat. 1325), and (2), as required by that legislation, provide that schools may refuse to accept up to 20 percent of the USDA-donated foods offered by State distributing agencies for nonprofit lunch programs and to receive in lieu of those refused other available donated foods. This change is made to bring about greater responsiveness to Schools' donated-food preferences.

DATE: Comments must be received on or before July 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Arvid E. Dopson, Acting Director, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, DC 20250 (202-447-8371)

SUPPLEMENTARY INFORMATION: Section 6 of the National School Lunch Act, as amended, 42 U.S.C. 1755 requires the Secretary of Agriculture to make available to States for distribution to schools conducting nonprofit lunch programs under the Act a national average value of food commodities, or—where applicable—cash in lieu thereof, of not less than 10 cents for each lunch served. This amount is subject to adjustment each year to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Section 6(a) of the Act was amended by section 7 of Pub. L. 95-166, approved November 10, 1977, to permit any school to refuse up to 20 percent of the donated foods offered for lunches during any school year and to receive in lieu of the refused foods, other foods, to the extent that other foods are available to the State during that year.

These proposed amendments would require each State agency responsible for USDA food distribution to schools to notify the authorities who administer nonprofit lunch programs in the schools of their right to refuse offered commodities and to receive other foods that will be available during the school year. Notification would be given either by means of a letter to be sent at least annually or by an amendment to the commodity agreement which recipient agencies are required to enter into with the distributing agency. The amendments also propose to require both distributing agencies and school food authorities to document commodity refusals and to maintain records of refusals on the same basis as other program records.

Section 19 of Public Law 95-166 also amended sections 6(e) and 17 of the National School Lunch Act to delete references to "fiscal year" and to substitute therefor "school year". In addition, section 2 of Pub. L. 95-166 revised section 13(g) of the Act, and also redesignated it as section 13(h). Implementing changes are made by these amendments.

Interested persons are invited to submit written comments on the proposed amendments to the above address. To be assured of consideration, such comments must be received by July 20, 1978.

Accordingly, the food donation regulations would be amended as follows:

1. In § 250.1(b)(6), the following sentence is added after the end of the quoted provisions of section 6(a) of the

National School Lunch Act, as amended, and before the final three asterisks: "Any school participating in food service programs under this Act may refuse to accept delivery of not more than 20 percent of the total value of agricultural commodities and other foods tendered to it in any school year; and if a school so refuses, that school may receive, in lieu of the refused commodities, other commodities to the extent that other comodities are available to the State during that year."

2. Also in § 250.1(b)(6), the quoted provisions of section 6(e) of the National School Lunch Act, as amended, are revised by striking out "fiscal" the second and third time that word appears and inserting in lieu thereof the word "school".

3. In § 250.1(b)(18), the quoted provisions of section 17(e) of the National School Lunch Act, as amended, are revised by striking out "fiscal" wherever it appears and inserting in lieu thereof the word "school".

4. In § 250.1, paragraphs (b)(13) and (17) are also revised, as follows:

§ 250.1 General purpose and scope.

* * * * *

(b) Legislation. * * *

(13) Section 13(h) of the National School Lunch Act, as amended, which reads in part as follows:

* * * The Secretary is authorized to donate to States, for distribution to service institutions, food available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1). Donated foods may be distributed only to service institutions that can use commodities efficiently and effectively, as determined by the Secretary.

* * * * *

(17) Section 14 of the National School Lunch Act, as amended, (hereinafter referred to as "section 14"), which reads in part as follows:

(a) Notwithstanding any other provision of law, the Secretary, during the period beginning July 1, 1974, and ending September 30, 1982, shall—

(1) use funds available to carry out the provisions of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) which are not expended or needed to carry out such provisions, to purchase (without regard to the provisions of existing law governing the expenditure of public funds) agricultural commodities and their products of the types customarily purchased under such section, for donation to maintain the annually programmed level of assistance for programs carried on under this Act, the Child Nutrition Act of 1966, and title VII of the Older Americans Act of 1965; and

(2) if stocks of the Commodity Credit Corporation are not available, use the funds of such Corporation to purchase agricultural commodities and their products of the types customarily available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), for such donation.

(b) Among the products to be included in the food donations to the school lunch program shall be cereal and shortening and oil products.

(c) The Secretary may use funds appropriated from the general fund of the Treasury to purchase agricultural commodities and their products of the types customarily purchased for donation under section 707(a)(4) of the Older Americans Act of 1965 (43 U.S.C. 3045f(a)(4)) or for cash payments in lieu of such donations under section 707(d)(1) of such Act (42 U.S.C. 3045f(d)(1). There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subsection.

* * * * *

5. In § 250.3, the definition of the term "recipient agencies" in paragraph (j) is amended by inserting "school food authorities," before "schools"; and new paragraphs (n-3), (n-4), and (n-5) are added, as follows:

§ 250.3 Definitions.

* * * * *

(n-3) "School food authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a nonprofit lunch program therein.

(n-4) "School year" means the period of 12 months beginning July 1 of any calendar year and ending June 30 of the following calendar year.

(n-5) "Fiscal year" means the period of 12 months beginning October 1 of any calendar year and ending September 30 of the following calendar year.

* * * * *

6. In § 250.4, paragraphs (b)(2) and (b)(3) are amended by deleting the word "fiscal" the second time it appears in each paragraph and inserting in lieu thereof the word "school"; paragraph (b)(5) is revised; and a new paragraph (h) is added, as follows:

§ 250.4 Availability of commodities.

* * * * *

(b) *Quantities* * * *

(5) The value of commodities to be distributed to schools, nonresidential child care institutions, and nutrition programs for the elderly, or, where applicable, the amount of cash payments to be made in lieu of commodities, shall be adjusted on an annual basis to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustments shall be computed to the nearest one-fourth cent and shall be made effective as of the beginning of each school year for schools and nonresidential child care institutions and as of the beginning of each fiscal year for nutrition programs for the elderly.

* * * * *

(h) *Refusal of commodities by school food authorities.* Any school food authority participating in food service programs under the National School Lunch Act, as amended, may refuse to accept delivery of up to 20 percent of the total value of agricultural commodities and other foods tendered to it for lunches in any school year. If the school food authority so refuses, it may receive in lieu of the refused commodities, other commodities to the extent that other commodities are available to the State during that school year.

7. In § 250.6, a new paragraph (d-1) is added, and a new sentence is inserted after the third sentence in paragraph (q), as follows:

§ 250.6 Obligations of distributing agencies

* * * * *

(d-1) *Distribution to schools.* Prior to making distribution to schools, distributing agencies shall notify each school food authority of its right to refuse delivery of up to 20 percent of the total value of donated foods tendered to it by such agencies for use in nonprofit lunch programs in any school year and to receive other commodities, if available, in lieu of those refused, in accordance with § 250.4(h). Notification of commodity refusal rights shall be provided for the school year beginning July 1, 1978 by means of a letter to be sent to each school food authority no later than September 1, 1978. For subsequent school years, such notification shall be provided either by an addendum to the agreement required by paragraph (b) of this section or by a letter to be sent to each school food authority prior to the beginning of each school year.

* * * * *

(q) *Records.* * * * Distributing agencies shall maintain accurate and complete records with respect to amounts and value of commodities refused by school food authorities in accordance with § 250.4(h) and shall require that school food authorities also maintain such records of refusals. * * *

* * * * *

Note: The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program No. 10.550)

Dated: June 14, 1978.

CAROL TUCKER FOREMAN.
Assistant Secretary.

[FR Doc. 78-16948 Filed 6-19-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-358; Docket No. 32860; Dated: June 13, 1978]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Revision of CAB Form 41 Schedules P-11(a) and P-11(b) Concerning Charges for En Route and Airport Facilities and Services

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to revise and reduce the information collected by the Board on charges by foreign governments and foreign entities for en route and airport facilities and services. The proposal would revise two quarterly reporting schedules to (1) reduce their filing frequency from quarterly to annually; (2) provide new formats for both schedules to reduce the data reported; and (3) clarify the reporting instructions for each schedule. These reporting reductions are being proposed to recognize a change in regulatory need of the Board for data about user charges for foreign en route and airport facilities and services.

DATES: Comments by: August 18, 1978. Comments and other relevant information received after the above date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 32860, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5270.

SUPPLEMENTARY INFORMATION:

PURPOSE OF REPORTING

On April 9, 1974, the Board adopted ER-854, 39 FR 18430, which amended Part 241 to add two CAB Form 41 quarterly schedules to collect data on charges by foreign governments and foreign entities for en route and airport facilities and services. These schedules, P-11(a) "Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services" and P-11(b) "Charges by Foreign Governments for Airport Facilities and Services," were established to keep the Board abreast of current developments in the cost recovery policies of foreign governments and to evaluate whether the charges were in any way discriminatory.

Public Law 93-623 "International Air Transportation Fair Competitive Practices Act of 1974" created a further need for user charge data. Under this statute, the Department of Transportation (DOT) and the Board are charged with performing a continuous review, within the scope of their respective statutory authorities, of all possible forms of discrimination or unfair competitive practices to which U.S. carriers are subject in performing international air transportation. When a discriminatory or unfair practice is discovered, DOT and the Board must act, within their respective jurisdictions, to eliminate such practices.

This statute specifically requires the Secretary of Transportation to survey charges made to air carriers by foreign governments and foreign entities for the use of airport or airway (en route) property. These surveys are conducted by the DOT's Federal Aviation Administration (FAA) for the purpose of identifying charges which either unreasonably exceed comparable charges for using similar airport and airway property in the United States or are in another way discriminatory. The FAA has been using Schedules P-11(a) and P-11(b) to identify possible discriminatory user charges levied by foreign governments and entities against certificated U.S. carriers. As a result of this legislation, the need for the information reported on Schedules P-11(a) and P-11(b) rests primarily with the FAA.

CURRENT REPORTING PROBLEMS

A review by the board's staff of recent filings on Schedules P-11(a) and P-11(b) has revealed several problems encountered by the carriers in completing their reports. Some foreign governments do not provide the carriers with a breakdown of their total charges by the cost categories shown on these schedules. Carriers have also found that billings from the foreign governments are not always received in time to meet the quarterly filing requirements, and they are forced to estimate charges for inclusion in their reports. In addition to these problems of obtaining information for the reports, the carriers have also found that the unit measures for reporting on Schedule P-11(b) are not clear and that this produces inconsistencies among their reports.

These reporting problems have made it difficult to use the data reported on Schedules P-11(a) and P-11(b) for comparisons between carriers and between charging countries. Consequently, these schedules have not been adequately fulfilling the mission for which they were intended. The time has now come to examine alternative data collection formats as well as to reconsider the need for these data in reports to the Board.

Because of the problems encountered with the reporting and the change in our need for this information, our inclination is to eliminate the reporting of data for en route and airport charges. To better understand the problems with the current reports, however, and to provide a basis for constructively dealing with the problems, as well as solicit comments on possible elimination of the reports, the Board's staff has discussed the above reporting difficulties with several carriers and the FAA to obtain their views on what data are needed to monitor en route and airport user charges. The changes proposed in this notice are based largely on these discussions and are intended to overcome the current reporting problems, reduce the reporting burdens, and improve the usefulness of the data. Accordingly, we are proposing to modify Schedules P-11(a) and P-11(b) as discussed under the captions below.

FILING FREQUENCY

We have tentatively concluded that an annual filing requirement should be sufficient to monitor user charge data for possible discriminatory charges by foreign governments and foreign entities. Accordingly, we are proposing to reduce the filing frequency for Schedules P-11(a) and P-11(b) from quarterly to annually.

NEW FORMATS

As previously discussed, carriers have been experiencing some difficulty in providing data by cost category and cost per unit on these schedules. Also, on the basis of a review of carrier reporting, we have tentatively determined that we do not need all of the detail now reported and that for carriers with a low volume of international operations, the burden of reporting the required data outweighs the benefit of their reports. We are proposing, therefore, to revise the formats of Schedules P-11(a) and P-11(b) so as to collect only those data for which the need is greatest and only from those carriers on which the need is based.

Schedule P-11(a) currently requires carriers to report total and unit charges for en route services for each foreign government or entity broken

down by route segment and further broken down into five separate cost categories. We are proposing to eliminate the five cost categories on this schedule and to require route segment data only for major route segments and only from carriers with a significant amount of international operations. To accomplish this, the proposed new format would report en route user charges in two parts. Part A would show the total charges for en route facilities and services for each major route segment, broken down by foreign government or foreign entity. Part B would show the total charges by foreign government or entity.

As proposed, Part A would be completed by only those carriers whose total scheduled revenue passenger-miles (RPM's) conducted in international operations exceed, for the reporting period, 20 percent of their scheduled RPM's for total system operations. Major route segments for reporting in Part A would be determined based on a statistical cut-off, such as pasengers transported or revenue passenger-miles. The exact cut-off to be used will be determined based on the comments received in this rulemaking proceeding. Therefore, we are asking for comments from all interested parties, especially from those carriers who would be required to complete Part A, as to what the cut-off should be as well as the reasons why a particular cut-off is recommended.

Part B would be completed by all carriers who have conducted international operations during the reporting period, except those conducting only Canadian transborder operations as discussed under a separate caption below. In this part, carriers would report only the total en route charges incurred, broken down by foreign government or foreign entity.

Schedule P-11(b) currently requires carriers to report total charges and unit charges for airport facilities and services, broken down by government, by airport, and further broken down into five cost categories. The primary problem encountered by carriers in reporting on Schedule P-11(b) has been in determining what units should be used in reporting for unit charges. The proposed new format for Schedule P-11(b) identifies in the column headings the units to be reported in each column. The new format also combines the columns for ancillary aviation services and total miscellaneous charges into a single column called "All Other Services" which reduces the cost categories to four.

We recognize that some carriers who would not be required to report en route and airport charges may wish the Board and the FAA to monitor the amounts they are charged. We do not want to preclude carriers from submitting these data if they feel it would be beneficial if they were to do so. Thus, we are also proposing that any carrier may submit these reports even though they are not required to do so by the regulation.

Canadian Transborder Operations

The Board's staff has noted during the course of its review that a few carriers are required to file Schedules P-11(a) and P-11(b) when their only international operations are Canadian transborder flights. Since it is our goal to reduce reporting burdens to the lowest possible level and because the data reported by carriers conducting only Canadian transborder operations are relatively immaterial when compared to the total reportable international operations, we feel that the burden of reporting by these carriers may outweigh the benefits derived by the Board from the recurrent availability of the data. Accordingly, we are proposing to require no reporting on Schedules P-11(a) and P-11(b) for those carriers whose only international operations are Canadian transborder flights. We are proposing, however, that those carriers who must file these schedules for other international operations continue to include data for their Canadian operations in their reports.

Possible Elimination of Schedules P-11(a) and P-11(b) in Their Entirety

In addition to the proposed changes outlined above, the Board prepared to consider seriously whether it should entirely eliminate the reporting on Schedules P-11(a) and P-11(b).

As previously discussed, the purpose of obtaining data on charges for foreign en route and airport facilities and services is to help protect U.S. carriers from discriminatory charges. Since the direct beneficiary from this reporting is intended to be the carriers that submit the reports, the Board feels that comments should be obtained as to whether the burdens of reporting outweigh the benefits derived from the routine availability of these data for use by the Board and the FAA.

In considering elimination of these reports, the Board recognizes that alternatives to recurring reporting requirements are available to obtain these data. For example, we know that *ad hoc* reports are sometimes provided to supplement Schedules P-11(a) and P-11(b). An example of this is the direct submission of en route and airport user charge data by carriers for use in bilateral negotiations. In this case, the most recent data are supplied directly to the negotiator to update the latest Form 41 filings. This will become more significant if Schedules P-11(a) and P-11(b) become annual schedules because of the 12-month lapse between filings.

Therefore, although we believe the changes proposed in this notice would overcome the major problems of the carriers in filing these reports, we are also asking for comments on whether Schedules P-11(a) and P-11(b) should be eliminated entirely. Interested parties submitting comments about the possible elimination of these schedules should include reasons in support of their position.

Proposed Rule

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend Section 22 "General Reporting Instructions" as follows:

A. By revising the "List of Schedules in CAB Form 41 Report" in paragraph (a) to show an annual filing frequency for Schedules P-11(a) and P-11(b). Paragraph (a) to read in pertinent part as follows:

(a) * * *

List of schedules in CAB form 41 report

Schedule No.	Schedule title	Filing frequency	Applicability by carrier group I	II	III
* *	* *	*	*		*
P-10	Employment statistics by labor category.	Annually	(2)	(2)	(2)
P-11(a)	Charges by foreign governments and foreign entities for en route facilities and services.	do			X
P-11(b)	Charges by foreign governments for airport facilities and services.	do			X
P-12	Fuel inventories and consumptions.	Monthly	X	X	X
	*	*	*		*

B. By revising the "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) to show an annual due date for Schedules P-11(a) and P-11(b), the revised list to read in pertinent part as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date[1] and Schedule No.

* * * * *

Feb. 10 [2]—A, B-1,[5] B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.2

* * * * *

Mar. 30—A-2, B-1,[4] B-2,[3] B-11, B-41, B-43, B-44, B-46, P-1(a), P-10, P-11(a), P-11(b), P-13, G-41, G-42, G-43, G-44, T-1, T-3.1, T-7

* * * * *

May 10—A, B-1,[5] B-3, B-4, B-5, B-7, B-7(b), B-8, B-10 B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.2

* * * * *

Aug. 10—A, A-1, B-1,[5] B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.2

* * * * *

Nov. 10—A, B-1,[5] B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3.1, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.2

* * * * *

2. Amend Section 24 "Profit and Loss Elements" as follows:

A. By revising the reporting instructions for Schedule P-11(a) to read as follows:

Schedule P-11(a)—Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services

(a) This schedule shall be filed by all Group III air carriers that are performing international operations except those air carriers whose international operations are limited exclusively to Canadian transborder flights. Any other carrier conducting international operations may file this schedule at its option if it wants to assure that it will receive any benefits that may result from providing such data to the Board and other agencies.

(b) Part A "Total Charges by Major Route Segment" of this schedule shall be completed only by Group III route air carriers whose total scheduled revenue passenger-miles conducted in international operations exceed, for the reporting period, twenty percent of the total scheduled revenue passenger-miles for their system operations.

(c) Column (1) "Foreign Government or Foreign Entity" shall show the name of each foreign government or foreign entity to which charges for services were paid or accrued during the reporting period. Examples of foreign entities are: EUROCONTROL in Europe; ASECNA (Agency for Air Navigation Safety) in part of Africa; and COCESNA (Central American Air Navigation Services Corporation) in Central America.

(d) Column (2) Each reported major route segment shall show the direction of each flight on which charges for services were paid or accrued during the reporting period. For example, PAR-GVA would be shown for flight from Paris to Geneva. The route segment airport codes reported in column (2) shall be the three-letter airport code as shown in the city/airport code listing contained in the Worldwide Edition of the Official Airline Guide.

(e) Column (3) "Total Charges" shall show the total charges paid or accrued during the reporting period.

(f) Part B "Total Charges by Foreign Government or Foreign Entity" of this schedule shall be completed by all air carriers required to submit this report.

(g) Column (1) and column (2) of Part B shall be completed in accordance with the instructions contained in paragraphs (c) and (e), respectively, of these reporting instructions.

B. By revising the reporting instructions of Schedule P-11(b) to read as follows:

Schedule P-11(b)—Charges by Foreign Governments for Airport Facilities and Services

(a) This schedule shall be filed by all Group III air carriers that are performing international operations except those air carriers whose international operations are limited exclusively to Canadian transborder flights. Any other carrier conducting international operations may file this schedule at its option if it wants to assure that it will receive any benefits that may result from providing such data to the Board and other agencies.

(b) Column (1) "Foreign Government" shall show the name of each foreign government to which charges for the use of airport facilities were paid or accrued during the reporting period.

(c) Column (2) "Name of Airport" shall show the name of each airport under the jurisdiction of the foreign government, reported in column (1), to which charges for airport services apply. The name of each airport shall be reported as a three-letter airport code as shown in the city/airport code listing contained in the Worldwide Edition of the Official Airline Guide.

(d) Columns (4), (6) and (8) shall show the total charges paid or accrued during the reporting period for airport use charges for aircraft fuel, landing fees, and passenger head taxes, respectively. Airport use charges for fuel are not fuel taxes, they are charges which are assessed as a gallonage levy by a foreign government or airport commission to the fuel vendor or concessionaire for the use of airport facilities in the fueling of aircraft and are passed on to the carrier in a separate and identifiable form.

(e) Columns (3) "Charge per Gallon," (5) "Charge per Ton," and (7) "Charge per Passenger" shall show the unit charge for the total charges shown in columns (4), (6) and (8), respectively.

(f) Columns (9) shall be used for reporting the total charges paid or accrued during the reporting period for all airport services which are not identifiable as either: (1) airport use charges for aircraft fuel; (2) landing fees; or (3) passenger head taxes.

(g) Column (10) "Grand Total Charges" shall show the total of columns (4), (6), (8) and (9).

3. Amend CAB Form 41 Schedule P-11(a) "Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services" as shown in attached Exhibit A.

4. Amend CAB Form 41 Schedule P-11(b) "Charges by Foreign Governments for Airport Facilities and Services" as shown in attached Exhibit B.

(Authority: Sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, as amended, 49 U.S.C. 1324(a) and 1377.))

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

EXHIBIT A

Charges by Foreign Governments and Foreign Entities for En Route Facilities and Services	Air Carrier _____ Year Ended _____ 19 ____

Part A

Total Charges by Major Route Segment

Foreign Government or Foreign Entity	Major Route Segment (Airport Codes)	Total Charges
(1)	(2)	(3)

Part B

Total Charges by Foreign Government or Foreign Entity

Foreign Government or Foreign Entity	Total Charges
(1)	(2)

Schedule P-11(a) CAB Form 41

CHARGES BY FOREIGN GOVERNMENTS FOR AIRPORT FACILITIES AND SERVICES	Air Carrier Year Ended _____ 19 ___

Line No.	Foreign Government	Name of Airport (Airport Code	Airport Use Charges for Aircraft Fuel		Landing Fees		Passenger Head Tax		All Other Services	Grand Total Charges
			Charge Per Gallon	Total Charges	Charge Per Ton	Total Charges	Charge Per Passenger	Total Charges	Total Charges	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
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Schedule P-11(b)

G. O 878-669

CAB FORM 41

[FR Doc. 78-16816 Filed 6-19-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 155 and 156]

[Docket No. 77P-0090]

TOMATO JUICE, TOMATO CONCENTRATES, AND CATSUP

Amendments to Standards

Correction

In FR Doc. 78-12392 appearing on page 19864 in the issue of Tuesday, May 9, 1978, on page 19868 in the 3rd column, in the portion marked, "c.1.b.", the last sentence should read, "The U.S. standard (21 CFR 156.145) does not have such a requirement.".

The 1st sentence in the last paragraph should read, "The USDA standards (7 CFR 2852.3625) provide objective criteria for the color classification of juice in terms of the Munsell color system.".

On page 19869, in the 3rd column, the 3rd entry in the table should read, "(3) 'Triple concentrate; for example, if lawfully at 45.0% minimum . . .".

On page 19871, in the 1st column, the 2nd paragraph, 9.2, the next to the last line should read, "32.008-32.010. Soluble Solids—Official . . .".

In paragraphs 9.5, the 3rd line should read, "FAO/WHO Codex Alimentarious . . .".

On page 19874 in the middle column, the 6th line should read, "1977 (42 FR 29014).".

On page 19876, in the middle column, the 2nd line immediately following the table, the 3rd line should read, "c=acceptance number.".

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1610]

FREEDOM OF INFORMATION ACT

Schedule of Fees

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission proposes to amend its regulations on the availability of records so that its schedule of fees for the search and duplication of records will reflect increases in the direct costs incurred by the Commission in responding to requests for records.

DATES: Comments by July 15, 1978. Proposed rule to be implemented by August 15, 1978.

ADDRESS: Written comments should be addressed to Constance L. Dupre, Associate General Counsel, Legal Counsel Division, Office of General Counsel, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Anthony J. DeMarco, Supervisory General Attorney, Legal Counsel Division, Office of General Counsel, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506, 202-634-6460.

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission proposes to amend 29 CFR 1610.15(a). This provision contains a schedule of fees utilized by the Commission for purposes of assessing costs to individuals who seek access to records under the Freedom of Information Act, 5 U.S.C. 552. The present fee schedule has become outdated since it does not reflect increases in direct costs to the Commission for the search for and duplication of records requested.

The higher costs are attributable to increases in the salaries of personnel required to search for and duplicate records. The higher costs also stem from increases in direct costs involved in maintenance and supplies for the operation of machines used to reproduce records.

Additionally, the fee schedule is being amended by adding a professional search fee to cover the direct costs incurred by the Commission whenever a search calls for the services of a professional employee.

Finally, the fee schedule is being amended so that search costs will be levied only to the extent incurred. The current schedule provides for a specific fee *per hour or any fraction thereof.*

The proposed regulation is published for comment pursuant to the requirements of the Freedom of Information Act, 5 U.S.C. 552(a)(4)(A). This provision is also promulgated in accordance with 31 U.S.C. 483a.

Section 1610.15 would be amended so that paragraph (a) would read as follows:

§ 1610.15 Schedule of fees and method of payment for services rendered.

(a) Except as otherwise provided, the following specific fees shall be applicable with respect to services rendered to members of the public under this subpart:

(1) For actual search time by clerical personnel—at the rate of $5.00 per hour.

(2) For actual search time by professional personnel—at the rate of $10.00 per hour.

(3) For copies made by photocopying machine—$.15 per page (maximum of 10 copies).

(4) For attestation of each record as a true copy—$.75 per document.

(5) For certification of each record as a true copy, under the seal of the agency—$1.00.

(6) For each signed statement of negative result of search for record—$1.00.

(7) All other direct costs of search or duplication shall be charged to the requester in the same amount as incurred by the agency.

Signed this 15th day of June 1978.

For the Commission.

ELEANOR HOLMES NORTON,
Chair.

[FR Doc. 78-16945 Filed 6-19-78; 8:45 am]

[4510-43]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[30 CFR Parts 11, 70, 71, 75, 90]

"RESPIRABLE DUST"

Public Hearing

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Notice of Public Hearing.

SUMMARY: Public hearings in three locations will be held under the provisions of the Federal Mine Safety and Health Act of 1977. The hearings are being conducted in response to requests for public hearing filed with comments and objections concerning proposed amendments to Labor's respirable dust regulations. The public hearings scheduled by this notice will cover only the issues raised concerning the proposed amendments to the respirable dust regulations. Separate hearings will be held on the issues raised by comments and objections received concerning the proposed amendments to standards for airborne contaminants. The proposed amendments to the respirable dust regulations would substitute area sampling for periodic sampling of miners working in areas not directly associated with removal of coal from its seam. The proposed changes would also revise the definition of respirable dust, the respirable dust standard when free silica is present and provide increased training in the maintenance and calibration of sampling instruments.

DATES: Requests to make oral statements for the record at the hearings should be submitted in writing by July 7, 1978. Public hearings: July 11-12, 1978; Washington, D.C., July 13-14, 1978; Pittsburgh, Pa., July 18-19, 1978; Denver, Colorado.

ADDRESSES: Send requests to make oral statements for the record at the hearings to: Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 831, 4015 Wilson Boulevard, Arlington, Va.

22203. The three public hearings scheduled will be held at the following locations on the dates indicated. Each of the hearings will begin at 9:00 a.m. and carry over to the second day only if necessary. 1. July 11-12, 1978; Civil Service Commission Auditorium—Room GJ14, 1900 E. Street, N.W., Washington, D.C. 20415. 2. July 13-14, 1978; Bureau of Mines Auditorium, 4800 Forbes Avenue, Pittsburgh, Pa. 15213. 3. July 18-19, 1978; Bureau of Reclamation Auditorium—Bldg. 56, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT:

Frank A. White, Office of Standards, Regulations and Variances, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235-1910.

SUPPLEMENTARY INFORMATION: On November 16, 1977, the Mining Enforcement and Safety Administration, Department of the Interior, published in the FEDERAL REGISTER (42 FR 59294-59300) notices proposing that Part 11 of Subchapter B and Parts 70, 71, 75 and 90 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations be amended. The proposed amendments pertained to respirable dust and airborne contaminants.

Interested persons were afforded 30 days after publication of the proposed amendments in the FEDERAL REGISTER within which to submit written comments and objections to the amendments proposed by the Secretary of the Interior and to request a public hearing on the issues raised. Numerous requests for extension of the time within which to respond were received from operators, organizations representing operators and other interested parties. By publication in the FEDERAL REGISTER for January 5, 1978 (43 FR 989-980), the period of time for submission of comments, objections and requests for public hearing was extended to February 28, 1978.

Under the Federal Mine Safety and Health Amendments Act of 1977 (Amendments Act) Pub. L. 95-164, the responsibilities of the Secretary of the Interior under section 101 of the Federal Coal Mine Health and Safety Act of 1969 (Coal Act), Pub. L. 91-173, were transferred to the Secretary of Labor on March 9, 1978. Rulemaking commenced by the Department of the Interior under the Coal Act was authorized to be continued by the Department of Labor under provisions of the Amendments Act.

The written comments and objections submitted in response to the proposed amendments published by the Secretary of the Interior included several requests for public hearing. The comments and objections received concerning respirable dust raised issues substantially different in nature from the issues raised by the comments and objections concerning airborne contaminants. Therefore, separate public hearings will be held on the proposed amendments to the respirable dust regulations and the proposed amendments concerning airborne contaminants. Notice of public hearing on the proposed amendments concerning airborne contaminants will be published in the FEDERAL REGISTER at a later time.

The public hearings scheduled by this notice will be held pursuant to section 101(a)(3) of the Mine Act. The purpose of the public hearings is to receive relevant evidence on the proposed amendments to Part 70, Subparts A, B, C, and E and Parts 11, 71, 75 and 90 respecting respirable dust. So that all interested persons will have equal opportunity to participate in the public hearing, speakers will each be given 20 minutes to make their oral presentation. It is therefore suggested that participants concentrate their oral presentations upon the issues which most interest and affect them and submit written responses to other issues. The following major issues have been raised by the written comments and objections:

GENERAL

(1) Whether the proposed amendments to the respirable dust regulations require preparation of a Regulatory Analysis (Economic Impact Statement) under Executive Order 12044.

(2) Whether the proposed regulations are an improvement of the interim mandatory health standard and the existing regulations.

(3) Whether provisions should be added to the regulations to account for variability in the sampling process.

SECTION 70.2(n)

(4) Whether the percentage criterion contained in the proposed definition of "normal production shift" should be revised.

SECTION 70.2(s)

(5) Whether the proposed definition of respirable dust should include a particle size limitation.

(6) Whether the definition of respirable dust should require conversion of the measurement of other approved instruments to an MRE equivalent.

SECTION 70.100

(7) Whether a standard higher or lower than 2.0 milligrams of respirable dust per cubic meter of air is medically acceptable.

(8) Whether the proposed respirable dust standard should include a time-weighted average.

(9) Whether the intake air standard of 1.0 milligrams of respirable dust per cubic meter of air (mg/m^3) is reasonable.

SECTION 70.101

(10) Whether a standard higher or lower than the proposed standard for respirable dust when free silica is present is medically acceptable and reasonable.

(11) Whether the regulations should set forth procedures by which MSHA determines the level of free silica.

(12) Whether the proposed reduction in the free silica standard can be practically achieved.

SECTION 70.201

(13) Whether the regulations should require operators to give notice to the District Manager of the next date on which the collection of any series of respirable dust samples will begin.

(14) Whether the operator should be required to keep a record of all respirable dust samples collected.

(15) Whether respirable dust sampling personnel who are independent of the operator should be allowed to substitute for operator-designated dust sampling personnel.

SECTION 70.202

(16) Whether the content of the courses required for "qualified" persons should be set forth in the regulations.

(17) Whether the courses required for "qualified" persons should be taught only by MSHA personnel.

(18) Whether the proposed requirement that courses offered by operators and others "shall be approved by the Secretary" should be revised to eliminate any implication that approval is automatic.

SECTIONS 70.202 AND 70.205

(19) Whether the proposed requirements for "qualified" and "certified" persons and temporarily "qualified" and "certified" persons are greater than necessary.

(20) Whether the proposed scheme of "qualified" and "certified" persons ahould be revised to place both functions in one person

(21) Whether "qualified" and "certified" persons should be selected by miners.

(22) Whether the proposed dust sampling procedures should be conducted by MSHA.

(23) Whether specific criteria should be added for revocation and reinstatement of "qualified" and "certified" persons.

(24) Whether the proposed regulations should require requalification and recertification of presently "qualified" and "certified" persons.

(25) Whether the dust dosimeter should be used for sampling instead of the MRE and similar devices.

SECTION 70.204

(26) Whether paragraph (b)(1) should be revised to allow use of

pumps now in use that have a total battery voltage for three cells of less than 3.9.

(27) Whether a definition of the term "free of scoring" should be added.

SECTION 70.205

(28) Whether the standard for setting the proper flow of the personal sampler unit should be revised to use the center of the float ball.

(29) Whether courses for "certified" persons should be taught only by MSHA personnel.

SECTION 70.206

(30) Whether the requirement that sampling pumps be inspected each shift between the first and second hour and during the last hour of operation is necessary and feasible.

SECTION 70.207

(31) Whether a multiplier of 1.38 is reasonable for conversion of personal sampling measurements to MRE measurements.

SECTION 70.208

(32) Whether operators with 40 or fewer employees should be permitted to take fewer samples.

(33) Whether proposed paragraph (f) should be revised to treat all less-than-normal production shifts alike as far as inclusion of samples is concerned.

SECTION 70.209

(34) Whether area sampling should be used to determine compliance with Subpart B.

(35) Whether provisions should be added specifying that an operator may appeal determinations of the District Manager respecting the respirable dust control plan.

(36) Whether requirements should be added for minimum levels of production activity for shifts during which designated area samples are taken.

SECTIONS 70.208 AND 70.209

(37) Whether the terms "production status" and "production day" used in §§ 70.208(h) and 70.209(i) should be defined.

(38) Whether the frequency and number of samples required by the proposed rule should be changed.

(39) Whether the requirement that samples to taken on the first "production day" for a new or reactivated mining unit or when a designated area is placed in production status should be revised to provide time for shifts to become representative before samples are taken.

(40) Whether the tables set forth at §§ 70.208(g) and 70.209(h) should be deleted.

(41) Whether the requirement of sampling during each production shift during the abatement period should be deleted.

(42) Whether the terms "production shift" in § 70.208(c) and "production day" in § 70.209(c) should be deleted and the term "normal production shift" substituted.

(43) Whether it is reasonable to require dust samples to be taken during the first month of each bi-monthly period.

SECTION 70.210

(44) Whether a requirement should be added to the regulations that operators forward all samples to MSHA and that only MSHA MAY VOID SAMPLES.

(45) Whether the requirement that operators transmit each sample to MSHA within 24 hours is reasonable.

(46) Whether proposed paragraph (c) of § 70.210 should be revised to require abatement samples be sent to the same address as routine samples.

(47) Whether proposed paragraph (e) should be revised to allow the operator to sample for his own purposes, without approval from the District Manager, as long as the operator's decision is made before the sample is taken.

SECTION 70.212

(48) Whether the proposed requirement that the operator post the Secretary's report for at least 31 days is reasonable.

SECTIONS 70.213 AND 70.214

(49) Whether the proposed requirements that samplers be attached to miners should be deleted.

SECTION 70.214

(50) Whether the number proposed to be assigned to each mechanized mining unit should be assigned instead to the working section.

SECTION 70.215

(51) Whether the proposed 90-day sampling frequency for miners who have exercised the option to transfer under § 203(b) of the Act should be revised.

(52) Whether a provision should be added to proposed paragraph (b) requiring that samples be representative of average dust levels to which the miner is exposed during his or her work.

SECTION 70.250

(53) Whether, in paragraphs (b)(1) and (b)(2), "coal" should be substituted for "material" and, in paragraph (b)(3), "coal handling production" should be substituted for "activity."

The hearing will be conducted by Frank A. White, Office of Standards, Regulations and Variances, MSHA, and Joseph A. Lamonica, Chief, Division of Health, Coal Mine Safety and Health, MSHA. It will be conducted in an informal manner. Each oral presentation will be limited to 20 minutes. There will be no cross-examination of persons making statements, although at the discretion of the chairman, supplemental statements by those presenting evidence may be permitted. Although formal rules of evidence will not apply, the chairman may, in his discretion, exclude irrelevant or unduly repetitious material. A verbatim transcript of the proceedings will be taken. All written comments and data shall be included in the record. The transcript of the proceedings shall be available for public inspection. The record shall remain open until August 2, 1978, for the submission of supplementary statements or data. Within 90 says after the certification of the record, the Secretary of Labor shall promulgate, modify or withdraw the proposed amendments and shall publish his reasons therefor.

Dated: June 13, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-16997 Filed 6-19-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 55]

[FRL 913-5; Docket No. DCO-78-6]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order For Florida Power Corporation—Crystal River Plant Near Red Level, Florida

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue a Delayed Compliance Order (DCO) to Florida Power Corporation (FPC). FPC received a Federal Energy Administration (now Department of Energy) Prohibition Order on June 30, 1975, prohibiting the further utilization of natural gas or petroleum products as its primary fuel at the Crystal River Plant. FPC converted Crystal River Boiler Unit No. 2 to burn coal as its primary fuel. The DCO requires Florida Power Corporation to bring Unit No. 2 at its Crystal River Plant located near Red Level, Florida, into compliance with certain regulations contained in the Federally-approved Florida State Implementation Plan

(SIP). Because FPC's Crystal River Unit No. 2 is unable to comply with these regulations at this time, the proposed DCO would establish an expeditious schedule requiring final compliance by September 30, 1980. If issued by EPA, the DCO would alter the rights of persons to bring judicial actions against the source for violations of the SIP.

DATES: Written comments and requests for a public hearing must be received on or before July 20, 1978. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If necessary, a hearing will be held and the public will be notified thirty days in advance.

ADDRESSES: Comments and requests for a public hearing should be submitted to Paul J. Traina, Director, enforcement Division, EPA, Region IV, 345 Courtland Street, Atlanta, Georgia 30308. Material supporting the Delayed Compliance Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Wayne Aronson, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308, telephone number 404/881-4253.

SUPPLEMENTARY INFORMATION: On September 24, 1976, the United States Environmental Protection Agency (EPA) issued a notice of violation, pursuant to Section 113(a)(1) of the Clean Air Act, to the Florida Power Corporation (FPC) upon the finding that FPC's Crystal River Unit 2, near Red Level, Florida, is in violation of Sections 17-2.04(6)(e)2a and 17-2.04(6)(e)2b of the Florida Air Pollution Rules and Regulations, dealing with the control of particulate and visible emissions from fossil fuel steam generators. These regulations are part of the applicable Florida State Implementation Plan as defined in Section 110(d) of the Act.

This Agency believes that the proposed Delayed Compliance Order satisfies the applicable requirements of Section 113(d)(5) of the Clean Air Act, as amended (the Act). The Delayed Compliance Order requires final compliance with Sections 17-2.04(6)(e) 2a and 2b by September 30, 1980, and the source has consented to meet the terms and conditions of the DCO during the period of this informal rulemaking. The Delayed Compliance Order would require FPC to install additional air pollution control equipment at its Crystal River Plant for Unit No. 2, according to the schedule set forth below, and meet certain interim emission reduction requirements, specified emission limitations, and monitoring and reporting requirements of air pollutant emissions data. The actual terms of the Order, as set forth below may be modified prior to final EPA issuance. Background information applicable to Florida Power Corporation's Crystal River Plant may be viewed during normal business hours at the address provided above.

If the Delayed Compliance Order is issued, source compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against this source for violations of the Florida State Implementation Plan covered by the Delayed Compliance Order during the period the DCO is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. Enforcement of requirements under Section 303 of the Act is not precluded.

The purpose of this notice is to invite public comments on whether or not the EPA should issue this Delayed Compliance Order under Section 113(d)(5) and to offer an opportunity for public hearing, if significant public interest exists, to discuss this issue. All interested persons are invited to submit written comments on the proposed Order. Comments submitted in person or by mail, on or before July 20, 1978, will be considered in determining whether EPA should issue the Order. Any person may request a public hearing on the subject Order by submitting a request in writing, and reasons, therefore, to the above Regional office on or before July 20, 1978. If there is a significant public interest in holding such a hearing, the public will be notified of the time and place of the hearing thirty days in advance thereof.

The Clean Air Act Amendments (the Amendments) of 1977 have changed the authority of the Administrator to issue extensions of compliance dates to sources which receive Prohibition Orders from the Department of Energy prohibiting the use of oil or gas as a primary energy source under Section 2(a) of the Energy Supply and Environmental Coordination Act (ESECA). Such extensions were issued under Section 119 of the Clean Air Act as in effect prior to the amendments, and regulations implementing Section 113 were codified under 40 CFR Part 55, Section 112 of the amendments repealed Section 119 and added a new Section 113(d) which provides for the issuance of extensions to sources generally and to prohibited sources specifically (Section 113(d)(5)). Regulations promulgated in 40 CFR Part 55 under the authority of Section 119 are being revised to reflect this statutory change and any extensions granted under the new authority of 113(d)(5) will be promulgated in Part 55. Because of the shorter time period necessary for promulgation of a Delayed Compliance Order (DCO) as compared to the time necessary for revision of the regulations under 40 CFR Part 55, a small number of DCO's will be promulgated under Part 55 before the revised regulations are published.

The Clean Air Act Amendments of 1977 have changed the ESECA program in four major respects. These changes are:

(1) Sources able to comply with the applicable State implementation plan by December 31, 1985, may be eligible for an extension as opposed to the previous date of January 1, 1979;

(2) Extensions are to be provided for via Section 113(d)(5) Delayed Compliance Orders, rather than Section 119 Compliance Date Extensions;

(3) The regional limitation of old Section 119(c)(2)(D) has been made a rebuttable presumption by new Sections 113(d)(5)(D); and

(4) Written consent of the Governor of the appropriate State must be obtained on any date EPA proposes to certify to the Department of Energy as the earliest date a prohibited source can convert to coal in compliance with applicable air pollution requirements.

(42 U.S.C. 7413(d) *et. seq*)

Dated: June 13, 1978.

JOHN C. WHITE,
Regional Administrator,
Region IV.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1 as follows:

1. By adding § 55.230 to read as follows:

Subpart K—Florida

§ 55.230 Federal delayed compliance orders issued under Section 113(d)(5) of the Act.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the matter of Florida Power Corporation, Crystal River Power Plant, proceedings under § 113(d) Clean Air Act, as amended August 1977, Docket No. DCO-78-6.

DELAYED COMPLIANCE ORDER

This Delayed Compliance Order is issued this date pursuant to Section 113(d)(1) of the Clean Air Act, as amended, 42 U.S.C. 7413(d)(1) (hereinafter referred to as the "Act"). This Delayed Compliance Order contains a schedule for compliance, interim requirements, and monitoring and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of Florida have been provided pursuant to Section 113(d)(1) of the Act and a copy of this Delayed Compliance Order has been provided to the Governor of the State of Florida to seek his concurrence.

FINDINGS

On September 24, 1976, the United States Environmental Protection Agency (EPA) issued a notice of violation pursuant to Section 113(a)(1) of the Act, to the Florida Power Corporation (FPC) upon finding that FPC's Crystal River Unit 2, near Red Level, Florida, is in violation of Sections 17-2.04(6)(e)2a and 17-2.04(6)(e)2b of the Florida Air Pollution Rules and Regulations, dealing with the control of particulate and visible emissions from fossil fuel steam generators. These regulations are part of the applicable Florida Implementation Plan as defined in Section 110(d) of the Act. This finding was based upon stack emission test results and visible emissions opacity records.

On June 30, 1975, Florida Power Corporation (FPC) received a Prohibition Order #OFU-065 from the Federal Energy Administration (FEA) pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 792 (Supp. V, 1975), as implemented by 10 CFR Parts 303 and 305 (1976), as amended, 42 23132 (1977). Said Order prohibited, upon receipt of a Notice of Effectiveness, any further burning of natural gas or petroleum products as the primary energy source for the FPC's Crystal River Unit 2 boiler.

The FPC's Crystal River Unit 2 boiler was burning petroleum products at the time the FEA Prohibition Order was issued. If conversion to coal had taken place at that time without adequate air pollution controls for emissions reduction, the resulting increase in emissions would have exacerbated the existing violation of the applicable particulate and visible emissions limits under the Florida State Implementation Plan (SIP). A violation of the heatlh-related National Ambient Air Quality Standard (NAAQS) for total suspended particulate matter in Hillsborough County, Florida, resulted in a finding by the EPA that the West Central Florida Air Quality Control Region (AQCR) where the Crystal River Plant is located, is a non-attainment region and that the regional limitation applied. The regional limitation effectively prohibits a source in a non-attainment AQCR, from causing or contributing to a violation of any emission limiting regulations related to the pollutant causing the non-attainment.

On February 2, 1977, pursuant to Section 113(a), 42 U.S.C. 1857C-8(a)(1), (now 42 U.S.C. 7413(a)(1)), EPA issued an Administrative Order, Docket No. AO 76-131(a), to FPC requiring compliance with all Florida Air Pollution Rules and Regulations by March 31, 1977, for Crystal River Unit 2. Compliance was to be achieved by upgrading the original control equipment. Coal could be burned only after the upgrading was completed.

FPC may continue to burn coal in Crystal River Unit 2 unless specifically exempted by the Department of Energy, or by the Governor of the State of Florida as provided by Section 110(f) of the Act.

After a thorough investigation of all relevant facts, including public comment, EPA has determined that FPC could not comply immediately and must install an additional electrostatic precipitator to comply with applicable Florida air pollution regulations. It has been determined that emission limitations, and other enforceable measures contained in this Delayed Compliance Order, satisfy the requirements of subsection 113(d)(5)(B). The Administrator has determined that compliance with the requirements of this Delayed Compliance Order will assure that, during the period of the Order, before final compliance is achieved, the burning of coal by the source will not result in emissions which will cause or significantly contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutants.

Pursuant to subsection 113(d)(6) of the Act, the Administrator has determined the schedule for compliance set forth below is as expeditious as practicable.

Finally, pursuant to subsection 113(d)(7) of the Act, the Administrator has determined that the Delayed Compliance Order provides that the source shall use the best practicable system or systems of continuous emission reduction, taking into account the requirement with which the source must ultimately comply, during the period of said Order.

ORDERED

I

ABATEMENT PROGRAM

That the attached Appendix governing an abatement program is incorporated into and made a part of this Delayed Compliance Order for the control of particulate emissions at Florida Power Corporation (FPC) Crystal River Unit 2, near Red Level, Florida.

The Appendix is designated as follows:

Appendix A: Crystal River Unit 2.

II

REPORTING-ADDRESSEES

That all submissions of source performance test results, reports and other items required by this Order be made to the Director, Enforcement Division, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30308 (hereinafter referred to as the "Director"), with copies to the Secretary, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32301 (hereinafter referred to as the "Secretary").

III

MILESTONE CERTIFICATION

That FPC submit, no later than ten (10) days after the deadline for completing each milestone required by Part I, certification to the Director and Secretary whether such milestone has been met.

IV

NOTICE OF TESTS

That FPC provide the Director and Secretary with twenty (20) days notice prior to the conducting of any performance tests as required by Part I in order to afford an opportunity to evaluate the test procedure and to have an observer present at such testing.

V

MALFUNCTIONS

The FPC shall perform operation and maintenance practices on all sources as necessary to prevent breakdowns or malfunctions and to reduce emissions in excess of regulations to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction of the affected facility are or may be in excess of the maximum allowable as set forth in this ORDER, for greater than four (4) hours, the owner or operator shall notify this office and the appropriate state or local air pollution control agency, or operator shall notify this office and the appropriate state or local air pollution control agency by telephone or telegram as promptly as possible, and in no event later than twelve (12) hours following the start of the malfunction, and shall cause written notice to be sent to the Director and the Secretary, no later than the end of the next working day following the start of such malfunction. Such notices shall specify the name of the affected facility, its location, the address and telephone number of the person responsible for the affected facility, the nature and cause of the malfunction, the date and time when such malfunction was first observed, the expected duration, and an estimate of the physical and chemical composition, rate, and concentration of the emission. FPC shall remedy the malfunction or breakdown as soon as possible thereafter and shall take reasonable steps to reduce emissions in excess of the interim emission limits during the malfunction or breakdown.

The Regional Administrator shall have the authority during a breakdown or malfunction to require FPC to take specific steps to reduce emissions, including process equipment modifications and/or reductions, or termination if necessary. Within ten (10) days after the termination of a breakdown or malfunction requiring the above notification, the owner or operator shall submit:

(1) The time the excess emission began and ended;

(2) The time of the beginning and end of the breakdown or malfunction which is asserted to be the cause of the excess emission;

(3) An estimate of the physical and chemical composition, rate, and concentration of emissions which occurred, and where continuous monitoring is required or is in effect (including visible emission detector), the strip charts with plots of emissions monitored versus time, including a summary of the monitoring instruments' written record expressed in units of the applicable standard;

(4) An explanation and, where appropriate, an engineering analysis of the cause of the malfunction or breakdown;

(5) A description of those operating and/or maintenance procedures and practices in use prior to and during the occurrence, which were designed to prevent or minimize the extent and duration of the malfunction or breakdown;

(6) Any other steps taken to minimize the extent or duration of the malfunction or breakdown;

(7) An analysis of what steps will be taken to prevent or minimize similar occurrences in the future; and

(8) Such additional information as the Regional Administrator may require.

This provision does not exempt the Company from enforcement action as specified in Part XI, if the interim emission limits are exceeded at any time.

VI

PROGRESS REPORTS

That FPC submit, no later than fifteen (15) days after the end of each quarter, commencing with April 1, 1978, to June 30, 1978, quarter, a progress report for the emision point specified in Part I. These reports shall contain specific information on

the progress toward each milestone in Part I. If any delay is anticipated in meeting said milestone, FPC shall immediately notify the Director in writing of the anticipated delay and reasons therefore. Notification to EPA of any anticipated delay shall not excuse the delay.

VII

INTERIM LIMITS

1. Daily particulate emissions (pounds per day) from Crystal River Unit 2 shall not exceed those emissions calculated on the basis of 0.10 pound per million BTU heat input at a full load of 450 megawatts (MW). At no time shall the particulate emission rate exceed 0.15 pound per million BTU heat input, maximum 2-hour average.

2. FPC shall establish no later than July 1, 1979, and annually thereafter, an integrated curve with particulate emission rates at different loads (i.e., particulate emissions (lbs/hr.) vs. load (MW)). The points on the curve shall be obtained by stack testing Crystal River Unit 2 at loads of 200, 250, 300, 350, 400, and 450 megawatts in accordance with EPA Reference Method 5 as specified in 40 CFR Part 60. These measured emission rates at the various loads shall be used by FPC to estimate the daily particulate emissions. FPC shall record the megawatt load hourly and use the curve to determine the hourly particulate emissions.

FPC shall submit, no later than fifteen (15) days at the end of each quarter, commencing with the July 1, 1978, to September 30, 1978, quarter, the calculated daily emission values along with the applicable curve and the hourly megawatt loads for that quarter.

The curve to be used until July 1, 1979, shall contain as a minimum the values below:

Megawatts:	*Particulate emissions (pounds per hour)*
250	236.5
350	341.6
400	389.8
450	647.6

FPC may submit, at any time, revised curves containing particulate emission rates at the above megawatt loads. Any submitted revised curves are subject to EPA review and approval. The company will be required to utilize the existing curve until any revised curves are approved.

3. FPC as part of the control strategy shall operate, calibrate and maintain an instrument to continuously monitor and record visible emissons from Crystal River Unit 2. Visible emissions from Crystal River Unit 2 shall be limited to (1) 30% opacity determined by the hourly average recorded by the continuous opacity monitor, and (2) 35% opacity determined in accordance with EPA Reference Method 9 averaged over a six-minute period. The continuous opacity monitor strip charts shall be maintained by the company and be subject to EPA review when requested.

4. If, at any time during the effective period of this Order, the applicable interim particulate or visible emission limits are exceeded, FPC shall immediately take all actions necessary to minimize or abate such excess emissions and to prevent the recurrence of such excess emissions; FPC shall notify the director and Secretary of the occurrence as soon as possible, but no later than forty-eight hours after the start of the occurrence; and FPC shall, within ten days after the termination of each occurrence, submit to the Director and Secretary a written report regarding the occurrence, which shall address the cause(s) of the occurrence and all efforts FPC has taken to date concerning it.

5. In the event the continuous monitoring equipment required under Administrative Order Docket No. AO76-131(a) malfunctions or otherwise fails to operate in accordance with the requirements established in the October 6, 1975, FEDERAL REGISTER beginning on page 46254, as revised in the January 31, 1977, FEDERAL REGISTER beginning on page 5936, and any subsequent amendments thereto, FPC shall immediately take all actions necessary to correct the malfunction, or to repair or replace the monitor, if necessary; FPC shall notify the Director and Secretary as soon as possible, but no later than forty-eight (48) hours after the start of such occurrence; and FPC shall, within ten days after the termination of such occurrence, submit a written report to the Director and the Secretary regarding such occurrence, which report shall specify the cause of the occurrence and the actions taken by FPC to correct the occurrence and to prevent its recurrence in the future.

6. Compliance with interim particulate emission limits shall be demonstrated periodically as required by the Director or the Secretary.

VIII

COMPLIANCE RESPONSIBILITY

Nothing herein shall affect the responsibility of the source to comply with all applicable Federal, State or local regulations.

IX

NONCOMPLIANCE RESPONSIBILITY

FPC is hereby notified that failure to achieve final compliance by September 30, 1980, and maintain compliance thereafter, shall result in one or more of the actions identified in Part XI(a). In addition, noncompliance beyond September 30, 1980, will subject FPC to an Administratively assessed noncompliance penalty pursuant to the requirements of Section 120 of the Act and any rules and regulations promulgated pursuant thereto, unless FPC is exempted by Section 120(a)(2) (B) or (C) of the Act. In the event of noncompliance after September 30, 1980, FPC will be formally notified of its noncompliance pursuant to Section 120(b)(3) of the Act.

X

ORDER TERMINATION

This Delayed Compliance Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator determines on the record, after notice and hearing, that an inability to comply with Florida Chapter 17-2.04(6) no longer exists.

XI

VIOLATION

Violation of any requirement of Parts I through XII of this Delayed Compliance Order shall result in one or more of the following actions:

(a) Enforcement of such requirement through the commencement of a civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act, or a criminal prosecution pursuant to Section 113(c) of the Act, or both;

(b) Revocation of this Delayed Compliance Order, after notice and opportunity for a public hearing, and subsequent enforcement of Chapter 17-2.04(6) in accordance with Sections 113(b) and/or (c) of the Act.

XII

EFFECTIVE DATE

This Delayed Compliance Order will have full force and effect upon promulgation in the FEDERAL REGISTER.

APPENDIX A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDER*

Florida Power Corporation shall complete the following acts with respect to control of particulate emissions for its Crystal River Unit 2, located near Red Level, Florida, on or before the dates specified:

1. June 30, 1978—Submit to the Director of the Enforcement Division a final control plan that describes the steps which will be taken to achieve compliance with the applicable regulations.

2. August 30, 1978—Negotiate and sign all necessary contracts for particulate emission control systems or issue orders for the purchase of component parts to accomplish emission control.

3. November 30, 1978—Initiate on-site construction or installation of particulate emission control equipment.

4. July 30, 1980—Complete on-site construction or installation of particulate emission control equipment.

5. September 30, 1980—Complete shakedown operations and performance tests on the emission control equipment; also, achieve compliance with the Florida Air Pollution Rules, Chapter 17-2 and certify such compliance to the Director of the Enforcement Division.

CONSENT**

Florida Power Corporation acknowledges that the particulate and visible emissions from Crystal River Unit 2, located near Red Level, Florida, are in violation of the applicable emission limitations contained in the Federally-approved Florida Implementation Plan. Florida Power Corporation agrees to waive the opportunity to confer under Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4). In addition, Florida Power Corporation has reviewed this Order, believes it to be a reasonable and expeditious means to achieve compliance with the applicable particulate and visible emission limiting regulations as contained in the Federally-approved Florida Implementation Plan, and consents to all of the requirements and terms of this Order.

Furthermore, Florida Power Corporation acknowledges the necessity of complying

* This Appendix is attached to and incorporated by reference into a Delayed Compliance Order issued to Florida Power Corporation on —— pursuant to Section 113(d) of the Clean Air Act, 432 U.S.C. 7413(d).

** This Consent is hereby attached to and incorporated by reference into a Delayed Compliance Order issued to Florida Power Corporation on —— pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

with the interim emission limitations and abatement procedures contained herein which are designed to ensure the attainment and maintenance of national primary ambient air quality standards for particulates and consents to said interim emission limitations and abatement procedures in order to protect the public health and welfare.

Florida Power Corporation hereby represents that it has full corporate authority and the necessary corporate approval to enter into and perform in accordance with the terms and provisions of this Consent Order. The signatory below represents that he has the requisite corporate authority to execute this Consent on behalf of Florida Power Corporation.

Dated ——

Florida Power Corporation

[FR Doc. 78-16988 Filed 6-19-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 913-7]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLAINCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for the Levesque Lumber Co., Masardis, Maine

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an order under Section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7401 et seq. (the Act), requiring the Levesque Lumber Co. to bring its Nos. 1 and 2 conical wood waste incinerators in Masardis, Maine into compliance with Section 100.4.2 of the Maine Department of Environmental Protection Air Pollution Control Regulations, a part of the federally approved Maine Implementation Plan. The date for final compliance established by the order is September 1, 1978. If the order is issued by EPA, it would insulate the source from further federal enforcement action under Section 113 of the Act and from citizen enforcement action under Section 304 of the Act for violations of the regulation covered by the order during the period the order is in effect and the source is complying with its terms. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on the proposed order.

DATE: Writtent comments and requests for a public hearing must be received on or before July 20, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the date, time, and place as announed in the FEDERAL REGISTER.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region I, Room 2103, John F. Kennedy Federal Building, Boston, MA 02203 Attn: Air Compliance Clerk. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Sam Silverman, attorney (617/223—5600) or Mr. Robert O'Meara, engineer (617/223-5610), both at EPA, Region I, Room 2103, JFK Building, Boston, MA 02203.

SUPPLEMENTARY INFORMATION: The Levesque Lumber Co. operates a sawmill in Masardis, Maine. The proposed order addresses emissions from the Nos. 1 and 2 conical wood waste incinerators at this facility, which are subject to Section 100.4.2 of the Maine Department of Environmental Protection Air Pollution Control Regulations. The regulation governs the emissions of particulates from all types of incinerators and is part of the federally approved State Implementation Plan. The order requires final compliance with the regulation by September 1, 1978, and the source has consented to its terms.

The proposed order satisfies the applicable requirements of section 113(d) of the Act. If the order is issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. Final action on the order will be published in the FEDERAL REGISTER.

After the public comment period, and after EPA has revieved any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval or an order under section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn and replaced by a notice promulgating these new regulations.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

1. By adding a new § 65.240 to read as follows:

§ 65.240 Federal delayed compliance orders issued under Section 113(d)(1) (3) and (4) of the Act.

Dated: May 12, 1978.

REBECCA W. HANMER,
Acting Regional Administrator,
Region I.

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION I

In the Matter of Levesque Lumber Company, Masardis, Maine. Proceedings under Section 113 of the Clean Air Act, as amended, 42 U.S.C. § 7413.

Order No. A-SS-76-398.

This Order is issued pursuant to section 113(d)(1) of the Clean Air Act, as amended (the "Act"), 42 U.S.C. § 7413(d). This order contains a schedule for compliance, interim requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of Maine have been provided pursuant to section 113(d)(1) of the Act.

FINDINGS

1. Section 100.4.2. of the Maine Air Pollution Control Regulations ("Regulations") reads in pertinent part: No person shall emit or cause to be emitted any particulate air contaminants from any incinerator darker than a number 1 on the Ringelmann chart, excluding the emission of water vapor.

2. Section 100.4.2. of the Regulations is part of the implementation plan submitted to and approved by EPA pursuant to section 110 of the Act. This section is therefore a "requirement of an applicable implementation plan" as that phrase is used in section 113(a)(1) of the Act.

3. The Levesque Lumber Company in Masardis, Maine operates a sawmill from which wood waste generated by the process is burned in conical wood waste incinerators. Emissions from conical wood waste incinerators are subject to the emission limitation contained in section 100.4.2 of the Regulations.

4. On March 1, 1977, the Regional Administrator issued a Notice of Violation to the Levesque Lumber Company ("Levesque") alleging violation of the above-cited regulation. Observations of particulate emissions from the Nos. 1 and 2 incinerators in excess of the standard made on June 2, 1976 by certified smoke readers affiliated with the Maine Department of Environmental Protection (DEP) and with EPA, were the basis for the issuance of this Notice.

5. Representatives of Levesque were afforded an opportunity to confer with EPA concerning the alleged violation, in accordance with section 113(a)(1) of the Act. The conference was held on April 14, 1977.

6. On April 6, 1977, certified smoke readers affiliated with the Maine DEP and with EPA again observed particulate emissions from the Nos. 1 and 2 incinerators in excess of the standard in section 100.4.2. Based upon this information, EPA finds that the

violation of section 100.4.2 of the Regulations has continued more than thrity days beyond Levesque's receipt of the Notice of Violation.

ORDER

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this ORDER is as expeditious as practicable, and that the terms of this ORDER comply with section 113(d) of the Act.

Definitions: For the purposes of this order:

1. "Site location application" shall mean all information required for the Maine DEP Bureau of Solid Waste Management's review of the proposed land disposal system.

2. "Land disposal system" shall mean any land area of combination of land area and structures, including landfill operations, used for storing, salvaging, processing, reducing, or disposing of solid waste.

3. "Site development" shall mean all necessary physical modifications to land area in the establishment of a land disposal system in accordance with site engineering and design specifications approved by the Maine DEP. Such modification shall include, but not be limited to, all necessary roadway construction, land clearing excavating, and grading.

4. "Land disposal equipment" shall mean all equipment necessary for the proper operation of the land disposal system in accordance with prescribed Maine DEP procedures. Such equipment shall include, but not be limited to, trucks, truck loading equipment, and appurtenant structures.

5. "Progress report" shall mean a written report which outlines where applicable: (a) the status of site selection, (b) the anticipated schedule for site development, (c) the status of site development, or (d) the anticipated schedule for delivery of land disposal equipment.

It is hereby ordered.

I. That the Levesque Lumber Company will comply with the Maine Implementation Plan regulations in accordance with the following schedule for implementation of plans for a land disposal system for the wood waste generated at the sawmill on or before the dates specified.

A. Submit a progress report to the Director of the Enforcement Division on the site selection process for the land disposal system not later than February 1, 1978, or within ten days after receipt of this Order, whichever is later.

B. If required by the Maine DEP, submit a site location application to that agency for approval not later than March 1, 1978, or within ten days after receipt of this Order, whichever is later.

C. Enter into a purchase agreement or lease arrangement for needed land, if necessary, and issue purchase orders for land disposal system equipment not later than thirty days after the Maine DEP approves the site location application. Upon disapproval of a site location application by the Maine DEP, Levesque shall submit an application for an alternate site for a land disposal system to the Maine DEP not later than forty-five days after disapproval.

D. Commence development of the land disposal system site not later than June 15, 1978.

E. Submit a progress report to the Director of the Enforcement Division not later than July 15, 1978.

F. Commence operation of the land disposal system and cease operation of the Nos. 1 and 2 conical wood waste incinerators in violation of the Maine Air Pollution Control Regulation not later than September 1, 1978.

II. That the Levesque Lumber Company shall comply with the following interim requirements which are determined to be the best reasonable and practicable interim system of emission reduction (taking into account the requirement for which compliance is ordered in section I, above), and are necessary to avoid an imminent and substantial endangerment to the health of persons and to assure compliance with section 100.4.2 of the Regulation insofar as Levesque is able to comply during the period this Order is in effect:

A. Not later than forty-five days after receipt of this Order, modify the Nos. 1 and 2 incinerators as described below:

1. Repair all air leaks in the incinerator shell, base and cleanout door area.

2. Repair and modify the underfire air system supports to maximize underfire air flow.

3. Modify the overfire tangential air ports so that combustion air flow can be regulated.

B. Not later than fifteen days after receipt of this Order, modify the Nos. 1 and 2 incinerator operating procedures as described below:

1. During normal incinerator operation, cleanout doors shall remain closed.

2. Alter Monday morning incinerator start-up procedures to conform to procedures outlined in *Combustion of Wood Residue in Conical (Wigwam) Burners, Emission Controls and Alternatives,* EPA Publication No. 340/ 1-76-002.

3. Regulate combustion air flow after normal daily operating hours so as to create a "hot bed" for easier incinerator startup the following day, when normal operating commences.

4. Ensure that personnel are available at all times during normal operating hours to adjust overfire and underfire combustion air flows when adjustments are required to maximize wood waste combustion and minimize emissions.

5. Ash cleanout shall take place, at a minimum, on a weekly basis.

III. That Levesque is not relieved by this Order from compliance with any requirements imposed by the applicable State implementation plan, EPA, and/or the courts pursuant to section 303 of the Act during any period of imminent and substantial endangerment to the health of persons.

IV. That Levesque shall comply with the following reporting requirements on or before the dates specified below:

A. Not later than five days after any date for achievement of an incremental step or final compliance specified in this Order, Levesque shall notify EPA in writing of its compliance, or noncompliance and reasons therefore, with the requirement. If delay is anticipated in meeting any requirement of this Order, Levesque shall immediately notify EPA in writing of the anticipated delay and reasons therefore. Notification to EPA of any anticipated delay does not excuse the delay.

B. All submittals and notifications to EPA pursuant to this Order shall be made to:

Director, Enforcement Division
U.S. Environmental Protection Agency
J.F.K. Federal Building, room 2103
Boston, MA 02203
Attn: Air Compliance Clerk

C. Business Confidentiality: Levesque may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b), 41 FR 36907 (September 1, 1976). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures, set forth in 40 CFR Part 2, Subpart B, 41 FR 36906-36918 (September 1, 1976). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the company. Levesque should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. For example, the Clean Air Act provides that "emission data" shall in all cases be made available to the public. See 42 U.S.C. § 7414(c).

If there are any questions on this Reporting Requirement, please contact attorney Sam Silverman at (617) 223-5600, or engineer Robert O'Meara at (617) 223-5610.

V. That while section 113(d)(1)(C) of the Act normally requires an Order to include emission monitoring, no reasonable or economical system of emission monitoring exists for Levesque's conical wood waste incinerators since they will cease operation by September 1, 1978.

VI. Nothing herein shall affect the responsibility of the Levesque Lumber Company to comply with State, local, or other Federal regulations.

VII. Levesque is hereby notified that failure to achieve final compliance by July 1, 1979 may result in a requirement to pay a noncompliance penalty under section 120 of the Act. In the event of such failure, Levesque will be formally notified, pursuant to section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

VIII. This Order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator determines on the record, after notice and hearing, that an inability to comply with section 100.4.2 of the Regulations no longer exists.

IX. Violation of any requirement of this Order shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to sections 113(a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and, in appropriate cases, criminal prosecution.

B. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of section 100.4.2 of the Regulations in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

X. This Order is effective upon publication in the Federal Register.

The Levesque Lumber Company consents to the issuance of the subject Order and acknowledges that it is a reasonable means to comply with applicable regulations.

Date: April 15, 1978.

J. PAUL LEVESQUE,
Authorized Source Signature.

Date:———

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-17066 Filed 6-19-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-30]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD STAMP PROGRAM

Workfare Compensation as Earned Income

As the result of the *Garrett* v. *Bergland* lawsuit in Ohio, the problem of classifying "workfare" income has come to our attention. A workfare program is a State or local general assistance (GA) program in which participants are required to work for all or part of their GA grants. The portion of the GA grant attributable to participation in the workfare shall be considered earned income for the purposes of the 10 percent work-related expense deduction provided by 7 CFR 271.3 (c)(1)(iii)(a). If the entire GA grant is attributable to participation in a workfare project or if the earned portion of the GA grant cannot be distinguished from the unearned portion, the entire grant is subject to the earned income deduction. Grant supplements designated for the payment of work-related expenses, such as transportation, are also subject to the 10 percent deduction.

Participation in a workfare program does not relieve a participant of the food stamp work registration requirement unless the participant works at least thirty hours per week.

Dated: June 13, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary of Food and Consumer Services.

[FR Doc. 78-16848 Filed 6-19-78; 8:45 am]

[3410-11]

Forest Service

GEOTHERMAL LEASING, GILA NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Geothermal Leasing on the Gila National Forest, USDA-FS-FES (Adm.) 77-07.

The environmental statement concerns a proposal covering 855,000 acres (346,200 hectares) in Grant and Catron counties New Mexico.

This final environmental statement was transmitted to EPA on June 12, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., S.W., Washington, D.C. 20013.
USDA, Forest Service, Southwestern Region, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87102.
Gila National Forest, 2610 North Silver Street, Silver City, New Mexico 88061.

A limited number of single copies are available upon request to the Forest Supervisor, Gila National Forest, 2610 North Silver Street, Silver City, New Mexico 88061

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

GARY E. CARGILL,
Acting Regional Forester Region 3.

JUNE 12, 1978.

[FR Doc. 78-16964 Filed 6-19-78; 8:45 am]

[3128-01]

BONNEVILLE POWER ADMINISTRATION

[DOE/EIS-0005]

PROPOSED FISCAL YEAR 1979 PROGRAM

Availability of Final Environmental Impact Statement

Notice is hereby given that a final Environmental Impact Statement, DOE/EIS-0005, Bonneville Power Administration (BPA), Proposed Fiscal Year 1979 Program (March 1978) was issued pursuant to the Department of Energy's (DOE) implementation of the National Environmental Policy Act of 1969. The statement was prepared to assess the anticipated environmental impacts that may be associated with the construction and maintenance programs proposed by BPA for FY-1979. The draft of this final statement was issued by the Department of the Interior as INT-DES-77-30 in September 1977. However, under the Department of Energy Organization Act of 1977, the responsibilities and functions of BPA have been assumed by DOE as of October 1, 1977.

Copies of the final Environmental Impact Statement are available for public inspection at designated Federal depositories (for locations, contact the Environmental Manager, BPA, P.O. Box 3621, Portland, Oreg. 97208) and at DOE public document rooms located at:

Library, DOE, Room 1223, 20 Massachusetts Ave. NW., Washington, D.C.
BPA, Washington, D.C. Office, Interior Building, 18th & C Streets NW., Washington, D.C.
Library, BPA Headquarters, 1002 NE Holladay Street, Portland, Oreg.

And in the following BPA area and District Offices:

Eugene District Office, U.S. Federal Building, 211 East 7th Street, Room 206, Eugene, Oreg.
Idaho Falls District Office, 531 Lomax Street, Idaho Falls, Idaho.
Kalispell District Office, Highway 2 (East of Kalispell), Kalispell, Mont.
Portland Area Office, Lloyd Plaza Building, 919 NE 19th Avenue, Room 210, Portland, Oreg.
Seattle Area Office, 415 First Avenue North, Room 250, Seattle, Wash.
Spokane Area Office, U.S. Court House, Room 561, W. 920 Riverside Avenue, Spokane, Wash.
Walla Walla Area Office, West 101 Poplar, Walla Walla, Wash.
Wenatchee District Office, U.S. Federal Building, Room 314, 301 Yakima Street, Wenatchee, Wash.

This document has also been furnished to those who commented on the draft statement that was issued by the Department of the Interior on September 1, 1977.

A limited number of single copies are available for distribution by contacting the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oreg. 97208, the BPA area and district offices mentioned above, or the Technical Information Center, P.O. Box 62, Oak Ridge, Tenn. 37830, (615) 483-8611, Extension 34672. The statement can also be obtained from the National Technical Information Service, Springfield, Va. 22161.

Dated at Washington, D.C., this 14th day of June 1978.

For the United States Department of Energy.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-16949 Filed 6-19-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31654]

AEROLINEAS DOMINICANAS, S.A.

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 12, 1978, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, 1875 Connecticut Avenue N.W., Washington, D.C., before the undersigned.

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

Dated at Washington, D.C., June 14, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-17006 Filed 6-19-78; 8:45 am]

[6320-01]

[Docket No. 32351; Order No. 78-6-89]

AIR NORTH CHARTER & TRAINING LIMITED

Statement of Tentative Findings and Conclusions and Order To Show Cause for a Foreign Air Carrier Permit Pursuant to Section 402 of the Federal Aviation Act of 1958, as Amended

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of June, 1978.

By application filed April 4, 1978,[1] Air North Charter & Training Limited (Air North) requests a foreign air carrier permit to engage in charter foreign air transportation of persons and their accompanying baggage, and planeload charter foreign air transportation of property, between any point or points in Canada and the United States, using "small aircraft"[2] pursuant to the Nonscheduled Air Service Agreement executed on May 8, 1974, by the Governments of the United States and Canada.

FITNESS OF THE APPLICANT FOR A FOREIGN AIR CARRIER PERMIT

Air North was incorporated under the Companies Act of the Province of Alberta on March 10, 1977. The Canadian Air Transport Committee has issued Air North License No. A.T.C. 586/77(CF), a class 9-4 license which authorizes the holder to operate charter commercial air services within Canada and internationally from a base at Whitehorse, Yukon Territory, Canada. It is also permitted to operate a Class 7 Specialty commercial air service from the same base to carry on flight training. Its operations are restricted to the use of Group A aircraft.[3] Air North also holds Operating Certificate No. 3881 issued by the Canadian Department of Transport, Civil Aviation Branch, which permits the company to operate between points that can be safely served in North America from a base at Whitehorse Airport, and Whitehorse, Schwatka Lake seaplane base.

The applicant's balance sheet as of December 31, 1977 shows total assets of $91,903 of which $22,195 is shown as current assets. On the liabilities side, the company shows current liabilities of $5,767 and total liabilities of $65,267 resulting in total shareholders' equity of $26,637. Although very recently incorporated (March 1977), Air North is already in a profitable position. The company's income statement showed a net profit of $6,636.74 for the eleven months ended December 31, 1977. Air North owes $47,500 to the Federal Business Development Bank of Grande Prairie, Alberta, Canada, which represents 80 percent of the company's total long term liabilities; and the remaining 20 percent is provided by Mr. T. A. Wood through a $12,000 shareholders note.

The carrier lists the following aircraft as available for charter service between Canada and the United States:

Type of aircraft	No.	Owned or leased	Passenger seating capacity	Maximum payload (in pounds)
Cessna U206	1	Owned	6	1,400
Cessna 185	1	Leased	6	1,200
Piper PA-23	1	Owned	4	1,000
Cessna 172	4	1 owned, 3 leased	4	800
Cessna 150	1	Owned	2	450

The applicant states that it has never had any safety or tariff violations, nor has it ever had an accident. Furthermore, Air North has complied with all necessary conditions of insurance. The applicant carries liability coverage to the extent of $1,000,000 combined single limit.

"PUBLIC INTEREST" IN AWARD OF THE AUTHORITY SOUGHT

The applicant relies on the Nonscheduled Air Service Agreement signed by the Governments of Canada and the United states of America on May 8, 1974, as the basis for the grant of the requested authority. By diplomatic note No. 216, dated May 9, 1978, the Government of Canada designated the applicant under the Agreement to perform charter services with small aircraft.

OWNERSHIP AND CONTROL OF THE APPLICANT

The only stockholders, officers, directors, and management personnel of the company are Joseph T. Sparling and thomas A. Wood. Mr. Sparling is President, Director, Operations Manager, and Chief Pilot. He holds 50% of all stock outstanding (two shares). Mr. Wood is Secretary-treasurer, Director, and Maintenance Supervisor. He holds the other 50% of outstanding stock and holds a $12,000 shareholder's note on the applicant. Both Mr. Sparling and Mr. Wood are Canadian citizens.

The application states that neither the applicant nor any of its officers or shareholders own, either directly or indirectly, any shares of common stock or other interest in any United States carrier, any other Canadian carrier or other foreign carrier, or in any person whose principal business is the holding of stock in, or control of any such entities.

No answers to Air North's application for a foreign air carrier permit have been filed.

In view of the foregoing and all of the facts of record, the Board tentatively finds and concludes:

1. That Air North charter & Training Limited is substantially owned and effectively controlled by nationals of Canada;

2. That it is in the public interest to issue a foreign air carrier permit for small aircraft operations to Air North Charter & Training Limited authorizing it to engage in charter foreign air

[1] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the act.

[2] "Small aircraft" are defined by the Nonscheduled Air Service Agreement as aircraft which are not "large aircraft." "Large aircraft" are defined as aircraft having both (a) a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds, and (b) a maximum authorized takeoff weight on wheels greater than 35,000 pounds.

[3] Under Canadian Air Transport Committee regulations, Group A consists of aircraft with a maximum authorized takeoff weight on wheels not greater than 4,300 pounds.

transportation with small aircraft of persons and their accompanied baggage and planeload charters of property between any point or points in Canada and the United States;

3. That the public interest requires that the exercise of the privileges granted by the permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Air North Charter & Training Limited is fit, willing, and able properly to perform the previously described charter foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

5. That except to the extent granted here, the application of Air North Charter & Training Limited in Docket 32351 should be denied;

6. That the proposed issuance of Air North's foreign air carrier permit is not a "major federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act as defined in § 313.4(a)(1) of the Board's regulations; and

7. That an evidentiary hearing is not required in the public interest.

Accordingly, it is ordered that:

1. All interested persons be directed to show cause why the Board should not make final the tentative findings and conclusions set forth here, and why a foreign air carrier permit in the form of the specimen permit attached to this order should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Air North Charter & Training Limited;

2. Any interested person having objection to the issuance of an order making final the tentative findings and conclusions here and issuing the permit shall, within 21 days after the service of this order, file with the board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data and such evidence expected to be relied upon in support of the statement of objections. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; *Provided*, that the board may enter an order in accordance with the tentative findings and conclusions if it is determined that there are no factual issues present that warrant the holding of an evidentiary hearing; [4]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Secretary shall enter an order which (1) shall make final the board's tentative findings and conclusions set forth in this order, and (2) subject to the approval of the President, shall issue a foreign air carrier permit to the applicant in the specimen form attached; and

5. This order shall be served upon Air North Charter & Training Limited and the Ambassador of Canada in Washington, D.C.

This order will be published in the Federal Register and will be transmitted to the President.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[5]
Secretary.

Specimen Permit

United States of America, Civil Aeronautics Board, Washington, D.C.

PERMIT TO FOREIGN AIR CARRIER FOR SMALL AIRCRAFT OPERATIONS

AIR NORTH CHARTER & TRAINING LTD.

is authorized, subject to the provisions set forth, the provisions of the Federal Aviation Act of 1958 and the Board's orders, rules, and regulations, to engage in charter foreign air transportation as follows:

Charter flights with respect to persons and their accompanied baggage, and planeload charter flights with respect to property, between any point or points in Canada and any point or points in the United States.

The holder shall be authorized to perform those types of charters originating in Canada as are now, or may be, prescribed for carriage by small aircraft in Annex B(III)(B) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement: *Provided*, That any such charters may be performed only to the extent authorized by the Air Carrier Regulations of the Canadian Transport Commission applicable to operations by small aircraft, and the authority of the holder to perform such charters shall be subject to those Regulations.[6] The authority of the holder to perform United States-originating charters shall, in accordance with Annex B(III)(A) of the Nonscheduled Air Service Agreement, be limited to commercial air transportation of passengers and their accompanied baggage, and property, on a time, mileage or trip basis, where the entire planeload capacity of one or more aircraft has been engaged by a person for his own use or by a person for the transportation of a group of persons and/or their property, as agent or representative of such group, or such small aircraft operations as may be authorized pursuant to any amendment, supplement, reservation or supersession to that Agreement.

This permit shall be subject to the following terms, conditions, and limitations:

(1) In the performance of the charter operations authorized by this permit, the holder shall not use "large aircraft" as defined in Annex A(I)(A) of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974, including amendments, supplements, reservations, or supersessions to that Agreement.

(2) The holder shall not engage in foreign air transportation between the United States and any point or points, other than a point or points in Canada, or transport any property or persons whose journey includes a prior, subsequent, or intervening movement by air (except for the movement of passengers independently of any group) to or from a point not in the United States or Canada: *Provided*, That the Board may, upon application by the holder, or by regulation, authorize the performance of charters where such movements are involved.

(3) The holder shall not perform United States-originating charter flights which at the end of any calendar quarter would result in the aggregate number of all United States-originating charter flights performed by the holder on or after May 8, 1974 exceeding by more than one-third the aggregate number of all Canadian-originating charter flights performed by the holder on or after May 8, 1974: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth. For the purpose of making such computation the following shall apply:

(a) A charter shall be considered to originate in the United States (or Canada) if the passengers or property are first taken on board in that country, and shall be considered as one flight whether the charter be one-way, round-trip, circle tour, or open jaw, even if a separate contract is entered into for a return portion of the charter trip from Canada (or the United States).

(b) The computation shall be made separately for (i) "small aircraft" flights of persons; and (ii) "small aircraft" flights of property.

(c) In the case of a lease of aircraft with crew for the performance of a charter flight on behalf and under the authority of another carrier, the flight shall be included in the computation if the holder is the lessee, and shall not be included if the holder is the lessor.

(d) There shall be excluded from the computation: (i) flights utilizing aircraft having a maximum authorized takeoff weight on wheels (as determined by Canadian Trans-

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[4] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[5] All Members concurred.

[6] Annex B(III)(B) presently authorizes Canadian-originating small aircraft charters of the types prescribed in section (II)(B); but only to the extent applicable to small aircraft pursuant to Canadian Transport Commission Regulations. The applicable types of charters presently authorized are: Single Entity Passenger, Single Entity Property, Pro Rata Common Purpose, and Inclusive Tour (In some instances split passenger charters are authorized).

port Commission Regulations) not greater than 18,000 pounds; and (ii) flights originating at a United States terminal point of a route authorized pursuant to the Air Transport Services Agreement between the United States and Canada, signed January 17, 1966, as amended, or any agreement which may supersede it, or any supplementary agreement thereto which establishes obligations or privileges thereunder (if, pursuant to any such agreement, the holder also holds a foreign air carrier permit authorizing individually ticketed or individually waybilled service over such route, and provides some scheduled service on any route pursuant to any such agreement), when the flights serve either (a) a Canadian terminal point on the route, or (b) any Canadian intermediate point authorized for service on the route by the foreign air carrier permit.

(4) The holder may grant stopover privileges at any point or points in the United States only to passengers and their accompanied baggage moving on a Canadian-originating flight operating under a contract for round-trip charter transportation to be provided solely by the holder and as to which the same aircraft stays with the passengers throughout the journey: *Provided*, That the Board may authorize the performance of charters not meeting the requirements set forth.

(5) The Board, by order or regulation and without hearing, may require advance approval of individual charter trips conducted by the holder pursuant to the authority granted by this permit, if it finds such action to be required in the public interest.

(6) The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Canada for Canadian international air service.

(7) This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Canada shall be parties.

(8) This permit shall be subject to the condition that the holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and The Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

(9) The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts of liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

(10) By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted by this permit shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall become effective on ——. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the charter foreign air transportation hereby authorized from the transportation which may be operated by carriers designated by the Government of Canada (or in the event of the elimination of part of the charter foreign air transportation hereby authorized, the authority granted herein shall be terminated to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Canada in lieu of the holder hereof, or (3) upon the termination or expiration of the Nonscheduled Air Service Agreement between the United States and Canada, signed May 8, 1974: *Provided, however*, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation here authorized becomes the subject of any treaty, convention, or agreement to which the United States and Canada are or shall become parties.

The Civil Aeronautics Board has directed its Secretary to execute this permit and affix its seal, on the ——.

Secretary.

(SEAL)

Issuance of this permit to the holder approved by the President of the United States on —— in Order ——.

[FR Doc. 78-17015 Filed 6-19-78; 8:45 am]

[6320-01]

[Docket No. 32293]

BOSTON/NEW YORK/PHILADELPHIA/BALTIMORE/WASHINGTON-PUERTO RICO/VIRGIN ISLANDS INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 18, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 28, 1978, and other documents which are in the docket of this proceedings on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 14, 1978.

WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc. 78-17008 Filed 6-19-78; 8:45 am]

[6320-01]

[Docket Nos. 37743, 29910, 31083, 31086, 32259; Order 78-5-150]

BRANIFF AIRWAYS, ET AL.

Order Instituting Omaha-Dallas/Ft. Worth Subpart N Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May, 1978.

This order deals with four applications asking for unrestricted nonstop authority in the Omaha-Dallas/Ft. Worth market. Braniff Airways and Frontier Airlines currently hold one-stop authority and ask for removal of that restriction. The third applicant, American Airlines, serves both points, but they are on different segments of its certificate. North Central Airlines seeks new entry at Dallas/Ft. Worth.

By Order 77-6-43, June 9, 1977, we set Braniff's application for further proceedings in accordance with Subpart N expedited procedures. Subsequently, on July 5, 1977, Frontier (in opposition) and the Omaha Airport Authority (in support) filed answers to Braniff's application. Concurrently, Frontier filed its own application for Omaha-Dallas/Ft. Worth nonstop authority in Docket 31083, and filed a motion to consolidate its application with Docket 29910. In addition, North Central filed an application and motion to consolidate in Docket 31086. Finally, Frontier filed a request for waiver of the environmental evaluation requirement under Part 312.6 of the Board's Procedural Regulations.

On July 15, 1977, the Omaha Airport Authority filed a reply in opposition to Frontier's answer. North Central filed an answer in opposition to Frontier's motion to consolidate, and both Frontier and Northwest Airlines filed answers in opposition to North Central's motion. Braniff and Frontier filed responses to Omaha's reply.[1]

Because Frontier's motion to consolidate was not accompanied by the data

[1] Braniff's and Frontier's replies were accompanied by motions to file otherwise unauthorized documents. We will grant the motions.

required by §§ 302.1409 and 302.1404 of our Rules of Practice, we issued Order 77-12-145, December 29, 1977, stating that its motion to consolidate would be denied unless it filed the required data within 30 days.[2] Frontier filed the required information on February 3, 1978.

On March 7, 1978, North Central filed a petition asking the Board to issue an order to show cause why North Central, Braniff, and Frontier should not all receive permissive authority in this market (American did not file its application until March 15). American, Frontier and Braniff filed answers opposing the petition. They argued that extending North Central to Dallas/Ft. Worth by show cause would be illegal, contrary to Board precedent and economically unwise. In addition, Braniff pointed out that the Board previously denied its motion for show cause in this case by Order 77-2-120. The City of Sioux City and the Sioux Falls Area Chamber of Commerce filed answers in support.[3]

We have decided that the best way to deal with these requests for authority is to consolidate all four applications into a Subpart N Proceeding to be known as the *Omaha-Dallas/Ft. Worth Subpart N Proceeding.* It will be more efficient to consider all of the applications in one proceeding rather than to remove the restrictions on Braniff and Frontier now, and subsequently consider the potential new entrants in a separate proceeding. Moreover, we believe that, in this case, an oral hearing under expedited procedures is the best method of developing an adequate record.

In accordance with the policy announced in our order instituting the *Chicago - Albany / Syracuse - Boston Competitive Service Investigation* (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and, if so, which carrier(s) should be selected. We therefore expect the instituted case to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50.[4] We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

American has failed to file a motion to consolidate along with the accompanying data required by section 302.1409 of the Board's Rules of Practice. Therefore, we cannot, in this order, consolidate its application with this proceeding. We will give American 30 days within which to file such a motion and the required data, or we will dismiss its application.

Accordingly, it is ordered that:

1. A proceeding to be known as the *Omaha-Dallas/Ft. Worth Subpart N Proceeding,* Docket 32743, be instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated;

2. The applications of Braniff Airways, Inc., Frontier Airlines, and North Central Airlines, in Dockets 29910, 31083, and 31086, respectively, be consolidated in Docket 32743;

3. The motions of Frontier Airlines, and North Central Airlines, to consolidate their applications in Dockets 31083 and 31086, respectively, with the proceeding instituted in paragraph 1 above, be granted;

4. The motion of North Central for an order to show cause be denied;

5. The motions of Braniff Airways, Frontier Airlines and the Sioux Falls Area Chamber of Commerce for leave to file otherwise unauthorized documents be granted;

6. American shall be given 30 days from the service date of this order to file a motion to consolidate, and the required accompanying data; applicants that wish to update or amend their exhibits shall do so within the same 30 days; answers shall be filed within 20 days thereafter; and

7. All applicants that have not filed environmental evaluations shall do so within 30 days of the service date of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[5]
Secretary.

[FR Doc. 78-17014 Filed 6-19-78; 8:45 am]

[2]That order also denied frontier's request for a waiver of the environmental evaluation requirement.

[3]The latter answer was accompanied by a motion to file it late. We will grant that motion.

[4]We are contemplating a change in our direction to the administrative law judges concerning their analysis of low-fare proposals, and we will be issuing a second order shortly discussing that aspect of this case in more detail.

[5]All Members concurred.

[6320-01]

[Docket Nos. 32710, 29106, 32562, 32459, 29764, 30185; Order 78-5-128]

BRANIFF AIRWAYS, ET AL

Order Instituting San Francisco-Reno-Albuquerque-Texas Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of May, 1978.

Braniff Airways has filed an amended application for nonstop authority between Reno, Nevada, on the one hand, and Dallas/Fort Worth and Houston, Texas, on the other. It also has filed a joint motion, with the Reno, Parties,[1] for hearing of its application. In support of the motion, Braniff and Reno state: that Braniff would provide first nonstop service between Reno and Dallas/Fort Worth and Houston; that it would operate daily nonstop Dallas/Fort Worth-Reno flights, weekday one-stop Houston-Reno flights, and weekend nonstop Houston-Reno flights; that it proposes substantial fare reductions, featuring both lower than normal coach fares and the "Home Free Fare"; and that Reno's substantial growth plus the increase in quality of air service and reduction in fares will greatly stimulate traffic.

Answers in support of the motion were filed by the City of Houston and the Houston Chamber of Commerce, the Chamber of Commerce of Austin,[2] the Dallas Parties,[3] and American Airlines.[4] Hughes Airwest has moved to consolidate its application for Reno-Texas authority in Docket 32562, and Western Air Lines has moved to consolidate its application for that authority in Docket 32459 with Braniff's application.

Continental Air Lines has filed an application and motion for hearing in Docket 29764 to add Reno as an intermediate point on its Albuquerque-San Francisco/Oakland route. In support of its application, Continental states: that the Reno-Albuquerque-Texas markets currently receive no single-carrier service; that it would serve the point by adding a Reno stop on one existing Dallas/Fort Worth-Albuquerque-San Francisco round trip; that such a routing would be less circuitous, reducing travel time and fares, while resulting in a minimum increase

[1]The City of Reno and the Greater Reno Chamber of Commerce.

[2]The answer of the Austin Chamber of Commerce was accompanied by a motion for leave to file an unauthorized document, which we will grant.

[3]The City of Dallas, the City of Fort Worth, the Dallas Chamber of Commerce, the Fort Worth Chamber of Commerce and the North Texas Commission.

[4]While American stated in its answer that it intended to file an application for this authority, it has failed to do so.

in direct expense for the carrier; and that it would be willing to accept a long-haul restriction on its Reno-San Francisco authority.

The City of Albuquerque and the Albuquerque Chamber of Commerce, the Reno Parties and the Dallas Parties support the motion. Trans World Airlines and Airwest oppose the motion because they believe the markets are too small to warrant a hearing. United opposes the motion unless the scope of the proceeding is limited to the issue of improved Reno-Albuquerque/Texas authority by imposing a long-haul restriction on all Reno-San Francisco/Oakland flights. Texas International Airlines (TXI) has filed a motion in Docket 30185 to consolidate its application for Reno-Albuquerque and Reno-Dallas/Fort Worth nonstop authority. It supports Continental's motion but opposes restricting Reno-East authority to the Reno-Albuquerque market only.[5]

We have decided to institute the *San Francisco - Reno - Albuquerque - Texas Service Investigation*, Docket 32710, to consider the need for new nonstop San Francisco/Oakland-Reno, Reno-Albuquerque, Reno-Dallas/Ft. Worth and Reno-Houston authority.

In accordance with the policy announced in our order instituting the *Chicago - Albany / Syracuse - Boston Competitive Service Investigation* (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and, if so, which carrier(s) should be selected. We therefore expect the instituted case to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50.[6] We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, it is ordered that:

1. The motions for hearing of Braniff Airways and the Reno Parties, in Docket 29106, and of Continental Air Lines, in Docket 29764, be granted;

2. An investigation designated the *San Francisco-Reno-Albuquerque-Texas Service Investigation*, Docket 32710, be instituted under section 204 of the Act and set for hearing before an Administrative Law Judge of the Board at a time and place to be determined later;

3. This case shall consider whether the public convenience and necessity require that new nonstop authority be granted in the San Francisco/Oakland-Reno, Reno-Albuquerque, Reno-Dallas/Ft. Worth and Reno-Houston markets; if so, which air carrier(s) should be authorized; and whether the new or existing authority should be subject to any terms, limitations, or conditions;[7]

4. Any authority awarded in this investigation shall be ineligible for subsidy;

5. The applications of Braniff Airways, in Docket 29106, Continental Air Lines, in Docket 29764, Hughes Airwest, in Docket, 32562, Western Air Lines, in Docket 32459, and Texas International Airlines, in Docket 30185, be consolidated into the proceeding instituted by paragraph 2, above;

6. The motions to consolidate of Hughes Airwest, Western Air Lines, and Texas International Airlines be granted;

7. The motion for leave to file an unauthorized document of the Austin Chamber of Commerce be granted, and the motion for leave to file an unauthorized document of Continental be denied;

8. The following be made parties to the proceeding instituted by paragraph 2, above: Braniff Airways, Continental Air Lines, Hughes Airwest, Texas International Airlines, Western Air Lines, United Air Lines, the City of Albuquerque and the Albuquerque Chamber of Commerce, the Chamber of Commerce of Austin, the Dallas Parties, the City of Houston and the Houston Chamber of Commerce, and the Reno Parties;

9. Applications, amendments to applications, motions to consolidate and petitions for reconsideration of this order shall be filed within 20 days of the date of service of this order and answers shall be filed within 10 days thereafter;[8] and

10. All carriers filing applications which they seek to have consolidated into this proceeding shall file environmental evaluations under section 312.12 of the Board's Regulations within 30 days of the date service of this order.[9]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[10]
Secretary.

[FR Doc. 78-17013 Filed 6-19-78; 8:45 am]

[5]Continental filed a motion for leave to file an unauthorized document in order to file a reply to the answers of TXI and Airwest. As the reply does not deal with new issues or provide any new information, we will deny the motion.

[6]We are contemplating a change in our direction to the administrative law judges concerning their analysis of low-fare proposals, and we will be issuing a second order shortly discussing that aspect of this case in more detail. Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis on this point, no staff component will become a party until we have issued the second order; we see no reason, however, why the staff cannot submit a statement of issues and request for evidence as required by the administrative law judge.

[7]The San Francisco/Oakland-Reno market is at issue in the *California-Nevada Low-Fare Route Proceeding*, Docket 31574, and we generally do not institute proceedings that consider markets that are already at issue in pending cases. This market is an exception, however. At a Sunshine Meeting, the Board discussed whether or not to expand the California-Nevada Case to include Continental's application, and determined to process the application in a separate proceeding. While we will not impose a pretrial restriction requiring all flights serving Reno-San Francisco/Oakland also to serve a point beyond Reno, the imposition of such a condition is among the conditions to be considered at the hearing.

[8]We delegate to the presiding Administrative Law Judge the authority to consolidate by order any applications which conform to the scope of the proceeding.

[9]Braniff and Continental filed environmental evaluations as part of their motions for hearing.

[10]All Members concurred.

[6320-01]

[Docket No. 32711]

DALLAS/FORT WORTH-NEW ORLEANS-FLORIDA SERVICE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 25, 1978, at 10:00 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and evidence, and (4) time required by each party to comply with requests for information and evidence addressed to it. The Bureau of Pricing and Domestic Aviation will circulate its material on or before July 5, 1978, and the other parties on or before July 14, 1978.

Dated at Washington, D.C., June 13, 1978.

KATHERINE A. KENT,
Administrative Law Judge.

[FR Doc. 78-17010 Filed 6-19-78; 8:45 am]

[6320-01]

[Docket Nos. 21866, 31290, 30891]

DOMESTIC PASSENGER-FARE INVESTIGATION, DOMESTIC PASSENGER-FARE LEVEL POLICIES, DOMESTIC PASSENGER-FARE STRUCTURE POLICIES, DISCOUNT FARE POLICY

Revised Notice of Oral Argument

On June 7, the Board issued a Notice announcing that oral arguments in this proceeding would be held before the Board on June 15, 1978 at 9:30 a.m. (local time) and on June 16, 1978 at 11:00 a.m. (local time). The Board also announced that a panel format would be used for the argument facilitating give and take among the participants and between participants and the Board Members.

The local service carriers have requested to be representative jointly by single counsel. Therefore, it will be necessary to revise the panels as follows:

Panel 1

World Airways
Southwest Airlines
Department of Justice
Department of State of California and the Public Utilities Commission of the State of California

Panel 2

Delta Air Lines
Local Service Carriers
Department of Transportation
Las Vegas Parties

Panel 3

Continental Air Lines
National Airlines
Aviation Consumer Action Project
Metropolitan Nashville Airport Authority and the Omaha Airport Authority

Panel 4

Eastern Airlines
United Airlines
The Seattle Parties
Honorable John E. Moss *et al.*

Panel 5

American Airlines
Trans World Airlines
Air Charter Tour Operators of America
Federal Trade Commission
Northwest Airlines

The first four panels will be heard on June 15 and panel number 5 on June 16. On the first day, two panels will be heard in the morning and two in the afternoon. On the second day, the panel will be heard at 11:00 a.m. Panels 1, 2, 3 and 4, each of which has four participants, will be alloted a total of 80 minutes; panel 5 which has five participants, will be alloted a total of 100 minutes. Each panel participant will have eight minutes for an opening statement; the rest of the time will be devoted to questions by the Board, and to answers to those questions and to each other's statements and comments.

The following is the approximate time schedule:

June 15, 1978

9:30-10:05 a.m.—Opening statements by participants on Panel 1
10:05-10:50 a.m.—Questions and Answer Period
10:50-11:00 a.m.—Break
11:00-11:35 a.m.—Opening statements by participants on Panel 2
11:35-12:20 p.m.—Questions and Answer Period
12:20-1:30 p.m.—Lunch Break
1:30-2:05 p.m.—Opening statements by participants on Panel 3
2:05-2:50 p.m.—Questions and Answer Period
2:50-3:00 p.m.—Break
3:00-3:35 p.m.—Opening statements by participants on Panel 4
3:35-4:20 p.m.—Questions and Answer Period
4:20 p.m.—Adjourn until June 16 at 11:00 a.m.

June 16, 1978

11:00-11:40 a.m.—Opening statements by participants on Panel 5
11:40-12:40 p.m.—Questions and Answer Period
12:40 p.m.—End of Oral Argument

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-17011 Filed 6-19-78; 8:45 am]

[6320-01]

[Docket Nos. 30233, 30339, 32145, 32151; Order 78-5-126]

NORTHWEST AIRLINES, ET AL.

Order Setting Applications for Hearing Under Subpart N Expedited Procedures

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of May 1978.

On December 17, 1976, Northwest Airlines filed an application in Docket 30233, under Subpart N of the Board's Procedural Regulations, requesting nonstop authority between Seattle and Atlanta and points in Florida. By Order 78-1-104, January 24, 1978, we dismissed the Florida portion of Northwest's application, ordering further proceedings on the Seattle-Atlanta portion. Northwest now has one-stop authority in this market.

After we issued Order 78-1-104, Eastern filed an answer to Northwest's application stating that it would not object to grant of nonstop Pacific Northwest-Atlanta authority to Northwest, as long as Eastern receives the same authority. Eastern contends, however, that if the Board decides that only one carrier should be granted nonstop authority, the *Ashbacker* doctrine would require simultaneous consideration of Eastern's proposal, and that on the basis of Eastern's superior proposed frequencies, equipment, and beyond-market benefits, it should be the carrier authorized. In Northwest's reply to Eastern, it argues that *Ashbacker* is inapplicable and that consideration of Eastern's proposal would unnecessarily delay the removal of Northwest's one-stop restriction.

On January 12, 1977, Braniff filed a motion to consolidate its application in Docket 30339, which requests authority between the terminal points Seattle/Tacoma and Miami/Fort Lauderdale via the intermediate points Atlanta and Tampa/St. Petersburg. Order 78-1-104, which dismissed consideration of these same Florida markets in Northwest's application, makes that portion of Braniff's motion asking for consolidation of Seattle-Florida markets moot. No one has responded to Braniff's application or motion.

United filed a motion to consolidate its Subpart N application in Docket 32151 on February 21, 1978. This application requests nonstop authority between Seattle and Atlanta. United now has a one-stop restriction in this market, with its best authority a circuitous routing via Cleveland.

Eastern and Northwest filed answers opposing United's motion on the grounds that United lacks the 20 percent traffic participation required of a Subpart N applicant.[1] In addition, Northwest contends that consolidation of United's application is not required by *Ashbacker* since Northwest's application concerns the removal of an incumbent's restriction, not the authorization of new route authority. United, in its reply to Eastern, claims that its insubstantial participation in this market is insufficient grounds on which to deny its application. The Seattle Parties filed an answer in support of United's motion to consolidate.

On February 21, 1978, Eastern filed a motion to consolidate its application in Docket 32145 and expand the proceedings to include Portland-Atlanta authority. Eastern requests amendment of its certificate of public convenience and necessity for Route 10 to permit nonstop Seattle/Portland-Atlanta service. Eastern's single-plane Seattle/Portland-Atlanta authority is now restricted to one-stop at St. Louis, an improvement from its previous two-stop authority effected by Order 78-4-21.

Northwest filed an answer objecting to Eastern's motion. Northwest contends that consolidation would needlessly delay its restriction-removal application and that the proposed expansion violates Rule 302.1409 of the Board's Procedural Regulations, which limits the scope of Subpart N proceedings to the markets applied for by the original applicant. Eastern, in

[1] Northwest also filed a statement requesting dismissal of United's application.

its reply, denies that consolidation and expansion would unduly delay or complicate the proceeding, and contends that the inclusion of Portland is necessitated by Board precedent, the size of the Portland-Atlanta market, and the traffic support and operating flexibility that Portland would provide to Seattle-Atlanta operations. The Seattle Parties, the Portland Parties, and the City of Atlanta and Atlanta Chamber of Commerce filed answers supporting Eastern's motion to consolidate and expand.

We have decided to set Northwest's application in Docket 30233 for hearing under Subpart N procedures. We have also decided to consolidate the Seattle-Atlanta portion of Braniff's application in Docket 30339, United's application in Docket 32151, and Eastern's application in Docket 32145 with Northwest's application. While some of the applicants may not qualify for Subpart N treatment, our normal practice in a Subpart N case is to consolidate competing applications. Northwest's unsupported allegations about delay and complication do not justify a departure from this practice. We will also grant Eastern's motion to expand the proceedings to include Portland-Atlanta authority. We recognize that Rule 302.1409 of the Procedural Regulations calls for the denial of Eastern's motion to consolidate Portland-Atlanta issues, but in the circumstances of this case, a waiver of that provision is justified. Traffic flows from Portland and Seattle could be combined in various ways for a more efficient operation, and the applicants should have the flexibility to demonstrate this. The carriers are granted a period of thirty days in which to update their applications and take account of the enlarged scope of the proceeding.

In accordance with the policy announced in our order instituting the *Chicago - Albany / Syracuse - Boston Competitive Service Investigation* (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and, if so, which carrier(s) should be selected. We therefore expect the instituted case to include an examination of the need for and feasibility of various new price/quality options and related issues, as we explained in Order 77-12-50.[2] We repeat, however, that traditional service benefits, including the benefits of city-pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, it is ordered that:

1. The application of Northwest Airlines in Docket 30233 be set for hearing under Subpart N procedures before an administrative law judge of the Board at a time and place to be designated later;

2. The proceeding instituted by paragraph 1 above shall include the issues of nonstop authority between Seattle and Atlanta and between Portland and Atlanta;

3. To the extent conforming to the issues set out above, the motions to consolidate of Braniff Airways and United Airlines and the motion to consolidate and expand of Eastern Air Lines be granted and the applications in Dockets 30339, 32151 and 32145 be consolidated with the proceeding in Docket 30233; to the extent not conforming, the motions are denied and the applications dismissed;

4. The following be made parties to the proceeding in Docket 30233; Braniff Airways, Eastern Air Lines, Northwest Airlines, United Airlines, the City of Atlanta and Atlanta Chamber of Commerce, the Portland Parties, the Seattle Parties, and the Washington Parties;

5. The applicants be granted a period of 30 days from the date of service of this order in which to update their applications; and

6. Applicants shall file environmental evaluations or, if already filed, any necessary amendments, according to section 312.12 of the Board's Procedural Regulations, within 30 days from the date of service of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,[3]
Secretary.

[FR Doc. 78-17012 Filed 6-19-78; 8:45 am]

[2] We are contemplating a change in our direction to the administrative law judges concerning their analysis of low-fare proposals, and we will be issuing a second order shortly discussing that aspect of this case in more detail. Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis on this point, no staff component will become a party until we have issued the second order; we see no reason, however, why the staff cannot submit a statement of issues and request for evidence as required by the administrative law judge.

[3] All Members concurred.

[6320-01]

[Docket No. 32786]

PHILADELPHIA-BERMUDA NONSTOP PROCEEDING

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the board on August 24, 1978, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, *on or before July 14, 1978*, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., June 14, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-17009 Filed 6-19-78; 8:45 am]

[6320-01]

[Docket No. 32709]

TUCSON-SAN DIEGO NONSTOP ROUTE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 27, 1978, at 10:00 a.m. (local time), in Room 1003, Hearing Room C, Unviersal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and evidence, and (4) time required by each party to comply with requests for information and evidence addressed to it. The Bureau of Pricing and Domestic Aviation will circulate its material on or before July 7, 1978, and the other parties on or before July 18, 1978.

Dated at Washington, D.C., June 14, 1978.

THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc. 78-17007 Filed 6-19-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

IDAHO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regula-

tions of the U.S. Commission on Civil Rights, that a planning meeting of the Idaho Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m. on July 12, 1978, Ponderosa Inn, Burley, Idaho.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is a briefing meeting for open meetings July 13 and July 15, 1978.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 15, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-16977 Filed 6-19-78; 8:45 am]

[6335-01]

IDAHO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Idaho Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 5:30 p.m. on July 13, and July 15, 1978. On July 13, 1978 the meeting will be held at the Ponderosa Inn, Pommereu Room, Burley, Idaho 83318 and on July 15, 1978 the meeting will be held in the College of Idaho, Strahorn Building, Room 106, Caldwell, Idaho 83605.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is to conduct open meetings on migrant and seasonal farmworkers housing.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 15, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-16978 Filed 6-19-78; 8:45 am]

[6335-01]

KENTUCKY ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning and Press Conference of the Kentucky Advisory Committee (SAC) of the Commission will convene at 12:30 p.m. and will end at 10:00 p.m. on July 13, 1978 and will reconvene again on July 14, 1978 at 3 p.m. and will end at 12 p.m., Galt House, Fourth Street at River Road, Commissioner's Room, 2nd Floor, Louisville, Kentucky 40201.

Persons wishing to attend this open meeting and press conference should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is a preparation for press conference, and to discuss programs for FY 79 and 80.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 15, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-16983 Filed 6-19-78; 8:45 am]

[6335-01]

MASSACHUSETTS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 4:30 p.m. and will end at 7:30 p.m. on July 12, 1978, Owing School, Boston, Mass.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 15, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-16981 Filed 6-19-78; 8:45 am]

[6335-01]

NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning and factfinding meeting of the New York Advisory Committee (SAC) of the Commission will convene at 4 p.m. and will end at 7 p.m. on July 12, 1978, Phelps Stokes Fund, 10 East 87th Street, New York City.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss new projects.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 15, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-16979 Filed 6-19-78; 8:45 am]

[6335-01]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 9:30 p.m. on July 11, 1978, Tavern Motor Inn, Montpelier, Vt.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 15, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-16980 Filed 6-19-78; 8:45 am]

[6335-01]

WISCONSIN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wisconsin Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 12 noon, on July 12, 1978, Federal Building, 517 East Wisconsin, Court Room 398, Milwaukee, Wis.

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

The purpose of this meeting is to plan for future projects.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., June 15, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 78-16982 Filed 6-19-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

PRIVACY ACT OF 1974

Proposed New Routine Use

AGENCY: U.S. Civil Service Commission.

ACTION: Proposal for a new routine use for an existing system of records.

SUMMARY: The pourpose of this document is to give notice, pursuant to 5 U.S.C. 552a(e)(11) of the Privacy Act of 1974, of intent to establish a new routine use covering disclosures of information from the Central Personnel Data File (CPDF) to the Department of Defense on members of the Ready Reserve who are Federal civilian employees.

COMMENT DATE: Any interested party may submit written comments regarding the proposal. To be considered, comments must be recieved on or before July 20, 1978.

ADDRESS: Address comments to the Director, Bureau of Personnel Management Information Systems, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415. Comments recieved 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. John Davis, Bureau of Personnel Management Information Systems, (202) 254-7610.

SUPPLEMENTARY INFORMATION: The published description of the affected system, General Personnel Records (CSC/GOVT-3), appears in the FEDERAL REGISTER of September 23, 1977 (42 FR 48738).

Background: Executive Order 11190, dated December 31, 1964, delegates to the Secretary of Defense the authority vested in the President by Section 271 of Title 10, United States Code. The statute requires a system of continuous screening of units and members of the Ready Reserve to insure their mobilization readiness. As part of this screening effort, the Department of Defense must collect employment data on Ready Reserve members, including civilian employees of the Federal Government. There are two specific subsections of 10 U.S.C. 271 which the Department of Defense would be unable to fulfill without such employment data. They are:

> Under regulations to be prescribed by the President, each armed force shall provide a system of continuous screening of units and members of the Ready Reserve to insure that * * *
>
> * * * * *
>
> (3) except for those with military skills for which there is an overriding military requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills;
>
> * * * * *
>
> (5) members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

For Federal employees who are members of the Ready Reserve, the Department of Defense has three basic alternatives for assuring compliance with the law, that is, (1) to collect civilian employment data from each reservist and add it to the Reserve master record; (2) to obtain the civil service data from the appropriate agency of employment, or (3) to obtain it directly from the Civil Service Commission. The most direct, efficient, and least costly approach would be to obtain the information directly from the Civil Service Commission's Central Personnel Data File (CPDF), which is part of the General Personnel Reocrds system (CSC/GOVT-3).

Under the new routine use, the Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs) would provide the Civil service Commission identifying and other pertinent information on members of its ready Reserve components. The Civil Service Commission will perform a Social Security Number match of those records against the CPDF. For those records on which there is a match, the Commission will provide DoD with the following items of information from CPDF on the "matched" individuals: Federal agency with which employed, occupation code, pay plan, grade, step, salary, service computation date, and name. All these items except service computaiton date are considered public information under the Commission's regulations implementing the Freedom of Information Act (5 U.S.C. 552). These regualtions are found at § 294.702 of Title 5 of the Code of Federal Regualtions.

Proposed routine use: The proposed routine use, which follows, will be added to the Civil Service Commission Government-wide system of General Personnel Records (CSC/GOVT-3). The current notice for this system is published at 42 FR 48738 *et seq.* (September 23, 1977). The proposed routine use reads as follows:

* * * * *

w. To disclose specific Civil Service employment information required under law by the Department of Defense on individuals identified as members of the Ready Reserve, to assure continuous mobilization readiness of Ready Reserve units and members.

The comment period on the routine use ends at close of business thirty days after the date of this notice (July 20, 1978). Unless a notice to the contrary is published, this routine use will become effective 30 days after the end of the comment period (August 20, 1978).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-17019 Filed 6-19-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Public Meeting With Partially Closed Session

Notice is hereby given of a meeting of the Gulf of Mexico Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The meeting will be held Tuesday, Wednesday and Thursday, July 11, 12, and 13, 1978, in the Inner Circle Meeting Room of the Key Wester Inn and Villas, Highway A1A, Key West, Florida. The meeting will convene at 1:30 p.m. on July 11, and adjourn at about noon on July 13, 1978. The daily sessions will start at 8:30 a.m. and adjourn at 5:00 p.m. except as otherwise noted. The meeting may be extended or shortened depending on progress on the agenda.

Proposed Agenda. July 11: (1) Management plans; (2) Personnel and administrative categories; (3) Review of foreign fishing applications, if any; *July 12:* (1) Closed session to discuss proposals by potential contractors in a negotiated procurement for the preparation of a draft fishery management plan; (2) Other fishery management business; *July 13:* Other fishery management business.

With the exception of the first agenda item on July 12, the meeting is open to the public. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida, 33609; Telephone: (813) 228-2815.

The closed session is planned for 8:30 a.m. until 12:00 noon, but may continue into the afternoon of July 12, 1978, to discuss proposals by potential contractors in a negotiated procurement for the preparation of a draft fishery management plan.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on June 12, 1978 pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(4), (6), and (9)(B), (commercial and financial information obtained from a person and privileged or confidential; information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action.) (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: June 14, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-16955 Filed 6-19-78; 8:45 am]

[3510-22]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S MACKEREL ADVISORY SUBPANEL

Public Meeting

The Mackerel Advisory Subpanel of the Mid-Atlantic Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet July 10, 1978, at the Hub Restaurant, East Loockerman Street and Route 13, Dover, Delaware 19901. The meeting starts at 10:00 a.m. and will adjourn at about 4:00 p.m.

Proposed Agenda: Mackerel Fishery Management Plan and other fishery management business.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North & New Streets, Dover, Delaware 19901. Telephone: 302-674-2331.

Dated: June 15, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-16952 Filed 6-19-78; 8:45 am]

[3510-22]

MID ATLANTIC AND NEW ENGLAND FISHERY MANAGEMENT COUNCILS

Public Meeting

The Mid Atlantic Fishery Management Council and the New England Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet July 12 and 13, 1978, at Hunt Valley Inn, Interstate 83 at Shawn Road, Hunt Valley, Maryland 21031. The meeting starts at 8:30 a.m. on July 12, 1978 and will adjourn at about 5:00 p.m. on July 13, 1978.

Proposed agenda: (1) Butterfish and Shark Fishery Management Plans; (2) Squid and Mackerel Fishery Management Plans; (3) Red Crab and Scallop Fishery Management Plans; and (4) Other fishery management business.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact John C. Bryson, Executive Director, Mid Atlantic Fishery Management Council, Room 2115, Federal Building, North & New Streets, Dover, DE 19901. Telephone: (302) 674-2331.

Dated: June 15, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-16953 Filed 6-19-78; 8:45 am]

[3510-22]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S SQUID/BUTTERFISH ADVISORY SUBPANEL

Public Meeting

The Squid/Butterfish Advisory Subpanel of the Mid-Atlantic Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet July 6, 1978, at the Federal Building, Room 2106, North & New Streets, Dover, Del. 19901. The meeting starts at 10 a.m. and will adjourn at about 4 p.m.

Proposed agenda: Squid and Butterfish Management Plans and other fishery management business.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North & New Streets, Dover, Del. 19901. Telephone: 302-674-2331.

Dated: June 15, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-16954 Filed 6-19-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MADE-MADE FIBER APPAREL FROM HAITI

Additional Import Controls

JUNE 15, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling certain men's and boys' man-made fiber coats in Category 634 during the 12-month period which began on January 1, 1978. (A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 342) and March 3, 1978 (43 FR 8828).)

SUMMARY: Under the terms of paragraph 17 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 22, 1976, as amended, between the Governments of the United States and Haiti, the Government of the United States has decided to control imports of certain man-made fiber apparel products in Category 634, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on January 1, 1978, in addition to those categories previously designated (See 42 FR 64919). The level of restraint of 16,949 dozen for the category is the consultation level established under terms of the amended agreement for Category 634.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Edmond Callahan, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5423).

SUPPLEMENTARY INFORMATION: On December 29, 1977, there was published in the FEDERAL REGISTER (42 FR 64919) a letter dated December 23, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner

of Customs which established levels of restraint for certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Haiti, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the 12-month period which began on January 1, 1978 and extends through December 31, 1978. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports in Category 634 for the agreement year which began on January 1, 1978. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that imports in this category be limited to the designated level of restraint. The level has not been adjusted to reflect any imports during the period which began on January 1, 1978. Adjustments will be made to account for imports during the period beginning on January 1, 1978 and extending through the effective date of this action.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on December 23, 1977 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Haiti.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 22, 1976, as amended, between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 26, 1978 and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption, and withdrawal from warehouse for consumption, of man-made fiber textile products in Category 634, produced or manufactured in Haiti, in excess of 16,949 dozen.[1]

Man-made fiber textile products in the foregoing category which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. this letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

[FR Doc. 78-16995 Filed 6-19-78; 8:45 am]

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1977.

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

WESTERN INSTRUMENT CORP.

Intent To Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of Title 32, *Code of Federal Regulations*, the Department of the Navy announces its intention to grant to Western Instrument Corporation, a corporation of the State of California, a revocable, nonassignable, limited exclusive license for a period of six years under Government-owned United States Patent Application Serial Number 776,578, filed March 11, 1977, entitled "Oceanographic Sensor with In-Situ Cleaning and Bio-Fouling Prevention System," inventor Gene A. Edgerton.

This license will be granted unless within 60 days from the publication of this notice an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217, and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217 within 60 days from the publication of this notice. Also, copies of the patent application may be obtained for three dollars and fifty cents ($3.50) from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

For further information concerning this notice, contact:

Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, VA 22217, Telephone No. (202) 696-4005.

Dated: June 12, 1978.

P. A. WILLE,
Captain, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-16965 Filed 6-19-78; 8:45 am]

[3810-70]

Office of the Secretary

PRIVACY ACT OF 1974

System of Records; Correction

In FR Doc. 78-12640 published May 9, 1978, appearing at 43 FR 19906, the wrong OSD system of records was inadvertently deleted. In the preamble under the "Summary" heading, the last sentence should be deleted and the corrected sentence should read: "It replaces DCOMP A01, 'Federal Employment Services Record Card' which is deleted."

Under the "Deletion" heading, beneath the preamble, which now reads:

DCOMP 01

System name:

Personnel Roster (42 FR 50725) September 28, 1977.

Is corrected to read:

DCOMP A01

System name:

Federal Employment Service Record Card (42 FR 50735) September 28, 1977.

The reason for the deletion remains the same.

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

JUNE 15, 1978.

[FR Doc. 78-16943 Filed 6-19-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

[Docket No. EL78-27]

ALABAMA ELECTRIC COOPERATIVE, INC., ET AL. v. ALABAMA POWER CO.

Petition for a Declaratory Order and Motion for Consolidation

JUNE 13, 1978.

Take notice that Alabama Electric Cooperative, Inc., nine Alabama distribution cooperatives, twelve Alabama municipalities or municipal utility boards and the Municipal Electric Utility Association of Alabama (hereinafter collectively referred to as Petitioners) on May 23, 1978 tendered for filing a petition for a declaratory order to terminate a controversy and remove uncertainty concerning Alabama Power Company's (Respondent) application of its fuel cost adjustment clause with respect to Petitioner's purchases of power and energy. The Petitioners also tendered for filing a motion that any proceedings in the above-noted docket be consolidated with docket number ER78-77.

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 the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 30, 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. 78-16927 Filed 6-19-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Project No. 2721]

BANGOR HYDRO-ELECTRIC CO.

Application for Major License for Constructed Project

JUNE 13, 1978.

Public notice is hereby given that Bangor Hydro-Electric Company ("applicant") has filed an application under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) for a major license for its constructed Howland Project, FERC Project No. 2721. The Howland Project is located on the Piscataquis River in the city of Howland, Penobscot County, Maine. Correspondence regarding the application should be sent to Mr. Earl R. Webster, Vice President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401.

The Howland Project consists of: (1) a concrete gravity dam 660 feet long, with an average height of nine feet; (2) a 270-acre reservoir which extends upstream approximately four miles, with a normal water surface elevation of 148.2 feet mean sea level (when 3.75-foot-high flashboards are installed); (3) a gate section with four 9-by 9-foot gates; (4) a 570-foot-long spillway, integral with the dam; (5) an abandoned fishway; (6) an operating fishway and log sluice section; (7) a 90-foot-long concrete cutoff wall (constructed to prevent seepage) located on the west abutment; (8) a powerhouse with an installed capacity of 1,875 kilowatts; and (9) appurtenant facilities. Energy generated by the project is transmitted to the applicant's electric system for distribution within the State of Maine.

Applicant states that the Piscataquis River near the project is so polluted by raw sewage and chemical waste that it is unsuitable for recreation. Applicant states that it intends to cooperate with appropriate governmental agencies in formulating a recreation development plan when the river water quality has improved to the extent required by state law for recreational purposes.

Any person desiring to be heard or to make protest with reference to said application should, on or before August 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.10 or § 1.8 (1977)). 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16923 Filed 6-19-78; 8:45 am]

[6740-02]

[Project No. 2843]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

Application For Preliminary Permit

JUNE 13, 1978.

Public notice is hereby given that an application for preliminary permit was filed on March 27, 1978, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Public Utility District No. 1 of Chelan County, Washington (Applicant) (Correspondence to: Mr. Howard C. Elmore, P.U.D. No. 1 of Chelan County, 327 North Wenatchee Avenue, Wenatchee, Washington 98801) for Project No. 2843 to be known as the Dryden Hydroelectric Project. The project would be located on the Wenatchee River in Chelan County, Washington.

The proposed project would consist of an existing diversion canal originating at the existing Dryden Dam on the Wenatchee River, a new intake structure, two new steel penstocks each 150 feet long, a new powerhouse with an installed capacity of 4,000 kW, and a new tailrace channel with protective dikes extending about 600 feet downstream of the powerhouse. The proposed facilities would be adjacent to an existing, abandoned powerhouse located at the Village of Dryden. The Applicant proposed to use the power from the project to meet its future load requirements.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures, 18 C.F.R. § 1.8 or 1.10 (1977). 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 in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16925 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. ER78-418]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Proposed Tariff Change

JUNE 13, 1978.

Take notice that Central Illinois Public Service Company (Central Illinois) on June 5, 1978, tendered for filing pursuant to the Interconnection Agreement between Central Illinois and Public Service Company of Indiana, Inc. a Fifth Supplemental Agreement.

Central Illinois indicates that said Supplemental Agreement increases the demand charge for Short Term Power from 60¢ per kilowatt per week to 65¢ per kilowatt per week.

Central Illinois proposes an effective date of July 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before June 26, 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 the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16928 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. RP78-65]

EAST TENNESSEE NATURAL GAS CO.

Notice of Tariff Filing

JUNE 12, 1978.

Take notice that on June 6, 1978, East Tennessee Natural Gas Company (East Tennessee) tendered for filing the following revised tariff sheets:

Third Revised Sheet No. 68
Third Revised Sheet No. 69A
Second Revised Sheet No. 69B
Original Sheet No. 69C

East Tennessee proposes that the tariff sheets become effective July 7, 1978.

While East Tennessee states that the Commission has failed to show any sound reasons in its May 17, 1978, show cause order in the above-entitled proceeding to change long-standing and widely-applied Commission policy that refunds may be retained pending the related Commission order becoming final and nonappealable, East Tennessee states that to eliminate litigation it is revising its tariff to eliminate the provision for retention of supplier refunds pending the related Commission order becoming final and nonappealable. East Tennessee further states that, at the request of the Tennessee Public Service Commission and the East Tennessee Customer Group, it is further revising its tariff to provide for the flow-through of supplier refunds by check or credit rather than through the Unrecovered Purchased Gas Cost Account as its tariff presently requires.

Furthermore, East Tennessee states that within ten days of the Commission's order accepting the above-referenced tariff sheets becoming final and nonappealable, East Tennessee will refund to its jurisdictional customers, with interest, the jurisdictional portion of the amounts related to advance payments in Tennessee's refund in Docket No. RP73-113, which East Tennessee is presently retaining.

East Tennessee further states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 26, 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. 78-16930 Filed 6-19-78; 8:45 am]

[6740-02]

NATIONAL FUEL GAS SUPPLY CORP. ET AL.

[Docket Nos. CP76-492 CP77-644, et al.]

Certification of Proposed Settlement

JUNE 12, 1978.

Take notice that on May 25, 1978, Presiding Administrative Law Judge William Jensen certified to the Commission a proposed Limited Offer of Settlement in this matter, together with the record developed at hearing and his Initial Decision, pursuant to Section 1.18(e) of the Commission's Rules of Practice and Procedure.

The agreement proposed by National Fuel Gas Supply Corporation and agreed to by the Potter County Planning Commission, would, if approved, change the route of 31 miles of pipeline in Potter County, Pennsylvania, to a "minimum environmental impact route", rather than the proposed "preferred composite route", all as more fully set forth in the record on file with the Commission and available for public inspection.

Any person desiring to be heard or to protest said Stipulation and Agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, on or before June 26, 1978. Comments will be considered by the Commission in determining appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16931 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. RP72-115 (PGA78-2)]

OKLAHOMA NATURAL GAS GATHERING CORP.

Filing of Revised Tariff Sheets

JUNE 12, 1978.

Take notice that on May 30, 1978, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing Fifteenth Revised Sheet PGA-1. Gathering Corporation states that Fifteenth Revised Sheet PGA-1 is intended to replace Fourteenth Revised Sheet PGA-1.

Gathering Corporation states that Fifteenth Revised Sheet PGA-1 will become effective on July 1, 1978, and revise its Base Tariff Rate to flow through the decrease in the system cost of purchased gas and refund the balance accumulated in its unrecovered purchased gas cost account.

Gathering Corporation states that copies of this filing were served upon all its jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should filed on or before June 21, 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. 78-16932 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. ES78-43]

PENNSYLVANIA POWER & LIGHT CO.

Application

JUNE 13, 1978.

Take notice that on June 1, 1978, Pennsylvania Power & Light Company (applicant) filed an Application for Modification of Order, pursuant to Section 204 of the Federal Power Act, seeking an extension from September 30, 1978 to September 30, 1979 of the date prior to which Applicant may issue unsecured promissory notes with a maturity of less than one year, in the form of bank loans, loans from institutional investors, loans from trust departments of commercial banks, or commercial paper, in an aggregate amount up to but not exceeding (a) 25% of Applicant's revenues during the last preceding twelve months of operations, or (b) $180 million, whichever is less.

The interest rate applicable to the unsecured promissory notes will be the best rate obtainable by Applicant for the type of transaction involved. This generally will be, in the case of bank loans, the prime commercial bank rate; in the case of commercial paper issued to commercial paper dealers, the market rate (or discount rate) for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers.

Applicant is incorporated under the laws of the Commonwealth of Pennsylvania with its principal business office in Allentown, Pennsylvania and is engaged in the generation, transmission, distribution and sale of electrical energy in the Commonwealth of Pennsylvania.

The principal purpose for which Applicant will issue and sell unsecured promissory notes are (1) to purchase and carry fuel inventories, (2) to carry accounts receivable, (3) to provide for periodic large cash needs, such as tax, dividend and investment payments, (4) to supply temporary funds for unexpected cash requirements, and (5) provide interim financing for the construction of additions to Applicant's generation, transmission and distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16924 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. ER78-422]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

JUNE 13, 1978.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on June 5, 1978, tendered for filing pursuant to the Service Agreement between Jackson County Rural Electric Membership Corporation and PSCI a Third Supplemental Agreement.

PSCI indicates that said Supplemental Agreement provides for two new delivery points designated as the Geneva-1 delivery point and the South Boston delivery point point. Service will commence at each of the two delivery points sometime in the future.

PSCI proposes an effective date of April 1, 1978, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon Jackson County Rural Electric Membership Corporation, according to PSCI.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before June 26, 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 the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16933 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. ER78-421]

PUBLIC SERVICE CO. OF NEW MEXICO

Cancellation

JUNE 13, 1978.

Take notice that Public Service Company of New Mexico (PNM) on June 5, 1978, tendered for filing a notice of cancellation of Rate Schedule FERC No. 33, an Agreement for Surplus Electric Service.

PNM proposes an effective date of September 30, 1977, and therefore requests waiver of the Commission's notice requirements.

PNM indicates that the notice of cancellation has been served upon the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 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. 78-16935 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-337 and ER78-338]

PUBLIC SERVICE CO. OF NEW MEXICO

Extension of Time

JUNE 12, 1978.

On May 16, 1978, Plains Electric Generation and Transmission Cooperative, Inc. (Plains) filed a motion for deferral of the time for filing protests and petitions to intervene in Docket No. ER78-337. Such filings had been extended to May 19, 1978, by Notice issued May 12, 1978. On May 22, 1978, the Cities of Farmington and Gallup, New Mexico, made similar requests for Farmington in Docket No. ER78-337 and Gallup in Docket No. ER78-338. A previous extension in Docket No. ER78-338 had been granted to May 30, 1978. All three movants state that additional time is needed in order to consider whatever information is supplied by Public Service Company of New Mexico (PNM) in answer to the Commission's deficiency letter in these

dockets dated May 17, 1978. On May 30, 1978, PNM filed its answer to the deficiency letter.

Upon consideration, notice is hereby given that the time for filing protests or petitions to intervene in both dockets is extended to and including June 19, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16934 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. ER78-420]

PUGET SOUND POWER & LIGHT CO.

JUNE 13, 1978.

Take notice that Puget Sound Power & Light Company (Puget Sound) on June 5, 1978 tendered for filing as a change in rate schedule Amendment No. 1 to Exchange Agreement dated October 16, 1974 between Puget Sound and Salt River Agricultural Improvement and Power District (Salt River), Puget Sound Power & Light Rate Schedule FPC No. 54.

Puget Sound states that this amendment merely extends the terms and conditions of the Agreement to cover additional exchanges between parties in 1978 and in 1980 and 1981.

Puget Sound requests waiver of the Commission's notice requirements to allow an effective date of June 1, 1978 for said amendment.

A copy of the filing has been sent to Salt River, according to Puget Sound.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 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. 78-16936 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. RP77-32]

SOUTH GEORGIA NATURAL GAS CO.

Revision To Rates

JUNE 13, 1978.

Take notice that on June 5, 1978, South Georgia Natural Gas Company (South Georgia) tendered for filing the following Revised Sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Substitute Seventh Revised Sheet No. 4
Second Revised Sheet No. 30
Second Revised Sheet No. 32

South Georgia states that the above tariff sheets and its filing comply with the Commission's Order issued May 5, 1978 in Docket No. RP77-32. An effective date of July 1, 1978 is 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, N.E., 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 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16926 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. RP78-70]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FERC Gas Tariff

JUNE 12, 1978.

Take notice that Southern Natural Gas Company (Southern), on May 31, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 3. The proposed changes would increase revenues from a field sale to Sea Robin Pipeline Company under Southern's Rate Schedule F-9.

Southern states that this filing reflects rate increases in accordance with Article 7 of the subject rate schedule up to the level allowed effective July 1, 1978 by Section 2.56a (a)(2) of the Commission's Statements of General Policy and Interpretations. The increased rates reflected in the filing will increase annual revenues by $20,230. The proposed effective date is July 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene 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). Any such petitions or protests should be filed on or before June 23, 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 with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16938 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket No. RP78-36]

SOUTHERN NATURAL GAS CO.

Proposed Changes In FPC Gas Tariff

JUNE 12, 1978.

Take notice that Southern Natural Gas Company (Southern) on June 2, 1978 tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective on the date initial service of revaporized LNG commences from Southern Energy Company. Such filing is pursuant to the requirements of Section 4 of the Natural Gas Act, Section 154.63 of the Commission's Regulations and the Commission's order issued February 27, 1978 in Docket No. RP78-36.

Southern says that it now anticipates revaporized LNG service will commence in July, 1978 with the precise date depending on the results of the June/early July testing program scheduled for Southern Energy's terminal and Southern's pipeline facilities necessary for deliveries of revaporized LNG. These interim rates are being submitted 30 days prior to the earliest date for initial deliveries in accordance with the Commission's February 28 order. Southern requests that these interim rates be made effective on the same date initial deliveries of LNG commence.

The proposed interim tariff sheet reflects an increase above Southern's proposed July 1, 1978 rates filed on May 16, 1978 under Docket No. RP73-64 (PGA Clause) by increases in the demand and commodity rates by the following amounts:

Demand and commodity

Zone 1, $1.470, 6.039¢.
Zone 2, $1.566, 4.577¢.
Zone 3, $1.585, 3.501¢.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 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. 78-16937 Filed 6-19-78; 8:45 am]

[6740-02]

[Docket Nos. RP75-13, RP75-113, RP76-137, RP74-73 and RP77-62]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Prehearing Conference

JUNE 13, 1978.

By letter order issued May 1, 1978, the Commission approved a Stipulation and Agreement filed on February 24, 1978, in the above-referenced dockets. Article X of the Stipulation and Agreement reserved for hearing and Commission decision the issues of whether or not certain gas supply projects of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) qualify as research and development (R&D) within the meaning of the definitions in the Commission's Uniform System of Accounts for Natural Gas Companies (18 CFR Part 201) and whether such expenditures are properly included in Tennessee's rates as R&D or otherwise.

Article X of the Stipulation and Agreement also provided that a prehearing conference would be convened in this proceeding for the purpose of determining procedures for a prompt and expeditious hearing and resolution of these reserved issues.

Pursuant to the terms of the Stipulation and Agreement a prehearing conference shall be convened in this proceeding for the purpose of determining further procedures regarding these reserved issues on July 11, 1978, at 10 a.m. in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16939 Filed 6-19-78; 8:45 am]

[6740-02]

[Project No. 2841]

UKIAH, CALIF.

Application for Preliminary Permit

JUNE 13, 1978.

Take notice that an application was filed under the Federal Power Act, 16 U.S.C. §§ 791-825r, on March 15, 1978, by the City of Ukiah, California (Correspondence to: City Manager, City of Ukiah, 203 South School Street, Ukiah, California 95482; and City Attorney, City of Ukiah, 203 South School Street, Ukiah, California 95482) for a preliminary permit to study the feasibility of constructing a hydroelectric facility at the base of the existing Corps of Engineers Coyote Dam near the City of Ukiah in Mendocino County, California.

The proposal envisions a generating facility with a total installed capacity of 4,000 kW at a design head varying from 140 to 60 feet with a design flow of 600 cfs. The project would consist of three turbines and generators using the existing outlet works installed in the dam for the passage of water. The outlet works would be modified to accommodate the power plant. Project energy would be sold to the Applicant's existing customers.

A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license. In this instance, Applicant seeks a 36-month permit.

Any person desiring to be heard or to make protest with reference to this application should, on or before August 16, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. § 1.10 or § 1.8 (1977)). 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16929 Filed 6-19-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. EL78-29]

VILLAGE OF PENN YAN

Petition for a Declaratory Order

JUNE 13, 1978.

Take notice that the Village of Penn Yan, New York, on May 25, 1978 tendered for filing a petition for a declaratory order invalidating a provision of a transmission and distribution of power contract between the Power Authority of the State of New York and the New York State Electric & Gas Corporation. Penn Yan indicates that such provision deals with a restriction on the amount of power Penn Yan can take from the Power Authority of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 30, 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. 78-16940 Filed 6-19-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 912-7]

STATE APPLICATION FOR SAFE DRINKING WATER PRIMARY ENFORCEMENT RESPONSIBILITY

Notice of Hearing

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR 142 (41 FR 2918, January 20, 1976), Mr. William A. Healy, Executive Director of the New Hampshire Water Supply and Pollution Control Commission, has submitted an application to assume primary enforcement responsibility under the Safe Drinking Water Act to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that a public hearing has been requested and sched-

uled to consider this application and to enable all interested parties to present their views on the State's submission. The hearing will be held in the Commission Conference Room, Prescott Park, 105 Loudon Road, Concord, New Hampshire, 03301. The hearing will begin at 9:30 a.m. on July 11, 1978. Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the Hearing Officer and other interested persons.

The Hearing Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

The Regional Administrator, EPA, Region I, has determined that the New Hampshire Water Supply and Pollution Control Commission has met all conditions of the SDWA and subsequent regulations for assumption of primary enforcement responsibility for public water systems in the State of New Hampshire. This determination is based on a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of:

(1) State primary drinking water regulations; (2) an inventory of public water systems; (3) a systematic program of sanitary surveys; (4) a State program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) a plan review program; (7) adequate statutory or regulatory enforcement authority; (8) record-keeping and reporting procedures; (9) a program for issuing variances and exemptions; (10) a plan for providing safe drinking water under emergency circumstances.

All elements of this program will be carried out by the Water Supply and Pollution Control Commission's Division of Water Supply.

Any interested person may comment on the State submission by writing to the Regional Administrator, U.S. EPA, Region I, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts 02203. The State's submission, related documents, and all comments received are on file and may be inspected and copied at EPA, Region I, Boston.

Further information about the public hearing may be obtained by writing the Water Supply Branch of EPA, Region I, or the Water Supply Division, New Hampshire Water Supply and Pollution Commission or by calling Floyd B. Taylor at (617) 223-6486 or Stephen Leavenworth at (603) 271-3503.

After receiving the record of the hearing, an order will be issued affirming or rescinding this determination. If the determination is affirmed, it shall become effective as of the date of this order.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: June 9, 1978.

WILLIAM R. ADAMS, Jr.,
Regional Administrator, U.S. Environmental Protection Agency, Region I.

[FR Doc. 78-16986 Filed 6-19-78; 8:45 am]

[6560-01]

[FRL 912-8]

STATE APPLICATION FOR SAFE DRINKING WATER PRIMARY ENFORCEMENT RESPONSIBILITY

Notice of Hearing

In accordance with the provisions of Section 1413 of the Safe Drinking Water Act (SDWA), (88 Stat. 1661; 42 U.S.C. 300f et seq.) and 40 CFR 142 (41 FR 2918, January 20, 1976), Dr. Joseph E. Cannon, Director of the Rhode Island Department of Health, has submitted an application to assume primary enforcement responsibility under the Safe Drinking Water Act to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given that a public hearing has been requested and scheduled to consider this application and to enable all interested parties to present their views on the State's submission. The hearing will be held in the Health Department Auditorium, Cannon Office Building, 75 Davis Street, Providence, Rhode Island, 02908. The hearing will begin at 9:30 a.m. on July 19, 1978. Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the Hearing Officer and other interested persons.

The Hearing Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

The Regional Administrator, EPA, Region I has determined that the Rhode Island Department of Health has met all conditions of the SDWA and subsequent regulations for assumption of primary enforcement responsibility for public water systems in the State of Rhode Island. This determination is based on a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of:

(1) State primary drinking water regulations; (2) an inventory of public water systems; (3) a systematic program of sanitary surveys; (4) a State program for certification of laboratories; (5) State laboratory facilities certified by EPA; (6) a plan review program; (7) adequate statutory or regulatory enforcement authority; (8) record-keeping and reporting procedures; (9) a program for issuing variances and exemptions; (10) a plan for providing safe drinking water under emergency circumstances.

All elements of this program will be carried out by the Department of Health's Division of Water Supply.

Any interested person may comment on the State submission by writing to the Regional Administrator, U.S. EPA, Region I, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts, 02203. The State's submission, related documents, and all comments received are on file and may be inspected and copied at EPA, Region I, Boston.

Further information about the public hearing may be obtained by writing the Water Supply Branch of EPA, Region I, or the Water Supply Division, Rhode Island Department of Health or by calling Floyd B. Taylor at (617) 223-6486 or John Hagopian at (401) 277-2234.

After receiving the record of the hearing, an order will be issued affirming or rescinding this determination. If the determination is affirmed, it shall become effective as of the date of this order.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: June 9, 1978.

WILLIAM R. ADAMS, Jr.,
Regional Administrator, U.S. Environmental Protection Agency, Region I.

[FR Doc. 78-16985 Filed 6-19-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

In preparation for the 1979 World Administrative Radio Conference, the next meeting of the Common Carrier Domestic Land Mobile Radio Advisory Committee, headed by Wendell R. Harris, will be held on Tuesday, July

11, 1978, at 10:00 a.m. in Room 8210, 2025 M Street, N.W., Washington, D.C.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition of the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Committee Chairman's opening remarks.
2. Reply comments on Eighth Notice of Inquiry in Docket 20271.
3. Further Business.
4. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-16972 Filed 6-19-78; 8:45 am]

[6712-01]

[RM-3041; FCC 78-389]

ALLOWING USE OF TYPEWRITERS AT ALL COMMERCIAL RADIOTELEGRAPH OPERATOR CODE EXAMINATIONS

Denying Petition for Rulemaking; Proceeding Terminated

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action denies a request for amendment of Part 13 of the Rules to permit the use of typewriters during all Morse code receiving tests for commercial radiotelegraph operator licenses. The Commission is of the opinion that applicants for radiotelegraph operator licenses, which are used mainly aboard large ocean going vessels, must be required to demonstrate their ability to copy code messages without reliance on mechanical equipment which may not always be available, especially during emergency conditions.

EFFECTIVE DATE: Non-Applicable.

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

FOR FURTHER INFORMATION CONTACT:

Vernon P. Wilson, Regional Services Division 202-632-7240.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER

Adopted: June 7, 1978.

Released: June 15, 1978.

In the matter of amendment of Part 13 of the Commission's rules and regulatins to allow the use of typewriters at all commercial rediotelegraph operator code examinations, RM-3041.

1. The Commission has before it a petition from Mr. Paul H. Lee of Thousand Oaks, California requesting that § 13.44 of the Commission's rules be amended to permit applicants for all classes of commercial radiotelegraph operator licenses to use typewriters during the receiving portions of all required Morse code examinations.

2. Under the current rules,[1] applicants for Radiotelegraph Third and Radiotelegraph Second Class Operator Licenses are required to demonstrate their ability to receive and write or print in *longhand* Morse code at a speed of 20 words per minute plain and 16 words per minute code groups. Applicants for first class radiotelegraph operator licenses must hold a Radiotelegraph Second Class Operator License and have at least one year of experience at a manually operated radiotelegraph station. Additionally, they must demonstrate their ability to send and receive Morse code messages at speeds of 25 words per minute for plain language and at 20 words per minute for code groups. As they have already demonstrated their ability to copy code in longhand at speeds up to 20 words per minute by having qualified for the Radiotelegraph Second Class Operator License, the rules permit the use of a typewriter, if furnished by the applicant, during the 25 word per minute test.

3. The petitioner, in support of his request, contends that some persons have difficulty in writing legibly at speeds even as low as 16 words per minute; former military personnel who have become radiotelegraph operators have been trained to copy code on the typewriter; in the maritime radio service the typewriter is the standard means of copying traffic; messages copied on the typewriter do not have to be re-copied as would messages copied in longhand; and expert use of the typewriter is part of the maritime radio operator's duties.

4. International Regulations and the communications Act of 1934, as amended, require large ocean-going vessels to carry one (or more) radiotelegraph operator(s). the operator is responsible for sending and receiving messages relating to the ship's routine business as well as important navigational matters such as weather advisories, obstruction warnings, movements of nearby ships, and possible distress messages. There is no requirement that a typewriter be made available. The commission is, therefore, of the opinion that in order to maintain maritime safety under all circumstances, applicants for radiotelegraph operator licenses must be required to demonstrate their ability to copy code messages without reliance on mechanical equipment which may not always be available, especially under emergency conditions.

5. *Accordingly, it is ordered,* That the petition of Mr. Paul H. Lee to amend § 13.44 of the Commission's Rules to permit the use of a typewriter during all commercial radiotelegraph operator code receiving tests is denied.

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

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-16987 Filed 6-19-78; 8:45 am]

[1] 13.44 Receiving test procedure. Receiving code tests shall be written in longhand or printed by hand either in ink or pencil except that in the case of the 25 words per minute code test a typewriter may be used when furnished by the applicant.

[6770-01]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Notice of Meeting

JUNE 8, 1978.

Pursuant to Section 10(a) of Pub. L. 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, July 17; Tuesday, July 18; and Wednesday, July 19, 1978. The meeting will commence at 8 a.m. on July 17; at 9 a.m. on July 18; and at 9 a.m. on July 19 at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C., in the sixth floor Board Room.

MONDAY, JULY 17

8 a.m.
General Discussion
10 a.m.
FIR and Net Worth Requirements
Borrower Protection in Home Financing
Nationwide Whole Loan Purchases
Investment in Deposits of Other Associations
1 p.m.
Comly Rich House
Loans to One Borrower
Amend Conflict of Interest Regulations
Permissible Activities of Service Corporations
Interstate Branching
Advertising of Interest & Earnings on Savings Accounts
Collateral for Federal Home Loan Bank Advances
Tax Incentives for Savings Accounts
Need for a Study of Sources of Funds for Housing
Federal Charters for Mutual Savings Banks
Borrowing Needs of Special Market Segments

Maturity of Certificate Savings Accounts

TUESDAY, JULY 18

9 a.m.
Continued discussion of Monday afternoon topics
1 p.m.
General discussion

WEDNESDAY, JULY 19

9 a.m.
General discussion

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

ROBERT H. MCKINNEY,
Chairman.

[FR Doc. 78-16966 Filed 6-19-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 10, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. LM-1.

Filing party: H. S. Thorne, President, Panama City Florida Steamship Association, P.O. Box 1555, Panama City, Florida 32401.

Summary: Agreement No. LM-1 constitutes the Articles of Incorporation and By-Laws of the Panama City Florida Steamship Association, Inc., (Association). The purposes of the Association are to: (1) acquire, preserve and disseminate information pertaining to the Port's ocean commerce and to promote the interest, decrease the risks and improve the methods in handling thereof; (2) promote the mutual welfare of the Association's members and the members' waterfront employees, to do any and all things to advance the interests of the Port and to increase the commerce thereof; (3) take over, carry on and continue the affairs of the unincorporated Association known as the Panama City Florida Steamship Association; (4) act upon request, as bargaining agent for any or all of its members with respect to labor contracts and disputes; (5) hold and exercise all such incidental powers that relate to the above purposes; and (6) engage in any and all lawful activities permitted under the laws of the State of Florida. Membership in the Association consists of persons, firms and corporations engaged in business as steamship agents and contracting stevedores and admission of new members is upon the unanimous vote of all members in good standing. Any member may be expelled from the Association with or without assigned cause after such member has been offered an opportunity to be heard but no member shall be expelled except pursuant to the approval of all of the other members of the Association.

Agreement No. LM-1-A.

Filing party: H. S. Thorne, President, Panama City Florida Steamship Association, P.O. Box 1555, Panama City, Florida 32401.

Summary: Agreement No. LM-1-A is a Notice of Assessment adopted and published by the Panama City Florida Steamship Association (established under Federal Maritime Commission Agreement No. LM-1). Agreement No. LM-1-A establishes the following assessments applicable to all cargo handled by members on vessels arriving on or after April 1, 1978:

REGULAR ASSESSMENT

General Cargo: 3¢ per 2,240 lbs., min. charge $15.00.

Bulk Cargo or Scrap Metal: 1¢ per 2,240 lbs., min. charge $15.00.

LASH/SEABEE Barges: above rates applicable, min. charge $7.50.

All Other Vessels including Tankers: $15.00 per vessel.

SPECIAL ASSESSMENT

General Cargo: 5¢ per 2,240 lbs., min. charge $15.00.

Bulk/Scrap: 2¢ per 2,240 lbs., min. charge $15.00.

LASH/SEABEE Barges: above rates applicable, min. charge $15.00.

All Other Vessels including Tankers: $15.00 per vessel.

The purpose of the regular assessment is to provide funds for the general operating expenses of the Association and the special assessment is for the purpose of paying the loan obtained by the Association on behalf of its members to contribute to the American Longshoremen's Association (ALA) Local 1482 in accordance with the terms of the collective bargaining agreement between ALA Local 1482 and the Association's members.

Agreement No. T-3553-1.

Filing party: Albert B. Dearden, Deputy Chief, Leases & Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

Summary: Agreement No. T-3553-1 between the Port Authority of New York and New Jersey (Port) and International Terminal Operating Co., Inc., (ITO) amends the basic agreement between the parties which provides for the lease to ITO facilities located at the Brooklyn-Port Authority Marine Terminal, New York, New York. The purpose of Agreement No. T-3553-1 is to increase the leased property to include Piers 6 and 7 and the adjacent land and water areas as indicated in the amendment. In addition, a corresponding adjustment has been made in the rental payment which requires ITO to pay the Port the greater of $2.00 multiplied by the number of revenue tons handled in one year at the facility, or $615,000.00 per annum, not to exceed a maximum annual payment of $1,230,000.00. In all other respects, the basic lease between the parties remains unchanged.

Agreement No. T-3660.

Filing party: Mr. R. J. Finnan, Pricing, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary: Agreement No. T-3660 between Lykes Bros. Steamship Co., Inc., (Lykes) and S.E.L. Maduro (Florida) Inc., (Maduro) is a one-year arrangement (automatically renewed on a year-to-year basis) whereby Maduro will perform stevedoring services at Tampa Range, Florida, for conventional cargo vessels, barges and containers which are owned, operated or chartered by Lykes. Under the terms of the agreement, Maduro will perform prescribed services as set forth in the agreement at rates and charges agreed upon by the parties. Certain services not included in the prescribed services will be performed and will be charged at cost. In addition, services which require extra labor will be charged at the extra labor man-hour basis at actual cost plus 15 percent.

Agreement No. 7100-23.

Filing party: Howard A. Levy, Esquire, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 7100-23 modifies the basic agreement to provide that the members may appoint a European Resident Representative who may be the Chairman of the North Atlantic Westbound Freight Association, or a member of his staff.

Agreement No. 9941-3. Filing party: Mr. Fred A. Wendt, Senior Vice President, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, Louisiana 70150. Summary: Agreement No. 9941-3, between Compania Sud Americana de Vapores and Delta Steamship Lines, Inc., modifies the basic cargo revenue pooling, sailing and equal access agreement in the trade from United States Atlantic ports to ports in Chile by substituting the name of Delta Steamship Lines, Inc. for that of Prudential Lines Inc. in the agreement.

Agreement No. 10341. Filing party: Robert T. Basseches, Attorney for American President Lines, Ltd., Shea & Gardner, 734 Fifteenth Street, NW., Washington, D.C. 20005. Summary: Agreement No. 10341, between American President Lines, Ltd. and Medtainer Gulf Line SAL, provides, basically, for the establishment of a through billing arrangement for the transportation of loaded and empty containers in the trade between ports in the United States and ports in Southeast Asia, Sri Lanka, India, Pakistan and the Persian Gulf with transshipment at Singapore and/or other mutually agreeable ports, under terms and condi-

tions set forth in the agreement. Incidental to the basic purpose of the arrangement, Agreement No. 10341 would also permit the parties to arrange for alternate sailings in the trade between the port of transshipment and ports in southeast Asia, Sri Lanka, India, Pakistan and the Persian Gulf area.

By Order of the Federal Maritime Commission.

Dated: June 14, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16994 Filed 6-19-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1222]

AM-CAN FREIGHT FORWARDERS, INC.

Order of Revocation

The bond issued in favor of Am-Can Freight Forwarders, Inc., 6501 NW 36th Street, Suite 180, Miami, FL 33148, FMC No. 1222, was cancelled effective June 7, 1978.

By letter dated May 10, 1978, Am-Can Freight Forwarders, Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1222 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 7, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Am-Can Freight Forwarders, Inc., has failed to furnish a vaild surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1222 be and is hereby revoked effective June 7, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1222 issued to Am-Can Freight Forwarders, Inc., be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Am-Can Freight Forwarders, Inc.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 78-16991 Filed 6-19-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1264]

MAINSTREAM FORWARDING CO.

Order of Revocation

On May 24, 1978, Mainstream Forwarding Company, P.O. Box 9321, Jackson, Miss. 39206, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1264 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1264 issued to Mainstream Forwarding Company be and is hereby revoked effective May 24, 1978, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Mainstream Forwarding Company.

ROBERT M. SKALL,
Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 78-16992 Filed 6-19-78; 8:45 am]

[6730-01]

SECURITY FOR THE PROTECTION OF THE PUBLIC FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS ON VOYAGES

Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Hellenic Company Overseas Cruise Vessels S.A., c/o Epirotiki Lines, Inc., 608 Fifth Avenue, New York, New York 10020.

Dated: June 14, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16993 Filed 6-19-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BANK GROUP ONE CORP.

Formation of Bank Holding Company

Bank Group One Corporation, Racine, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank & Trust Company of Racine, Racine, Wisconsin and Farmers & Merchants Bank, Menomonee Falls, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 July 14, 1978.

Board of Governors of the Federal Reserve System, June 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17023 Filed 6-19-78; 8:45 am]

[6210-01]

BANK LAND CO.

Proposed Retention of Certain Insurance Agency Activities

Bank Land Company, Denver, Colorado, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to continue to engage in certain insurance agency activities at an office located in Denver, Colorado. Notice of the application was published on April 14, 1978 in *The Daily Journal*, a newspaper circulated in Denver, Colorado.

Applicant states that it proposes to continue to engage in the activity of acting as insurance agent for the sale of insurance directly related to extensions of credit by its subsidiary bank, Southwest State Bank, Denver, Colorado. The types of insurance proposed to be continued to be sold are: decreasing term credit life insurance, credit accident and health insurance; level term credit life insurance on single payment demand notes; and, level term and decreasing term credit life insurance on single payment and installment commercial notes. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh pos-

sible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 14, 1978.

Board of Governors of the Federal Reserve System, June 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17024 Filed 6-19-78; 8:45 am]

[6210-01]

BAY BANKS, INC.

Acquisition of Bank

Bay Banks, Inc., Boston, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Bay Bank Boston, N.A., Boston, Massachusetts, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 6, 1978.

Board of Governors of the Federal Reserve System, June 12, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17025 Filed 6-19-78; 8:45 am]

[6210-01]

CLARKSON MANAGEMENT CO.

Formation of Bank Holding Company

Clarkson Management Company, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C 1842(a)(1)) to become a bank holding company by acquiring 82 per cent or more of the voting shares of Clarkson Bank, Clarkson, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than July 11, 1978.

Board of Governors of the Federal Reserve System, June 14, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17026 Filed 6-19-78; 8:45 am]

[6210-01]

DEAN HOLBEIN & ASSOCIATES, INC.

Formation of Bank Holding Company

Dean Holbein & Associates, Inc., Holbrook, Nebraska, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of The Security State Bank, Holbrook, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 6, 1978.

Board of Governors of the Federal Reserve System, June 14, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17027 Filed 6-19-78; 8:45 am]

[6210-01]

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire 100 percent, less directors' qualifying shares, of the voting shares of East Lauderdale Banking Company, Rogersville, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 11, 1978.

Board of Governors of the Federal Reserve System, June 14, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17028 Filed 6-19-78; 8:45 am]

[6210-01]

FIRST BANCORP, INC.

Acquisition of Bank

First Bancorp, Inc., Corsicana, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 1,199 voting shares of First National Bank, Fairfield, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 7, 1978.

Board of Governors of the Federal Reserve System, June 13, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17029 Filed 6-19-78; 8:45 am]

[6210-01]

FLORIDA BANKSHARES, INC.

Acquisition of Bank

Florida Bankshares, Inc., Hollywood, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of First National Bank of West Delray, Delray Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 26, 1978.

Board of Governors of the Federal Reserve System, June 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17030 Filed 6-19-78; 8:45 am]

[6210-01]

SERVICE BANCORPORATION

Formation of Bank Holding Company

Service Bancorporation, Tonkawa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96 per cent or more of the voting shares of Service Bank of Tonkawa, Tonkawa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 30, 1978.

Board of Governors of the Federal Reserve System, June 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17031 Filed 6-19-78; 8:45 am]

[6210-01]

TULBANCORP, INC.

Formation of Bank Holding Company

Tulbancorp, Inc., Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent less directors' qualifying shares of the voting shares of Bank of Tulsa, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than July 10, 1978.

Board of Governors of the Federal Reserve System, June 14, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-17032 Filed 6-19-78; 8:45 am]

[6820-34]

GENERAL SERVICES ADMINISTRATION

ADVISORY COMMITTEE FOR THE PRESIDENT'S ADMINISTRATIVE SERVICES REORGANIZATION PROJECT

Extension of Advisory Committee: This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and advises of the extension of an Advisory Commitee for review and recommendation of work processes relating to the President's Administrative Services Reorganization Project. The Administrator of General Services has determined that this Advisory Committee is in the public interest.

Designation: Advisory Committee for the President's Administrative Services Reorganization Project.

Purposes: To provide broader perspective and insight, utilizing private expertise, for improving delivery of administrative services within the federal establishment.

Dated: June 15, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-17074 Filed 6-19-78; 8:45 am]

[4110-85]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and time: July 10, 1978 (10 a.m. to 5 p.m.); July 11, 1978 (9 a.m. to 1 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

Purpose of meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Health Practice Assessment, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4990.

Dated: June 2, 1978.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc. 78-16905 Filed 6-19-78; 8:45 am]

[4110-03]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Gastroenterology-Urology Section of the General Medical Devices Panel.	July 6 and 7, 9 a.m., room 5051, HEW-N, 330 Independence Ave. SW., Washington, D.C..	Open public hearing July 6, 9 a.m. to 10 a.m.; open committee discussion July 6, 10 a.m. to 4 p.m., July 7, 9 a.m. to 1 p.m.; Dennis J. Cotter (HFK-420), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information on topics listed below to Mr. Dennis J. Cotter. Submission of data on tentative classification findings is also invited. Those desiring to make formal presentations should notify Mr. Cotter by June 22, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

Open committee discussion. The Section will review recommendations for general controls (class I) exemptions from regulation. This review will include a discussion of the critical device provisions of the proposed good manufacturing practices regulations. The section will also review classification recommendations on organ preservation devices and blood access devices. These product groups include: (1) pulsatile or nonpulsatile hypothermic isolated organ perfusion apparatus with or without oxygenator; (2) ice storage or freezing container with or without bag and/or preservatives; (3) disposable perfusion set; (4) A–V shunt cannula; and (5) long-term indwelling peritoneal catheter.

The Section will discuss problems surrounding neonatal and pediatric dialysis, definitions for hemodialyzers, and blood access devices and will review the reorganization of the gastroenterological-urological device list. In addition, the Section will review supplementary data sheets for the following devices: suprapubic catheter (and accessories); electrosurgical unit (and accessories); urological catheters; gastrointestinal tubes (and accessories); biopsy instruments; hemodialysis blood access accessories.

Committee name	Date, time and place	Type of meeting and contact person
2. Physical Medicine Section of the Surgical and Rehabilitation Devices Panel.	July 7, 9 a.m., Conference room 500, U.S. Custom House, 19th and California Sts., Denver, Colo..	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Johnsie W. Bailey (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910 301-427-7238.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertaining to the discussion on the agenda in this notice to Johnsie W. Bailey. Submission of data on tentative classification findings is also invited. Those desiring to make formal presentations should notify Ms. Bailey by June 23, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

Open committee discussion. The Section will discuss available literature and research on the biological effects of electromagnetic energy, review the premarket approval (class III) classification recommendation of the pressure applying device, and complete the 18-question logic scheme for the pressure applying devices and the corrective shoe orthosis. The Section will also discuss classification of any additional devices.

Committee name	Date, time, and place	Type of meeting and contact person
3. Radiologic Section of the Obstetrics-Gynecology and Radiologic Devices Panel.	July 10, 9 a.m., room 6821, FB-8, 200 C St. SW., Washington, D.C..	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m., Lillian Yin (HFK-470), 8758 Georgia Ave., Silver Spring, Md. 20910, 301-427-7555.

Committee name	Date, time, and place	Type of meeting and contact person
4. Cardiovascular and renal Drugs Advisory Committee..	July 10, and 11, 9 a.m., Conference room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md..	Open public hearing July 10, 9 a.m. to 10 a.m.; open committee discussion July 10, 10 a.m. to 5 p.m.; July 11, 9 a.m. to 4 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4730.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information on radiological devices to Dr. Lillian Yin. Submission of data on tentative classification findings is also invited. Those desiring to make formal presentations should notify Dr. Yin by July 3, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

Open committee discussion. The Section will review the draft proposed classification regulations.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. Discussion of NDA 18-017 (Timolol) B-blocker for hypertension; NDA 17-937 (Petrin), an anti-anginal agent; and NDA 18-009 (Saralasin), a diagnostic agent for hypertension.

Committee name	Date, time, and place	Type of meeting and contact person
5. Contraceptives and Other Vaginal Drug Products Panel.	July 10 and 11, 9 a.m., Conference room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md..	Open public hearing July 10, 9 a.m. to 10 a.m.; open committee discussion July 10, 10 a.m. to 4:30 p.m.; July 11, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who desire to make such a presentation should notify the contact person before July 5, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required for their presentations.

Open committee discussion. The Panel will review data submitted in response to the over-the-counter (OTC) review's call for data for this Panel (see also § 330.10(a)(2) (21 CFR 330.10(a)(2))). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
6. Dentifrices and Dental Care Agents Panel..	July 11, 12, and 13, 9 a.m., Conference room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md..	Open public hearing, July 11, 9 a.m. to 10 a.m.; open committee discussion, July 11, 10 a.m. to 4:30 p.m., July 12 and 13, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who desire to make such a presentation should notify the contact person before July 7, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required for their presentations.

Open committee discussion. The Panel will review data submitted in response to the over-the-counter (OTC) review's call for data for this Panel (see also § 330.10(a)(2) (21 CFR 330.10(a)(2))). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
7. Allergenic Extracts Panel..	July 13 and 14, 2:30 p.m., Room 719, Rockwall Bldg., 11400 Rockville Pike, Rockville, Md.	Open public hearing July 13, 2:30 to 3:30 p.m.; open committee discussion July 13, 3:30 to 9 p.m., July 14, 8 a.m. to 4 p.m.; Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-5455.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of biological products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee.

Open committee discussion. The Panel will discuss editing of the draft panel report covering all products reviewed to date. This is the final meeting for submitting data to be considered by the Panel in completing its review of allergenic extracts and poison ivy, oak, and sumac extracts.

Committee name	Date, time, and place	Type of meeting and contact person
8. Orthopedic Section of the Surgical and Rehabilitation Devices Panel.	July 13 and 14, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing July 13, 9 to 10 a.m.; open committee discussion July 13, 10 a.m. to 5 p.m.; open public hearing July 14, 9 to 10 a.m.; open committee discussion July 14, 10 a.m. to 5 p.m.; James G. Dillon (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information on reclassification petitions before the Panel, clinical and preclinical guidelines, and other matters concerned with the safety and efficacy of orthopedic devices to Dr. James G. Dillon. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify Dr. Dillon by June 23, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

Open committee discussion. The Panel will review and comment on the

reclassification petitions, as required under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)(2)), submitted by Orthopedic Equipment Co., Inc. concerning the Oxford Total Knee (F780007); and DePuy concerning the ICLH Total Knee (F780009). Interested persons may obtain copies of the petitions by writing the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

The Panel will review and discuss clinical and preclinical guidelines for testing orthopedic prosthetic devices. The Panel will also review scientific data and make recommendations on the classification of (1) acetabular cups; (2) non-constrained knee prostheses; and (3) semi-constrained ankle prostheses containing carbon reinforced ultrahigh molecular weight polyethylene (Poly II™).

Committee name	Date, time, and place	Type of meeting and contact person
9. Device Good Manufacturing Practice Advisory Committee.	July 27 and 28, 9 a.m., Room 5051, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing July 27, 9 to 10 a.m.; open committee discussion July 27, 10 a.m. to 4:30 p.m., July 28, 9 a.m. to 4:30 p.m.; Leonard J. Stauffer (HFK-134), 8758 Georgia Ave., Silver Spring, Md. 20910, 301-427-8120.

General function of the Committee. The Committee reviews proposed good manufacturing practices regulations (GMP's) governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices and makes recommendations on the feasibility and reasonableness of the proposed regulations.

Agenda—Open public hearing. Interested parties are encouraged to present pertinent information on additions or deletions to the list of critical devices. Individual manufacturers have already submitted to the executive secretary exemption or variance petitions for changing the status of the arrhythmia detector and alarm from critical to noncritical. Individuals desiring to make formal presentations should notify the executive secretary by June 30, 1978 and submit a brief general statement of the evidence or arguments they wish to present, references to any data involved, names and addresses of proposed participants, and an approximate indication of the time required to make their presentations.

Supplementary information. The Medical Device Amendments of 1976 (Pub. L. 94-285), amending the Federal Food, Drug, and Cosmetic Act (the act) became law on May 28, 1976. Section 520(f) of the amended act (21 U.S.C. 360j(f)) provides the agency with authority to prescribe regulations requiring that the methods used in, and facilities and controls used for, the manufacture, packing, storage, and installation of devices conform to current GMP requirements.

On August 12, 1976, the Commissioner of Food and Drugs formally established the Device GMP Advisory Committee as specifically authorized by section 520(f) of the act (see the notice of establishment published in the FEDERAL REGISTER of August 27, 1976 (41 FR 36233)).

Open committee discussion. Topics for discussion will include (1) the inflationary impact of the umbrella GMP, (2) major issues which led to changes in the final rule, (3) potential exemptions from GMP for certain class I devices, (4) GMP inspection strategy and policy, (5) procedures for GMP exemption and variance petitions, and (6) changes to be made in the guideline list of critical devices.

Committee name	Date, time, and place	Type of meeting and contact person
10. Contraceptives and Other Vaginal Drug Products Panel.	July 31 and Aug. 1, 9 a.m., Conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing July 31, 9 a.m. to 10 a.m.; open committee discussion July 31, 10 a.m. to 4:30 p.m., Aug. 1, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. Those who desire to make such a presentation should notify the contact person before July 26, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required for their presentations.

Open committee discussion. The Panel will review data submitted in response to the over-the-counter (OTC) review's call for data for this Panel (see also § 330.10(a)(2) (21 CFR 330.10(a)(2))). The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, D.C., area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Dated: June 14, 1978.

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

[FR Doc. 78-17059 Filed 6-19-78; 8:45 am]

[4110-03]

ADVISORY COMMITTEES

Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. General and Plastic Surgery Section of the Surgical and Rehabilitation Devices Panel.	July 6, 8 a.m., Room 1137, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open committee discussion 8 a.m. to 2 p.m.; closed committee deliberations 2 p.m. to 3 p.m.; open public hearing 3 p.m. to 4 p.m.; Mark F. Parrish (HFK-410), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information on the topics to be discussed and the devices to be classified to Dr. Mark Parrish. Submission of data on tentative classification findings is also invited. Those desiring to make formal presentations should notify Dr. Parrish by June 30, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

Open committee discussion. The Panel will discuss the properties of silicone rubber, gel, and liquid when implanted in animal and human tissue. The panel will classify isolation masks, instrument lubricants (milks), and silicone instrument sprays.

Closed committee deliberations. The panel will review a new drug application (NDA) 85-316. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Microbiology Section of the Immunology and Microbiology Devices Panel.	July 19 and 20, 9 a.m., Room 425, 8757 Georgia Ave., Silver Spring, Md.	Open public hearing July 19, 9 a.m. to 10 a.m.; open committee discussion July 19, 10 a.m. to 4:30 p.m.; closed committee deliberations July 20, 9 a.m. to adjournment; Thomas M. Tsakeris (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the Committee. The Committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information on the classification of microbiology devices to the executive secretary. Submission of data on tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by June 30, 1978, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their presentations.

Open committee discussion. The panel will make recommendations requesting exemptions from the general controls requirements for all those products previously classified into class I.

Closed committee deliberations. The panel will review and discuss antiobiotic drug application 50-524. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Blood and Blood Derivatives Panel.	July 27 and 28, 9 a.m., Room 719, Rockwall Bldg., 11400 Rockville Pike, Rockville, Md.	Open public hearing July 27, 9 a.m. to 10 a.m.; open committee discussion July 27, 10 a.m. to 5:30 p.m., July 28, 8:30 a.m. to 2 p.m.; closed committee deliberations July 28, 2 p.m. to 4 p.m.; Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-5455.

General function of the Committee. Reviews and evaluates available data on the safety and effectiveness of biological products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The Panel will edit draft panel report statements for plasma fractionation products, blood grouping reagents, blood bank products and other products previously reviewed by the Panel. This is the final meeting for the submission of any data to be considered by the Panel in completing its review of the assigned products.

Closed committee deliberations. The Panel will review data submissions of producers of blood diagnostic reagents and plasma fractionation products. This portion of the meeting will be closed to permit discussion of trade secret manufacturing processes (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: June 14, 1978.

SHERWIN GARDNER,
Deputy Commissioner,
Food and Drug Administration.

[FR Doc. 78-17058 Filed 6-19-78; 8:45 am]

[4110-03]

[Docket No. 75N-0184; Desi 597 and 3265]

CERTAIN DRUG PRODUCTS CONTAINING AN ANTICHOLINGERIC/ANTISPASMODIC IN COMBINATION WITH A SEDATIVE/TRANQUILIZER; ANTISPASMODIC DRUGS ALONE

Rescission of Notice of Opportunity For Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice rescinds a notice of opportunity for hearing published in the FEDERAL REGISTER of August 19, 1977, insofar as it pertains to certain of the drug products named in the notice. The reason is that clinical studies to determine effectiveness are ongoing for similar products of other manufacturers, and the results of the studies may be applicable to these particular products.

EFFECTIVE DATE: June 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Natalia A. Morgenstern, Bureau of Drugs (HFD-110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-4730).

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of August 19, 1977 (42 FR 41917), the Director of the Bureau of Drugs offered an opportunity for hearing on his proposal to withdraw approval of new drug applications and abbreviated new drug applications for certain drug products containing an anticholingeric/antispasmodic in conbination with a sedative/tranquilizer and certain antispasmodic drugs along. The reasons for the proposed action were that the sponsors had neither provided substantial evidence of effectiveness of their products nor complied with the conditions for continued marketing that were published in the FEDERAL REGISTER of November 11, 1975 (40 FR 52644).

In the FEDERAL REGISTER of February 17, 1978 (43 FR 7044), the Commissioner of Food and Drugs annnounced a new policy governing conditions for marketing prescription drug products

that have been allowed to remain on the market pending completing of scientific studies to determine their effectiveness. These are known as "paragraph XIV" drugs. The new policy allows a drugs to remain on or enter the market, under certain conditions, whether or not its manufacturer is conducting clinical studies on that particular product, so long as some manufacturer is conducting the necessary studies on a drug product to which the same conclusions about effectiveness would ultimately apply. In a notice appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is amending the November 11, 1975 notice to implement this new policy insofar as it pertains to certain products containing an anticholinergic/antispasmodic in combination with a sedative/tranquilizer, and antispasmodic drugs along.

As a result of the new policy, certain of the products included in the August 19, 1977 notice of opportunity for hearing, and named below, are now eligible to remain on the market because there are studies ongoing by other manufacturers that will ultimately apply to them. Therefore, with respect to the following products, the notice of opportunity for hearing of August 19, 1977 is hereby rescinded. Other products included in the August 19, 1977 notice are not affected by this notice.

DESI 597

NDA 0-597; Phenobarbital and Atropine Tablets, containing phenobarbital ¼ grain and atropine sulfate 1/150 grain; The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, PA 18102.

DESI 3265

ANDA 83-179; Dicyclomine Hydrochloride Capsules, 10 mg; Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiaqui, NY 11726.

ANDA 84-361; Dicyclomine Hydrochloride Tablets, 20 mg; Bolar Pharmaceutical Co., Inc.

ANDA 83-860; Dicyclomine Hydrochloride Capsules, 10 mg; J. Davis Laboratories, Inc., 433 Commercial Ave., Palisades Park, NJ 07650.

ANDA 83-924; Dicyclomine Hydrochloride Tablets, 20 mg; J. Davis Laboratories, Inc.

ANDA 84-285; Dicyclomine Hydrochloride Capsules, 10 mg; The Lannett Co., Inc., 9000 State Rd., Philadelphia, PA 19136.

ANDA 84-600; Dicyclomine Hydrochloride Tablets, 20 mg; Barr Laboratories, Inc., Northvale, NJ 07647.

ANDA 84-505; Dicyclomine Hydrochloride Capsules, 10 mg; Barr Laboratories, Inc.

ANDA 84-082; Dicyclomine Hydrochloride Capsules, 10 mg; Chelsea Laboratories, Inc., Inwood, NY 11696.

ANDA 84-223; Dicyclomine Hydrochloride Tablets, 20 mg; Chelsea Laboratories, Inc.

ANDA 84-347; Dicyclomine Hydrochloride Capsules, 10 mg; Danbury Pharmacal, Inc., 131 West St., Danbury, CN 06810.

ANDA 84-479; Dicyclomine Hydrochloride Syrup, 10 mg; per 5 cc; National Pharmaceutical Manufacturing Co., Inc., 4128 Hayward Ave., Baltimore, MD 21215.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: May 25, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-16827 Filed 6-19-78; 8:45 am]

[4110-03]

[Docket No. 75N-0184]

CERTAIN DRUG PRODUCTS IN CONVENTIONAL DOSAGE FORM CONTAINING AN ANTICHOLINERGIC/ANTISPASMODIC IN COMBINATION WITH A SEDATIVE/TRANQUILIZER; ANTISPASMODIC DRUGS ALONE

Permission for Drugs to Remain on the Market; Amendment

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice announces changes in the previously published policies of FDA on testing and marketing drug products containing an anticholinergic/antispasmodic in combination with a sedative/tranquilizer and drug products containing an antispasmodic drug alone. The drugs are used in the treatment of various gastrointestinal disorders. The changes now being made (1) require that each drug marketed be the subject of a new drug application (NDA) or an abbreviated new drug application (ANDA), (2) allow a drug to remain on or enter the market even though its manufacturer is not conducting clinical studies of its effectiveness, provided that some manufacturer is conducting such studies on a product containing the same drug(s) and to which the same effectiveness conclusions would ultimately apply, and (3) grant an additional year for the completion of clinical studies.

DATE: Abbreviated news drug applications are due by September 18, 1978.

ADDRESSES: Communications in response to this notice should be identified with the NDA or ANDA number (if any) and the following in a box in the upper portion of the cover letter: "Paragraph XIV Drug—Category XVIII (identify as appropriate, e.g., 'Anticholinergic-Sedative Combination,' 'Antispasmodic')" directed to the attention of the office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Abbreviated new drug applications: Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for opinion of the applicability of this notice to a specific drug product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

All other submissions required by this notice: Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Natalia A. Morgenstern, Bureau of Drugs (HFD-110), Food and Drugs Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-4730).

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of November 11, 1975 (40 FR 52644), the Commissioner of Food and Drugs specified the conditions under which conventional dosage forms of combination products containing an anticholinergic/antispasmodic and a sedative/tranquilizer and drug products containing an antispasmodic drug alone could remain on the market pending completion of clinical studies of effectiveness. The notice established a timetable for submission of protocols, for beginning studies, and for completion of the studies. It was required that a given study be completed and reported to FDA within 18 months after FDA approved the protocol for the study. The notice also provided that a particular product could remain on the market only if its manufacturer or distributor was conducting or participating in a study and otherwise complied with the conditions of the notice.

This notice does not apply to drug products in controlled-release dosage form unless bioavailability studies demonstrating the prolonged effect claimed have been submitted to and found satisfactory by FDA.

There are currently 23 studies (most are multiclinic studies) underway, and the 18-month deadline for completion and submission of the data has passed for all of them. No sponsor has been able to meet the deadline, although many sponsors have made considerable progress toward completion of their studies and have asked for an extension of time to do so. The sponsors' estimates of expected completion dates ranged from 6 months to 2 years beyond the deadlines established by the notice. The Commissioner concludes that, in retrospect, the 18-month deadline for completion of these studies, many of which are of substantial size, was unrealistically

short and should be extended. Unless the studies are allowed to be finished, regulatory action would have to be taken before answers to the questions of effectiveness are available. It was to seek those very answers that FDA allowed time for the conduct of those studies in the first place. Therefore, manufacturers who have studies underway on June 20, 1978 in compliance with the notice of November 11, 1975, are hereby granted an extension of 1 year from the deadline established in the November 11, 1975 notice within which to complete the studies and submit the final report to FDA. For example, a study previously due to be completed and reported by September 30, 1977, will now be due by September 30, 1978.

The November 11, 1975 notice did not require a manufacturer to have, or to submit, an NDA or ANDA in order to study its drug and keep the drug on the market. Some of the drugs on which studies are ongoing are subjects of "deemed approved" NDA's, while others are not. The Commissioner now concludes that an NDA or ANDA should be a condition for marketing any of these drugs while clinical studies of effectiveness are ongoing. This new requirement is discussed in more detail below.

The November 11, 1975 notice required that each manufacturer conduct or participate in clinical studies on its own drug in order for that drug to remain on the market. In a notice published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7044), the Commissioner announced that he was changing this policy in the interest of minimizing duplicative and costly clinical testing of essentially the same drug product and the burden that redundant testing places on already overloaded and scarce clinical testing resources. The Commisioner concluded that the public interest would be better served by not requiring each manufacturer to carry out clinical studies of its own product, as long as the required clinical studies are being conducted by at least one manufacturer on a drug product containing the same drug(s) and to which the same effectiveness conclusions would ultimately apply. This notice implements that change in policy. In reference to the drugs subject to the November 11, 1975 notice, of the 23 ongoing studies, 17 involve unique ingredients or combinations and do not duplicate each other; the remaining 6 involve the same combination of two ingredients.

Therefore, the November 11, 1975 notice is amended as follows:

In the section entitled "XVIII Anticholinergic/Antispasmodicsedative/Tranquilizer Combination Drugs and Antispasmodic Drugs Alone," the following changes or additions are made:

1. In the section numbered 2.d (page 52649) by changing the time within which data shall be submitted to the Division of Cardio-Renal Drug Products from 18 months to 30 months.

2. By revising item 3 to read as follows:

3. It will be acceptable to the Food and Drug Administration for manufacturers of products containing the same ingredients at the same dosages or dosage ratio to conduct studies in cooperation with one another and to submit a joint protocol. The effectiveness conclusions arising from clinical studies of a combination drug product may be considered to apply to other drug products if such other products contain the same ingredients at the same dosages or at approximately the same dosage ratios.

3. By deleting the paragraph immediately following item 3 and by adding the following in its place:

REQUIREMENTS FOR PRODUCTS NOW SUBJECTS OF APPROVED NDA'S OR ANDA'S

Proceedings to withdraw approval of NDA's or ANDA's that have a "deemed approved" status on June 20, 1978 will not be initiated provided that:

1. If there are studies now ongoing by or on behalf of the holder of the application, the studies are completed and the final report is submitted to FDA within 30 months after the applicant received the Bureau's approval or comments on the protocol. If the studies are completed before that time, results shall be submitted within 30 days after their completion; or

2. If no studies are now ongoing by or on behalf of the holder of the application, studies are now being conducted by at least one manufacturer on a drug product containing the same drug(s) and to which the same effectiveness conclusions would ultimately apply.

3. Labeling is in compliance with the requirements of the November 11, 1975 notice.

In a notice of opportunity for hearing published in the FEDERAL REGISTER of August 19, 1977 (42 FR 41917), the Director of the Bureau of Drugs proposed to withdraw approval of those NDA's and ANDA's for which the holders had neither provided substantial evidence of effectiveness of their products nor complied with the conditions for continued marketing specified in the November 11, 1975 notice. In light of the new policy that allows a drug to be marketed under certain conditions even though its sponsor is not conducting studies, it is not appropriate at this time to withdraw approval of certain of the products named in that notice, namely, those for which there are studies being conducted by another manufacturer on drug products containing the same drug(s) and to which the same effectiveness conclusions may ultimately apply. Because of this, a notice appearing elsewhere in this issue of the FEDERAL REGISTER rescinds the notice of opportunity for hearing of August 19, 1977, insofar as it pertains to those particular products. The other products named in the August 19, 1977 notice are not affected because there are no studies ongoing that would apply to them.

REQUIREMENTS FOR MARKETED PRODUCTS NOT NOW SUBJECTS OF APPROVED NDA'S OR ANDA'S

Regulatory proceedings to remove from the market such products that were marketed commercially on June 20, 1978, based upon the absence of an approved NDA or ANDA under section 505 of the Federal Food, Drug, and Cosmetic Act, will not be taken provided that all of the following conditions are met:

(a) The sponsor is now either conducting or participating in clinical studies of the drug product, or (b) at least one other manufacturer is now conducting such studies of a drug product containing the same drug(s) and to which the same effectiveness conclusions would ultimately apply. The products now under study are listed below in this notice.

2. By September 18, 1978, the sponsor submits an ANDA (21 CFR 314.1(f)) for the product(s) to the Division of Generic Drug Monographs (HFD-530), Bureau of Drugs. If the information in the ANDA is complete and satisfactory, it will be conditionally approved, pending results of clinical studies. Such conditionally approved products will have the same legal status as products that are subjects of "deemed approved" applications reviewed in the Drug Efficacy Study; that is, as products for which safety is not in question but for which effectiveness has not been proven.

3. Labeling is in accord with the requirements of the November 11, 1975 notice.

4. The FDA has not issued a non-approvable letter to the applicant concerning the ANDA.

5. The ANDA is conditionally approved by March 19, 1979.

REQUIREMENTS FOR PRODUCTS ENTERING THE MARKET AFTER JUNE 29, 1978

Regulatory action will not be taken against a product that enters the market after June 20, 1978, based upon the absence of an approved NDA or ANDA under section 505 of the Federal Food, Drug, and Cosmetic Act, provided that each of the following conditions is met:

There is at least one ongoing study of another drug product containing the same drug(s), and the results of the study would ultimately apply to the product intended to be placed on

the market. The products now under study are listed below in this notice.

2. If the product is to be placed on the market on or before September 18, 1978, then (a) the sponsor submits an ANDA (21 CFR 314.1(f)), on or before that date, (b) the FDA does not issue a non-approvable letter to the applicant regarding such application, and (c) the ANDA is conditionally approved on or before March 19, 1979.

3. If the product is to be placed on the market after September 18, 1978, but on or before March 19, 1979 (a) the sponsor submits an ANDA prior to marketing (b) the FDA does not issue a non-approvable letter to the applicant regarding such application, and (c) the ANDA is conditionally approved on or before March 19, 1979.

4. If the product is to be placed on the market after March 19, 1979, the sponsors submits and obtains conditional approval of an ANDA prior to marketing the product.

Drug products for which clinical studies are ongoing

Drug product	Sponsor	Final report due
Bentyl capsules containing dicyclomine hydrochloride 10 mg	Merrell-National Laboratories.	Sept. 30, 1978
Bentyl syrup containing dicyclomine hydrochloride 10 mg per 5 ml	do	Do.
Bentyl injection containing dicyclomine hydrochloride 10 mg per ml.	do	Do.
Bentyl with phenobarbital capsules containing dicyclomine hydrochloride 10 mg and phenobarbital 15 mg.	do	Do.
Bentyl with phenobarbital syrup containing dicyclomine hydrochloride 10 mg and phenobarbital 15 mg per 5 ml.	do	Do.
Dactil tablets containing piperidolate hydrochloride 50 mg	do	Do.
Dactil with phenobarbital tablets containing piperidolate hydrochloride 50 mg and phenobarbital 16 mg.	do	Do.
Cantil with phenobarbital tablets containing mepenzolate bromide 25 mg and phenobarbital 16 mg.	do	Do.
Pathilon with phenobarbital tablets containing tridihexethyl chloride 25 mg and phenobarbital 15 mg.	Lederle Laboratories	Do.
Milpath 400 tablets containing tridihexethyl chloride 25 mg and meprobamate 400 mg.	Wallace Laboratories	Do.
Pathibamate 200 tablets containing tridihexethyl chloride 25 mg and meprobamate 200 mg.	Lederle Laboratories	Do.
Anaspaz-PB tablets containing l-hyoscyamine sulfate 0.125 mg and phenobarabital 15 mg.	B. F. Ascher & Co	Oct. 6, 1978
Daricon PB tablets containing oxyphencyclimine 5 mg and phenobarbital 15 mg.	Beecham Laboratories	Oct. 9, 1978
Robinul-PH tablets containing glycopyrrolate 1 mg and phenobarbital 16.2 mg.	A. H. Robins Co	Oct. 19, 1978
Pro-banthine with phenobarbital tablets containing propantheline bromide 15 mg and phenobarbital 15 mg.	Searle Laboratories	Do.
Trasentine Phenobarbital tablets containing adiphenine 50 mg and phenobarbital 20 mg.	Ciba Pharmaceutical Co.	Oct. 22, 1978
Librax capsules containing chlordiazepoxide hydrochloride 5 mg and clidinium bromide 2.5 mg.	Roche Laboratories	Oct. 29, 1978
Sidonna tablets containing simethicone 25 mg, butabarbital sodium 16 mg, hyoscyamine sulfate 0.1037 mg, scopolamine hydrobromide 0.0065 mg, and atropine sulfate 0.0194 mg.	Reed & Carnrick Pharmaceuticals.	Nov. 6, 1978
Enarax 5 tablets containing oxyphencyclimine hydrochloride 5 mg and hydroxyzine hydrochloride 25 mg.	J. B. Roerig & Co	Nov. 10, 1978
Many tablet products containing phenobarbital 16.3 mg hyoscyamine sulfate 0.1037 mg, atropine sulfate 0.0194 mg, and scopolamine hydrobromide 0.0065 mg.	National Pharmaceutical Alliance.	Do.
Valpin 50 PB tablets containing anisotropine methylbromide 50 mg and phenobarbital 15 mg.	Endo Laboratories	Dec. 14, 1978
Belladenal tablets containing bellafoline (levorotatory alkaloids of belladonna (as malates)) 0.25 mg and phenobarbital 50 mg.	Sandoz Pharmaceutical	Mar. 8, 1979
Levsin tablets containing l-hyoscyamine sulfate 0.125 mg and phenobarbital 15 mg.	Kremers-Urban Co	Apr. 23, 1979

Drug products for which clinical studies are ongoing—Continued

Drug product	Sponsor	Final report due
THE FOLLOWING 3 PRODUCTS ARE UNDER COLLABORATIVE STUDY BY THE SPONSORS		
Barbidonna tablets containing phenobarbital 16 mg, hyoscyamine sulfate 0.1286 mg, hyoscine hydrobromide 0.0074 mg, and atropine sulfate 0.025 mg.	Mallinckrodt, Inc	Oct. 1, 1978
Hybephen tablets containing phenobarbital 15 mg, hyoscyamine sulfate 0.1277 mg, atropine sulfate 0.0233 mg, and hyoscine hydrobromide 0.0094 mg.	Beecham Laboratories	Do.
Belbarb tablets containing phenobarbital 16 mg, hyoscyamine hydrobromide 0.128 mg, atropine sulfate 0.024 mg, and hyoscine hydrobromide 0.0072 mg.	Arnar-Stone Laboratories.	Do.
THE FOLLOWING 2 PRODUCTS ARE UNDER COLLABORATIVE STUDY BY THE SPONSORS		
Donnatal tablets containing phenobarbital 16.2 mg, hyoscyamine sulfate 0.1037 mg, hyoscine hydrobromide 0.0065 mg, and atropine sulfate 0.019 mg.	A. H. Robins Co	Oct. 23, 1978
Kinesed tablets containing phenobarbital 16 mg, hyoscyamine sulfate 0.1 mg, hyoscine hydrobromide 0.007 mg, and atropine sulfate 0.02 mg.	ICI United States, Inc	Do.
THE FOLLOWING 2 PRODUCTS ARE UNDER COLLABORATIVE STUDY BY THE SPONSORS		
Butibel tablets and elixir containing butabarbital sodium 15 mg and belladonna extract 15 mg per tablet or per 5 ml elixir.	McNeil Laboratories	Nov. 9, 1978
Chardonna brand of belladonna extract with phenobarbital tablets containing phenobarbital 15 mg and belladonna extract 15 mg per tablet.	Wm. H. Rorer & Co	Do.

The Food and Drug Administration intends to initiate prompt regulatory action against all affected products that fail to comply with this notice under Category I of the administrative guideline "Marketed New Drugs without Approved NDA's or ANDA's," the availability of which was announced in the FEDERAL REGISTER of September 23, 1976 (41 FR 41770).

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052-1053, as amended, 1055-1056, as amended (21 U.S.C. 355, 371)) and the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: June 12, 1978.

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

[FR Doc. 78-16825 Filed 6-19-78; 8:45 am]

[4110-03]

[FDA-225-78-1002]

COORDINATION OF INDUSTRY EDUCATION EFFORTS

Memorandum of Understanding With the Science and Education Administration, U.S. Department of Agriculture

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with

the Science and Education Administration, U.S. Department of Agriculture. The purpose of the memorandum is to set forth cooperative working arrangements between the two agencies to develop and implement educational programs that will assist livestock and poultry producers to apply technical information to the proper use of animal drugs in their management practices.

DATES: The agreement became effective May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

John Arnold, Industry Information Branch, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4557.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) stating that future memoranda of understanding and agreements between FDA and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing the following memorandum of understanding:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND THE SCIENCE AND EDUCATION ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE

COORDINATION OF INDUSTRY EDUCATION EFFORTS

I. *Purpose.* The purpose of this Memorandum of Understanding is to establish policies and administrative procedures to facilitate a continuing working relationship between the Food and Drug Administration (FDA), Department of Health, Education, and Welfare (HEW), and the Science and Education administration (SEA), Department of Agriculture (USDA), to develop and implement educational programs that will assist livestock and poultry producers to apply technical information pertaining to the proper use of animal drugs in their management practices.

II. *Background and authorities.* FDA is charged with the enforcement of the Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.). In fulfilling its responsibilities under the Act, FDA, among things, directs its activities toward the protection of the public health by ensuring that food for humans derived from animals is safe and wholesome and by enforcing regulations governing the use of drugs in animals and by assuring that animal feed is in compliance with the Act.

SEA enages in extension work pursuant to the Smith-Lever Act, as amended (7 U.S.C. 341-349), to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics.

SEA serves as the educational arm of USDA and is responsible for carrying out educational programs in cooperation with State cooperative Extension Services and the 1890 Land-Grant Colleges, including Tuskegee Institute, which conduct these programs in all rural and many urban communities throughout the United States. In these programs, emphasis is placed on work with farmers and ranchers, as well as with other clientele groups.

Many programs conducted by FDA and SEA include the dissemination of useful and practical information of mutual interest to both agencies. Accordingly, cooperation and coordinated efforts in the conduct of such programs will be mutually beneficial and will avoid duplicative efforts.

III. *Responsibilities of agencies.*

A. FDA will:

1. Provide SEA with the opportunity to participate in the design, development, and conduct of selected educational programs and materials of mutual interest relative to the safe and effective use of animal drugs and medicated animal feeds;

2. Provide, upon request, disclosable, technical information on animal drugs and related SEA matters;

3. Provide SEA available information on animal drugs and related materials to SEA for use in USDA and with State Cooperative Extension Services and the 1890 Land-Grant Colleges, including Tuskegee Institute; and

4. Keep SEA informed of the status of FDA programs related to animal drug use regulation.

B. SEA will:

1. Cooperate and coordinate with the FDA in the design, development, and conduct of selected educational programs and materials aimed at encouraging the safe and effective use of animal drugs in food-animal agriculture;

2. Provide channels of communication and distribution to the State Cooperative Extension Services and the 1890 Land-Grant Colleges, including Tuskegee Institute, for information relating to such educational programs that may be used on a national, regional, state, or local basis;

3. Encourage effective coordination between state agricultural agencies and SEA and FDA program; and

4. Provide information from State Cooperative Extension Services and 1890 Land-Grant Colleges, including Tuskegee Institute, to FDA on animal drug use problems, and assist FDA in evaluating the cooperative educational programs or in developing new educational programs of mutual interest.

C. It is mutually agreed that:

1. This MOU, when accepted by both parties, shall continue indefinitely and may be modified by mutual consent of both parties in writing or terminated by either party with 90-days advance written notice.

2. This MOU is not a financial document and does not obligate or require the obligation of funds.

Approved and accepted for the Science and Education Administration.

Date: May 11, 1978.

JAMES NELSON,
Acting Director, Science and Education Administration.

Approved and accepted for the Food and Drug Administration.

Date: May 25, 1978.

JOSEPH P. HILE,
Associate Commissioner for Regulatory Affairs, Food and Drug Administration.

Effective date. This memorandum of understanding became effective May 25, 1978.

Dated: June 13, 1978.

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

[FR Doc. 78-16826 Filed 6-19-78; 8:45 am]

[1505-01]

DEPUTY

Panel Recommendation on Petition for Reclassification

Correction

In FR Doc. 78-15441 appearing on page 24601 in the issue of Tuesday, June 6, 1978, in the middle column, the 2nd full paragraph, the 14th line should read, "Protosul 10™. The Panel recommend-[ed]".

[4110-03]

Food and Drug Administration

CONSUMER PARTICIPATION

Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming Consumer Representative Ad Hoc Meeting to be presided over by the Commissioner of Food and Drugs.

DATE: The meeting will be at 1:30 p.m., Wednesday, June 28, 1978.

ADDRESS: The meeting will be held at the Food and Drug Administration Building, FOB-8, Room 1409, 200 C Street SW., Washington, D.C. 20204.

FOR FURTHER INFORMATION CONTACT:

Alexander Grant, Office of Consumer Affairs (HFG-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1547.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to exchange information between the Food and Drug Administration officials and consumer representatives, to provide an opportunity for consumer represen-

tatives to present their views directly to the Commissioner and to the top managers of FDA, to seek solutions to any problems agreed on during this communication, and to give the agency an opportunity to discuss and communicate vital health and policy issues with the concerned public.

AGENDA

1. Response to the National Consumers League on what FDA is doing to inform the public about the addictive characteristics of tranquilizers.
2. Update and review of the status of Red Dye No. 40—Center for Science in the Public Interest (CSPI).
3. Caffein status—Update and GRAS Reveiw (CSPI).
4. Discussion of the National Consumer Awareness and Access Project.
5. Time out—Free discussion.

Dated: June 16, 1978.

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

[FR Doc. 78-17189 Filed 6-19-78; 8:45 am]

[4110-08]

National Institutes of Health

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, on July 6 and 7, 1978, in Conference Room 8, Building 31-C, National Institutes of Health, Bethesda, Maryland 20014.

The meeting will be open to the public on July 6, 1978, from 9:00 a.m. to 11:00 a.m., to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with the 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, the meeting will be closed to the public on July 6 from 11:00 a.m. to 5:00 p.m., and on July 7 from 9:00 a.m. to adjournment for the review, discussion, and evaulation of individual grant application. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, Bethesda, Maryland 20014, telephone (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Committee, Room 5B51, Building 31, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496-6595, will furnish substantive program information.

Dated: June 14, 1978.

(Catalog of Federal Domestic Assistance Programs No. 13.333, National Institutes of Health)

SUZANNE L. FREMEAU,
NIH Committee Management Officer.

[FR Doc. 78-17237 Filed 6-19-78; 12:14 pm]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-63844]

WYOMING

Notice of Application

JUNE 9, 1978.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah has filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 111 W.,
Sec. 36, NW¼NE¼ and E½E½.

The proposed pipeline will transport natural gas which will tie into the existing gathering system within T. 21 N., R. 111 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-16968 Filed 6-19-78; 8:45 am]

[4310-84]

[W-63843]

WYOMING

Notice of Application

JUNE 12, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah has filed an application for a right-of-way to construct a 4½ inch O. D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 112 W.,
Sec. 14, SW¼NW¼;
Sec. 16, S½N½.

The proposed pipeline will transport natural gas from a point in the SE¼NW¼ sec. 18 to a point of connection with a trunk pipeline located in the SW¼NW¼ sec. 14, all within T. 20 N., R. 112 W., Lincoln and Sweetwater Counties, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

MARLA B. BOHL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-16967 Filed 6-19-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Jackson Zoological Park, James L. Swigert, Director, 2918 West Capitol Street, Jackson, Miss. 39209.

The applicant requests a permit to purchase in interstate commerce, one pair of captive-born orangutans (*Pongo pygmaeus*) from the Dallas Zoo for propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2572. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 20, 1978. Please refer to the file number when submitting comments.

Dated: June 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-16910 Filed 6-19-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Toledo Zoological Gardens, 2700 Broadway, Toledo, Ohio 43609.

The applicant requests a permit to purchase in interstate commerce, one pair of clouded leopards (*Neofelis nebulosa*) that were captive-born at the Rare Feline Breeding Compound, Center Hill, Florida. The animals will be used for exhibition and propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street, NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2563. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 20, 1978. Please refer to the file number when submitting comments.

Dated: June 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-16911 Filed 6-19-78; 8:45 am]

[4310-55]

STEPHEN B. FRELIGH

Endangered Species Permit; Receipt of Application

Applicant: Stephen B. Freligh, Island Park Ranger Station, Island Park, Idaho 83429.

The applicant requests a permit to take (capture) nestling bald eagles (*Haliaeetus leucocephalus*) within Targhee National Forest in order to attach USFWS leg bands, for the purpose of scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street, N.W., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2568. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: June 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-16909 Filed 6-19-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street, N.W., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications on or before July 20, 1978 by submitting written data, views, or arguments to the Director at the above address.

Applicant: John Gerhardt, PRT 2-2620, 9331 Apache Road, Longmont, Colorado 80501.

Applicant: Bramble Park Zoo, PRT 2-2541, Watertown, South Dakota 57201.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: June 15, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-16912 Filed 6-19-78; 8:45 am]

[4310-03]

Heritage Conservation and Recreation Service

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 June 9, 1978. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 30, 1978.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ALABAMA

Jackson County

Stevenson, *Stevenson Historic District*, irregular pattern along railroad tracks

ARKANSAS

Benton County

Bentonville, *Massey Hotel*, U.S. 71

Clark County

Arkadelphia vicinity, *Bozeman House*, W of Arkadelphia on AR 26/51

Cleveland County

Rison, *Ackerman Drug Store*, Main St.

Faulkner County

Conway, *Conway Theater*, Front St.

Garland County

Hot Springs, *Doherty House*, 705 Malvern Ave.
Hot Springs, *Medical Arts Building*, 236 Central Ave.

Howard County

Nashville, *Holt, Flavius, House*, Kohler St.
Nashville, *Womack-Parker House*, off AR 4/24

Jefferson County

Pine Bluff, *Bluthenthal Building*, 205 W. Barraque St.
Pine Bluff, *Boone-Murphy House*, 714 W. 4th Ave.

Miller County

Texarkana, *Texarkana Union Station*, State Line and Front St. (also in Bowie County, TX)

Monroe County

Holly Grove, *Holly Grove Historic District*, Main and Pine Sts.

Nevada County

Prescott, *Prescott, Missouri Pacific Depot*, 300 W. 1st St., N.

Ouachita County

Chidester vicinity, *Bell, Joseph Dudley, Cotton Gin House*, SE of Chidester on Poison Springs Rd.

Pope County

Pottsville, *Pottsville Historic District*, U.S. 64 and AR 247

Pulaski County

Little Rock, *McDonald-Wait-Newton House*, 1406 Cantrell Rd.
Little Rock, *Pettefer, Harry, House*, 105 E. 24th St.
Little Rock, *Terminal Hotel*, Victory and Markham Sts.

Union County

El Dorado vicinity, *Smith, Joel, House*, S of El Dorado on U.S. 167

CALIFORNIA

Humboldt County

Eureka, *McFarlan, George, House*, 1410 2nd St.

Lake County

Lower Lake vicinity, *Anderson Marsh Archeological District*, NW of Lower Lake

Los Angeles County

Beverly Hills, *Robinson, Virginia, Estate*, 1008 Elden Way

Orange County

Laguna Beach vicinity, *Crystal Cove Historic District*, NW of Laguna Beach at 7402 Southeast Coast Hwy.

Shasta County

Redding, *Old City Hall Building*, 1313 Market St.

Sonoma County

Sebastopol vicinity, *Gold Ridge Farm*, W of Sebastopol

DELAWARE

New Castle County

Port Penn vicinity, *Listen Range Rear Light Station*, W of Port Penn on SR 2 HAER

GEORGIA

DeKalb County

Decatur, *Swanton House*, 720 Swanton Way Lithonia, Seminary, The, 6886 Main St.

Fulton County

Atlanta, *Southern Bell Telephone Company Building*, 51 Ivy St., NE.

KENTUCKY

Fayette County

Lexington, *Victorian Commercial Block*, bounded by Broadway, Main, Short, and Spring Sts.

Jefferson County

Louisville, *Bayly-Schroering House*, 1012 S. 4th St.
Louisville, *Cornwall and Brown Houses*, 957 S. 4th St.
Louisville, *Rossmore Apartment House*, 664 River City Mall
Louisville, *Walnut Street Theatre*, 416 W. Walnut St.

Woodford County

Versailles vicinity, *Cohen Mural Houses*, N of Versailles off U.S. 60 and S off SR 1964

MISSISSIPPI

Lee County

Tupelo, *Peoples Bank and Trust Company*, 211 Main St.

NEW HAMPSHIRE

Coos County

Bretton Woods and vicinity, *Bretton Woods Historic Resources*, U.S. 302 and Base Rd. (also in Grafton County)

NORTH CAROLINA

Durham County

Durham, *Durham Hosiery Mill*, 800 Angier Ave.

Yadkin County

East Bend vicinity, *Donnaha Site*, E of East Bend

SOUTH CAROLINA

Charleston County

Charleston vicinity, *Fort Pemberton*, Aubrey Dr. on James Island

Florence County

Florence, *Bonnie Shade*, 1439 Cherokee Rd.
Florence vicinity, *Christ Episcopal Church*, NE of Florence on SC 327

Georgetown County

Georgetown vicinity, *Wicklow Hall Plantation*, S of Georgetown on SC 30

Greenville County

Greenville, *Reedy River Falls Historic Park and Greenway*, both banks of the Reedy River from the falls to the Church St. (boundary increase)

Greenwood County

Greenwood, *Sunnyside*, 105 Dargan Ave.

Orangeburg County

Orangeburg vicinity, *Bruce, Donald, House*, SE of Orangeburg on U.S. 301

Spartanburg County

Spartanburg vicinity, *Anderson's Mill, W of Spartanburg off SC 296*

Sumter County

Sumter vicinity, *Salem Black River Presbyterian Church*, E of Sumter on SC 521

TENNESSEE

Davidson County

Nashville, *Christ Church*, 900 Broadway

Marshall County

Belfast, *Tate, J. C., General Merchandise Store*, Old Belfast Rd.

Montgomery County

Clarksville, *Home Infirmary*, Riverside Dr. and Current St.

Rutherford County

Murfreesburo, *Collier-Land-Crichlow House*, 500 N. Spring St.

TEXAS

Bowie County

Texarkana Union Station. Reference *M* see Miller County, AR.

Ellis County

Waxahachie, *Williams-Erwin House*, 412 W. Marvin St.

Harris County

Houston, *Hogg Building*, 401 Louisiana St.

Kendall County

Comfort, *Treue der Union Monument*, High St.

UTAH

Salt Lake County

Salt Lake City, *Hawk, William, Cabin*, 458 N. 3rd West

Summit County

Park City, *Park City Miner's Hospital*, off UT 97
Park City, *Washington School*, 541 Park Ave.

VERMONT

Rutland County

Benson, *Benson Village*, Stage and Benson Landing Rds.
Pittsford vicinity, *Palmer, Thomas H., House*, SE of Pittsford on U.S. 7

Windsor County

Bethel vicinity, *McKenstry Manor*, N of Bethel on VT 12
Cavendish, *Glimmerstone*, VT 131

[FR Doc. 78-16699 Filed 6-19-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-44]

CERTAIN ROLLER UNITS

Notice Resetting Prehearing Conference and Hearing

Notice is herey given that the Notice of Prehearing Conference and Hearing issued by the undersigned Presiding Officer on June 2, 1978 is rescinded. A new schedule for Prehearing Conference and Hearing is set forth below.

The Prehearing Conference in the above styled investigation is hereby reset for July 17, 1978 at 10 a.m. in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street, NW., Washington, D.C. On or before July 12, 1978 the parties will complete service of prehearing conference statements. The purpose of this Prehearing Conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the Hearing.

Notice is also given that the Hearing in this proceeding is hereby reset for 10 a.m. on July 19, 1978, or on a day thereafter subject to 48-hour advance oral notice to the parties, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C. and will continue daily until completed. The parties shall complete discovery on or before July 7, 1978.

The Secretary shall serve a copy of this notice upon all parties of record

and shall publish this notice in the FEDERAL REGISTER.

Issued: June 13, 1978.

JUDGE DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-16906 Filed 6-19-78; 8:45 am]

[7020-02]

[TA-332-92]

A BASELINE STUDY OF THE TELEPHONE TERMINAL AND SWITCHING EQUIPMENT INDUSTRY

Hearing

Investigation instituted. In response to a request by the Subcommittee on Trade of the Committee on Ways and Means, U.S. House of Representatives, received on December 4, 1977, the United States International Trade Commission instituted the above-captioned investigation on January 13, 1978 (43 FR 2775, January 19, 1978).

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., on Tuesday, September 26, 1978, at 9:00 a.m., e.d.t., in the Main Hearing Room, Room 331, United States International Trade Commission, 701 E Street NW., Washington, D.C. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington, D.C., not later than noon Thursday, September 21, 1978.

Written submissions. Interested persons may submit written statements. Any commercial or financial information for which confidential treatment is requested must be submitted in conformance with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable data, but not later than October 13, 1978. All such submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: June 14, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-16907 Filed 6-19-78; 8:45 am]

[4510-43]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-78-72-C]

CLINES, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Clines, Incorporated, Ikes Fork, W. Va., has filed a petition to modify the application of 30 CFR 75.1710-1 (cabs or canopies), to its No. 1 Mine, located in Wyoming County, W. Va., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) The mine, which has an average seam height of 43 inches, operates a single production shift per day utilizing continuous mining methods and produces about 450 tons of coal per day. There are twelve hourly employees and the projected life of the mine is one year.

(2) Because of low mining heights and the approved roof control plan in effect, the company is not able to operate its electric face equipment safely due to canopies snagging the roof.

(3) Petitioner's employees have indicated that they do not desire to operate with the canopies and Petitioner believes that continued attempts at compliance will not be in the best interest of safety.

(4) The company proposes as an alternative to canopies the utilization of roof jacks and/or timbers where appropriate.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written coments on or before July 20, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: June 12, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-17018 Filed 6-19-78; 8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 30, 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 30, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of May 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alatex, Inc., Andala Plant (ACTWU)	Andalusia, Ala	May 25, 1978	May 4, 1978	TA-W-3,783	Men's dress shirts.
Bogue Electric Manufacturing Co. (workers)	Paterson, N.J	May 23, 1978	Apr. 29, 1978	TA-W-3,784	Electrical generators and golf carts.
CMC Industries, Inc. (workers)	New York N.Y	May 25, 1978	May 19, 1978	TA-W-3,785	Designed and manufactured girls' tops, blouses, and shirts.
Eastman Manufacturing Co., Inc. (workers)	Wilbraham, Mass	May 24, 1978	May 20, 1978	TA-W-3,786	Electrical system for engines.
Franza Coats (workers)	Brooklyn, N.Y	May 26, 1978	May 22, 1978	TA-W-3,787	Ladies' coats.
Hercules Trouser co., Inc. (ACTWU)	Columbus, Ohio	May 25, 1978	May 15, 1978	TA-W-3,788	Shipping men's dress pants and leisure suits.
Do	Hillsboro, Ohio	.....do	.....do	TA-W-3,789	Men's dress slacks.
Do	Manchester, Ohio	.....do	.....do	TA-W-3,790	Do.
Do	Wellston, Ohio	.....do	.....do	TA-W-3,791	Do.
Do	Fordyce, Ark	.....do	.....do	TA-W-3,792	Men's dress and sport slacks.
Interdata Division of Perkin Elmer Corp. (workers)	Oceanport, N.J	May 26, 1978	May 25, 1978	TA-W-3,793	Cables for computers.
Renco Manufacturing, Inc. (workers)	Long Branch, N.J	May 25, 1978	May 24, 1978	TA-W-3,794	Children's clothes.
Shutzer Industries, Inc. (company)	Lawrence, Mass	May 15, 1978	May 12, 1978	TA-W-3,795	Buys the finished product from Shutzer Manufacturing and other manufacturing companies and sells them to the customers. Also houses the administrative staff of Shutzer Manufacturing Co.
Speed Tex Corp. (workers)	Fair Lawn, N.J	.....do	May 10, 1978	TA-W-3,796	Polyester finishing of doubleknits, singleknit, and warp knit fabrics and printing on finished fabrics.
Unitech Chemical Co.-Technical Colloid Plant (N.B.P. & D.W.).	St. Joseph, Mo	May 23, 1978	May 23, 1978	TA-W-3,797	Aminal glue.
Valley Transportation & Warehouse Co., Inc. (workers).	Phoenix, Ariz	May 22, 1978	May 16, 1978	TA-W-3,798	Transporting and warehousing or ore products for Hecla Mining Co.

[FR Doc. 78-16884 Filed 6-19-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 20, 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 30, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of June 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Steel Corp., Buffalo Tank Division (USWA).	Dunellen, N.J	May 26, 1978	May 12, 1978	TA-W-3,799	Standard and special tanks.
Boyles Brothers Drilling Co. (workers)	Butte, Mont	May 23, 1978	Apr. 27, 1978	TA-W-3,800	Ore drilling.
Club Products Co. (UAW)	Cleveland, Ohio	May 30, 1978	May 24, 1978	TA-W-3,801	Cast aluminum cookwear.
City Girl, Inc. (ILGWU)	Lodi, N.J	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,802	Contractor of men's coats.
Crane Edmund Corp. (United Rubber Workers)	Butler, Ind	May 25, 1978	May 23, 1978	TA-W-3,803	Bicycle pedals, training wheels, and kick stands.
Elder Manufacturing Co. (ACTWU)	McLeansboro, Ill	.....do	.....do	TA-W-3,804	Men's and boys' dress and sport shirts.
Ensign Coil Co. (workers)	Cascade, Iowa	May 30, 1978	May 25, 1978	TA-W-3,805	Transformer parts which were shipped to Chicago and Bellvue to be completed.
Gafrey, Inc. (workers)	New York, N.Y	.....do	May 26, 1978	TA-W-3,806	Fabrics for the garment industry.

APPENDIX—Continued

Petitioner: (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Paley Associates, Inc. (workers)	Milton, Mass	Apr. 27, 1978	Apr. 27, 1978	TA-W-3,807	Outerwear for men.
Triangle Coat (ILGWU)	Belleville, N.J	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,808	Contractor of children's coats.
TRW Crescent Wire & Cable Co. Division (workers).	Trenton, N.J	May 30, 1978	May 24, 1978	TA-W-3,809	Building wire.
Van Houden Coat (worker)	Paterson, N.J	May 26, 1978	May 23, 1978	TA-W-3,810	Women's coats.
West Point Pepperell, Inc. (ACTWU)	Lindale, Ga	May 25, 1978	May 2, 1978	TA-W-3,811	Denim fabrics.
Arthur Winer, Inc. (ACTWU)	Gary, Ind	.....do	May 18, 1978	TA-W-3,812	Men's dress slacks.

[FR Doc. 78-16885 Filed 6-19-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 30, 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 30, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of June 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Airco Alloys, a division of Airco, Inc. (UAW)	Calvert City, Ky	June 2, 1978	May 31, 1978	TA-W-3,813	Chrome, silicon, ferro silicon, and manganese.
Aronica Sportswear, Inc. (ILGWU)	New York, N.Y.	May 26, 1978	May 22, 1978	TA-W-3,814	Ladies' coats, blouses, blazers, dresses, and some skirts.
Atlantic Highlands Manufacturing Co. (workers)	Highlands, N.J.	June 2. 1978	May 31, 1978	TA-W-3,815	Contractor of children's coats.
Craig Byron (workers)	Fall River, Mass	.....do	.....do	TA-W-3,816	Ladies' house dresses, pants suits, blouses, etc.
McCarthy Sole & Leather (workers)	Boston, Mass	June 5, 1978	.....do	TA-W-3,817	Cut rubber and leather for heels and soles of shoes.
Uptegraff Transformer Co. (workers)	Somerset, Pa	.....do	June 1, 1978	TA-W-3,818	Transformers.
F. W. Sickles (workers)	Chicopee, Mass	May 30, 1978	May 23, 1978	TA-W-3,819	UHF and VHF electromechanical and electrical TV tuner assemblies and mechanical controllers.
Swank Refractories, Inc. (USWA)	Johnstown, Pa	June 1, 1978	May 31, 1978	TA-W-3,820	Silica and clay refractory products.
Do	Clairton, Pa	.....do	.....do	TA-W-3,821	Do.

[FR Doc. 78-16886 Filed 6-19-78; 8:45 am]

[4510-28]

[TA-W-3010]

LUCKY KNITTING MILLS, BROOKLYN, N.Y.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 2, 1978, in response to a worker petition received January 18, 1978, which was filed on behalf of workers and former workers producing ladies' sweaters and jackets and men's and ladies' turtlenecks at Lucky Knitting Mills, Brooklyn, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978, (43 FR 7066). No public hearing was requested and none was held.

During the course of the investigation, it was established that Lucky Knitting Mills closed permanently on December 8, 1976, and all workers were laid off. Section 223(b)(1) of the Act specifies that a certification shall not apply to any worker whose last total or partial separation occurred more than one year prior to the date of the petition. The date of the petition is January 16, 1978. All workers were laid off on or before December 8, 1976, which is more than twelve

months prior to the date of the petition, and are, therefore, not eligible for program benefits under Title II, Chapter 2, subchapter B of the Trade Act of 1974. The investigation has, therefore, been terminated.

Signed at Washington, D.C., this 8th day of June 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-16887 Filed 6-19-78; 8:45 am]

[4510-28]

[TA-W-3013]

M. LOWANSTEIN & SONS, ROCK HILL PRINTING & FINISHING CO. DIVISION, ROCK HILL, S.C.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 2, 1978, in response to a worker petition received January 25, 1978, which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers processing (finishing) cloth that is sold to companies that produce drapes, towels, bedspreads, etc., at the Rock Hill Printing and Finishing Company Division of M. Lowanstein and Sons, Rock Hill, South Carolina.

Notice of the investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7066). No public hearing was requested and none was held.

The petitioner in this case, the Machine Printers and Engravers Association, requested withdrawal of the petition on May 1, 1978; consequently, the investigation has been terminated.

Signed at Washington, D.C., this 6th day of June 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-16888 Filed 6-14-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-3019]

SOULE STEEL CO., CARSON (LONG BEACH), CALIF.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 2, 1978, in response to a worker petition received on February 2, 1978, which was filed by the United Steelworkers of America on behalf of all workers at Soule Steel Company's Fabricating Shops located in Carson (Long Beach), California.

Notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7066). No public hearing was requested and none was held.

The petitioner in this case requested withdrawal of the petition in a letter dated June 7, 1978. The investigation is, therefore, terminated.

Signed at Washington, D.C., this 12th day of June 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-17017 Filed 6-19-78; 8:45 am]

[4510-30]

STATE OF NEW HAMPSHIRE DEPARTMENT OF EMPLOYMENT SECURITY

Notice of Hearing

This notice announces an opportunity for hearing for the Department of Employment Security of the State of New Hampshire pursuant to the last and the first sentence of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)) to be held at 9:30 o'clock in the morning on July 13, 1978, in Courtroom B, eighth floor, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. The hearing will be on the general question of whether the State of New Hampshire has amended its Unemployment Compensation Law: (1) so that it contains, effective January 1, 1978, each of the provisions required to be contained therein by reason of the enactment of the Unemployment Compensation Amendments of 1976 (Public Law 94-566, approved October 20, 1976; 90 Stat. 2667, et seq.) and Title III of the Emergency Unemployment Compensation Extension Act of 1977 (Public Law 95-19, approved April 12, 1977; 91 Stat. 39, 43, et seq.); and (2) so that it no longer contains the provisions specified in section 3304(a) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a). More particularly, the hearing will be on the following issues:

1. Whether, in view of the exemptions from coverage in sections 282:1,H(4)(g) and 282:1,H,(4)(q) of the New Hampshire Unemployment Compensation Law, the New Hampshire law has been amended so that services performed in the employ of the State of New Hampshire and in the employ of its political subdivisions are covered by the New Hampshire law, effective January 1, 1978, as is required by sections 3304(a)(6)(A) and 3309(a)(1) of the Internal Revenue Code of 1954, as amended by section 115 of Public Law 94-566.

2. Whether, in view of RSA 282:1,H(4)(s)(3), which provides for an exemption from coverage of services performed in the employ of a nonprofit school which is not an institution of higher education, the New Hampshire Unemployment Compensation Law has been amended to cover such services, effective January 1, 1978, as is required by sections 3304(a)(6)(A) and 3309(a)(1) of the Internal Revenue Code of 1954, as amended by section 115 of Public Law 94-566.

3. Whether the New Hampshire Unemployment Compensation Law has been amended, effective January 1, 1978, to conform with the requirements of sections 3304(a)(6)(B) and 3309(a)(2) of the Internal Revenue Code of 1954, as amended by section 506 of Pub. L. 94-566 and section 302 of Pub. L. 95-19 (relating to an option to elect to make payments in lieu of contributions) with respect to governmental entities and nonprofit organizations which are required by sections 3304(a)(6)(A) and 3309(a)(1) of such Code to be covered by the New Hampshire law, as stated in Issues 1 and 2 above.

4. Whether, in view of the provisions of RSA 282:1,N,(1)(a), and/or the provisions of RSA 282:1,O, which exclude from the definition of wages amounts paid to any alien unless such person was, at the time he performed services, present in the United States under color of law, the New Hampshire Unemployment Compensation Law has been amended so that it contains the provisions required to be contained therein by section 3304(a)(14) of the Internal Revenue Code of 1954, as enacted by section 314 of Pub. L. 94-566 and amended by section 302 of Pub. L. 95-19, and so that it no longer contains the provisions required by section 3304(a)(9)(A) of such Code, as enacted by section 121 of Pub. L. 91-373, in the following respects:

(a) Whether such law has been amended effective January 1, 1978, so that it contains the provisions required to be contained therein by section 3304(a)(14) of the Internal Revenue Code of 1954 (relating to denial of compensation to aliens other than specified classes of aliens and establishing certain standards of procedure and weight of evidence sufficient to support denial of compensation), since the State law provisions do not contain standards of procedure or weight of evidence to be used in applying the provisions, as is required by section 3304(a)(14)(B) and (C) of such Code; and

(b) Whether such law has been amended, effective January 1, 1978, so that it no longer contains the provisions required by section 3304(a)(9)(A) of the Internal Revenue Code of 1954 (relating to denial or reduction of compensation to an individual solely because he filed a claim in another State, or a contiguous country with which the United States has an agreement with respect to unemployment compensation, or because he resides in

another State or such contiguous country at the time he files a claim for unemployment compensation), since the State law provides for the denial of or reduction in compensation to such an individual because he files a claim for compensation in a contiguous country with which the United States has an agreement with respect to unemployment compensation or because he resides in such a contiguous country at the time he files a claim for compensation.

5. Whether section 282:1,O of the New Hampshire Unemployment Compensation Law, which provides for the disregard of wages earned in training, preparation to participate or participation, in sports or athletic events, has been amended, effective January 1, 1978, so that it contains the provisions required by section 3304(a)(13) of the Internal Revenue Code of 1954, as enacted by section 314 of Pub. L. 94-566 (which provides that compensation shall not be payable on the basis of services substantially all of which consist of participating in sports or preparing or training to so participate, for any week which commences between sport seasons or similar periods under specified conditions) in the following respect: Whether RSA 282:1,O authorizes or requires the use of wages to establish a claim based upon services intended to be excluded by virtue of the substantiality test of section 3304(a)(13).

6. Whether section 282:3,F of the New Hampshire Unemployment Compensation Law, which requires the denial of compensation to any school employee in any week in which the educational institution is on a break if such person has a contract to perform or a reasonable assurance that after the break he will perform professional or nonprofessional services in any such institution, has been amended so that it conforms with section 3304(a)(6)(A) of the Internal Revenue Code of 1954, as amended by section 104(a) of Pub. L. 91-373, section 115 of Pub. L. 94-566, and section 302 of Pub. L. 95-19, in the following respects:

(a) Whether such law, which has been amended so as to contain for the period prior to January 1, 1978, a provision which denies compensation to individuals performing services in the employ of nonprofit and State institutions of higher education in capacities other than professional (i.e., instructional, research, or principal administrative capacities) between successive and nonsuccessive academic years or terms, and which denies compensation to individuals performing services in either professional or other than professional capacities during a period when such institutions of higher education are not in session, no longer contains for such period the provisions required by section 3304(a)(6)(A) of such Code;

(b) Whether, with respect to section 3304(a)(6)(A) and clauses (i) and (ii) of such Code, as amended by section 115 of Pub. L. 94-566 and section 302 of Pub. L. 95-19, the New Hampshire law has been amended effective January 1, 1978, so that it no longer contains the provisions required by subparagraph (A) and clause (i) or so that it contains provisions which do not conform to subparagraph (A) and clause (ii) because of: (1) denial of compensation to employees of institutions of higher education performing services in capacities other than professional (i.e., instructional, research, or principal administrative capacities); (2) denial of compensation to employees of educational institutions when they move from professional to other than professional employment, and vice versa; and (3) denial of compensation to other than professional employees of educational institutions during nonsuccessive academic years and/or terms; and

(c) Whether, with request to section 3304(a)(6)(A) and clause (iii) of such Code, as enacted by section 302 of Pub. L. 95-19, the New Hampshire law has been amended effective January 1, 1978, so that it contains provisions which do not conform to subparagraph (A) and clause (iii) because of: (1) denial of compensation to employees of educational institutions during a period other than an established and customary vacation period or holiday recess; and (2) denial of compensation to individuals who perform services in other than a professional capacity in the employ of an institution of higher education.

In the event that the Department of Employment Security of the State of New Hampshire wishes to raise any constitutional issue(s) and/or offer evidence regarding such constitutional issue(s) as a part of this proceeding, it must first file with the Administrative Law Judge assigned to the case a written Statement which contains (1) a statement of each such constitutional issue which it proposes to raise, and (2) a summary of the evidence to be offered with respect to each such issue; this summary must specify with particularity the substance and form of the evidence to be offered. The Statement must be filed not later than 14 days prior to the date set for the hearing. In the event such a Statement is filed and the Department of Labor wishes to offer counter evidence regarding the constitutional issue(s) identified in that Statement, it must file a Reply Statement containing a summary of the counter evidence to be offered with respect to each such issue; this summary must specify with particularity the substance and form of the counter evidence to be offered. The Reply Statement must be filed not later than 5 days prior to the date set for the hearing or within 7 days of the Department of Labor's receipt of the Statement, whichever occurs later; in no event shall this Reply Statement be filed later than 1 day prior to the hearing.

While findings of fact and conclusions of law are to be made following the hearing, no conclusions of law regarding the constitutionality or unconstitutionality of any Federal statute(s) are to be made. However, in order to assure that a complete factual record is made, evidence which is relevant to the issue(s) of the constitutionality of such statute(s) may be presented by the parties of record, provided that the party desiring to offer such evidence has timely filed the Statement or Reply Statement, as appropriate, required of it by the above paragraph. In the event such evidence is presented, findings of fact with respect to such evidence are to be made.

The decision following the hearing will have a bearing on whether the State of New Hampshire is certifiable on October 31, 1978, with respect to normal and additional tax credits allowable to New Hampshire employers pursuant to subsections (a) and (b) of section 3302 of the Internal Revenue Code of 1954 for the 12-month period beginning November 1, 1977, and ending October 31, 1978, and also on certification of payment to the State of New Hampshire of granted funds pursuant to section 302(a) of the Social Security Act (42 U.S.C. 502(a)) for the period during which the State is not certified under section 3304 of the Internal Revenue Code of 1954.

The proceedings in this matter shall be in accordance with the Rules of Procedure set out below.

Signed at Washington, D.C., on June 15, 1978.

RAY MARSHALL,
Secretary of Labor.

RULES OF PROCEDURE

1. An Administrative Law Judge will be designated by the Chief Administrative Law Judge, United States Department of Labor, to preside over the hearing and perform the functions required by these rules.

2. The parties of record shall be the Department of Employment Security of the State of New Hampshire and the U.S. Department of Labor.

3. Any State employment security agency, individual worker, or employer, or any organization or association of workers, employers, or the public, having an interest in these proceedings, may be permitted by the presiding Administrative Law Judge to participate in these proceedings. Participation by any such interested person shall be limited to the presentation of oral argument as provided in paragraph 12 below and to the submittal of

a brief as provided in paragraph 13(a) below. Any State employment security agency, person, organization, or association described above, may apply for permission to participate in these proceedings as an interested person, by filing in the office of the Chief Administrative Law Judge, U.S. Department of Labor, Room 720, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036, not later than one week prior to the date of the hearing, a written request setting forth the applicant's name and address and the name, address and the title or position of any person who will represent the applicant. The presiding Administrative Law Judge shall rule on all applications and inform the applicants and the parties of the rulings.

4. The hearing will be conducted in an informal but orderly and expeditious manner. The presiding Administrative Law Judge will regulate all matters pertaining to the course and conduct of the proceedings and may, at the request of either party, or *sua sponte*, grant extensions of time regarding the submission of briefs and other papers, and may reschedule the hearing for another time or date, on good cause shown. In light of the statutory time constraints for the making of the decision herein, the granting of extensions of time (inclusive of continuances, etc.) shall be limited, as follows:

(a) The Department of Employment Security of the State of New Hampshire may request and, for good cause shown, may be granted an extension or extensions of time regarding the hearing date, submission of briefs and/or other matters, which cumulatively do not exceed 14 days.

(b) The U.S. Department of Labor may request, and for good cause shown, may be granted an extension or extensions of time regarding the hearing date, submission of briefs and/or other matters, which cumulatively do not exceed 14 days.

(c) Extensions of time granted sua sponte by the Administrative Law Judge shall cumulatively not exceed seven (7) days.

(d) No other extensions of time may be granted.

5. The parties of record shall have the opportunity to present oral and documentary evidence, and cross-examine witnesses, except as hereinafter provided in this paragraph:

(a) In the event that the Department of Employment Security of the State of New Hampshire wishes to raise any constitutional issue(s) and/or offer evidence regarding such constitutional issue(s) as a part of this proceeding, it must first file with the presiding Administrative Law Judge a written Statement which contains:

(1) A statement of each such consitutional issue which it proposes to raise; and

(2) A summary of the evidence to be offered with respect to each such constitutional issue; this summary must specify with particularity the substance and form of the evidence to be offered.

(b) The Statement referred to in paragraph 5(a), above, must be filed not later than 14 days prior to the date set for the hearing.

(c) In the event that a Statement is filed which meets the requirements of paragraphs 5 (a) and (b), and the U.S. Department of Labor wishes to offer counter evidence regarding the consitutional issue(s) identified in that Statement, it must file a Reply Statement which meets the requirements of paragraph 5(a)(2).

(d) This Reply Statement must be filed not later than 5 days prior to the date set for the hearing or within 7 days of its receipt of the Statement, whichever occurs later; in no event shall the Reply Statement be filed later than 1 day prior to the hearing.

6. The representative of the U.S. Department of Labor will make an opening statement as to the nature of the hearing and the matters in issue. The representative of the New Hampshire Department of Employment Security then will be offered an opportunity to make an opening statement.

7. The order of the presentation of evidence will be as follows:

(a) The U.S. Department of Labor will proceed first by presenting any evidence it may wish to offer which is relevant to the conformity issues specified in the Notice of Hearing.

(b) The Department of Employment Security of the State of New Hampshire shall proceed next to offer any evidence it may wish to present which is relevant to the conformity issues referred to in paragraph 7(a), above. Upon the conclusion of this presentation, the Department of Employment Security of the State of New Hampshire may present evidence relevant to any constitutional issue(s) which it has specified in, and as to which it has provided a summary of the evidence to be offered in, a Statement filed in accordance with paragraphs 5 (a) and (b) of these rules.

(c) Finally, the U.S. Department of Labor may present relevant counter evidence as to which it has provided a summary of the counter evidence to be offered in a Reply Statement filed in accordance with paragraphs 5 (c) and (d) of these rules.

(d) Evidence may be presented only by the parties of record, and evidence which is relevant to the constitutional issue(s) may be presented only if the party desiring to offer such evidence has timely filed the Statement or Reply Statement, as appropriate, required of it by paragraph 5 of these rules.

8. Technical rules of evidence shall not apply to this proceeding. The presiding Administrative Law Judge will rule upon offers of proof and the admissibility of evidence, and receive all relevant evidence. He may exclude irrelevant, immaterial, unduly repetitious or any other evidence excludable under these rules, and may examine witnesses. All writings, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a satisfactory showing of their authenticity, relevancy, materiality, and admissibility under these rules, be received in evidence.

9. During the hearing the Administrative Law Judge may require the production and introduction of further evidence upon any relevant matter. After the hearing is closed, no further evidence shall be taken except at the direction of the Secretary of Labor, unless provision has been made at the hearing for the later receipt of such evidence for the record.

If the Secretary of Labor directs that further evidence be taken, due and reasonable notice of the time and place of the reopened hearing shall be given to the parties of record and any interested person permitted to participate in the proceedings.

10. The proceedings at the hearing shall be recorded verbatim. Copies of the transcript of the record of hearing shall be furnished to the presiding Administrative Law Judge and the parties of record, and may be obtained at cost by any interested person permitted to participate in the proceedings.

11. When any document is received in evidence, one additional copy thereof shall be furnished to the presiding Administrative Law Judge and a copy shall be furnished to the other party of record.

12. (a) At the conclusion of the receipt of evidence, the presiding Administrative Law Judge shall hear oral argument presented by the parties of record and interested persons permitted to participate in the proceedings, except that oral argument shall not be heard with respect to any constitutional issue.

(b) Oral arguments shall be in the following order: Opening argument for the U.S. Department of Labor, unless waived; opening argument for the New Hampshire Department of Employment Security, unless waived; argument of each of the interested persons who wishes to present oral argument, in such order as the presiding Administrative Law Judge shall determine; closing argument for the New Hampshire Department of Employment Security, unless waived; and closing argument for the U.S. Department of Labor, unless waived. Oral argument by an interested person shall not be longer than 15 minutes. All oral arguments shall be transcribed and made a part of the record.

13. (a) The parties of record and any interested person permitted to partici-

pate in these proceedings shall be permitted to file a brief on the matters in issue. Briefs shall be filed with the presiding Administrative Law Judge (at the address stated in paragraph 3 above) not later than 14 days after the transcript of the hearing is available.

(b) Reply briefs and proposed findings of fact and conclusions of law may be filed by the parties of record not later than 24 days after the transcript of the hearing is available.

(c) The transcript of the hearing shall be deemed to be available as of the date it is received by the Office of Administrative Law Judges. Upon receipt of the transcript, the presiding Administrative Law Judge will notify both parties as to the date of receipt.

14. (a) Within 21 days after the time has expired for the filing of briefs and proposed findings of fact and conclusions of law, the presiding Administrative Law Judge shall prepare a proposed recommended decision containing his findings of fact and conclusions of law.

(b) No conclusions of law regarding the constitutionality of any Federal statute shall be made. In the event that evidence is offered and admitted which is relevant to any constitutional issue properly raised under these rules, findings of fact with respect to such evidence shall be made.

(c) Copies of the presiding Administrative law Judge's proposed recommended decision shall be mailed to the parties of record who may, within 10 days after such decision was mailed to them, file with the presiding Administrative Law Judge a Statement of Exceptions in writing setting forth any exceptions they may have to the proposed recommended decision.

15. Within 14 days after the last day for the filing of the Statement of Exceptions permitted by paragraph 14(c) above, the presiding Administrative Law Judge, with due consideration of any exceptions filed by the parties of record and consistent with the limitations and requirements of paragraph 14(b), above, shall prepare a recommended decision containing his findings of fact and conclusions of law. He shall promptly certify to the Secretary of Labor his recommended decision and the entire record of the proceedings, and forward a copy of his certificaton and recommended decision to each party of record and to each interested party permitted to participate in the proceedings.

16. Following the certification to him in accordance with paragraph 15 above, the Secretary of Labor shall render his decision in the matter, in writing, and shall cause the parties of record and the interested parties permitted to participate in the proceedings to be notified thereof.

17. (a) Any briefs, Statements, and other papers filed with the presiding Administrative Law Judge in this proceeding shall be mailed to the address specified in paragraph 3 of these rules. Such documents shall be deemed to be filed on the date they are postmarked if they are transmitted by the U.S. Postal Service, and shall be deemed to be filed on the date they are received in the office of the presiding Administrative Law Judge if they are transmitted by other means.

(b) If the last day of a time limit prescribed by these rules falls on a Saturday, Sunday, or a Federal holiday, the time limit shall be extended to the next official business day; those time limits may be extended by the presiding Administrative Law Judge for good cause shown, subject to the limitations set out in paragraph 4 above.

(c) Briefs, Statements, and other papers filed with the presiding Administrative Law Judge shall be submitted in duplicate and shall be accepted subject to timely filing and sufficient proof of service upon the other party or the parties.

FR Doc. 78-17035 Filed 6-19-78; 8:45 am]

[6820-49]

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD

TWO DAY MEETING

In accordance with Section 10(a) of the Federal Advisory Committee Act (5 USC Appendix I), announcement is made of the following National Commission meetings scheduled to assemble on June 28 and 29, 1978.

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD

June 28, 1978—3:30 p.m. to 6:00 p.m.; June 29, 1978—10:00 a.m. to 12:00 Noon

New Executive Office Building (Room 2010), 726 Jackson Place NW., Washington, D.C. 20506.

Open meeting.

Contact: Benedict J. Latteri, Administrative Officer, National Commission on the International Year of the Child, Room 6001, 726 Jackson Place NW., Washington, D.C. 20506.

Purpose: The National Commission serves as the focal point for the observance of all IYC activities in the country, and for all United States cooperation on IYC observances with other countries. It will provide a forum for examining the fundamental needs of children; it will create a better understanding of the needs of children, both in the United States and abroad; it will encourage and/or coordinate Federal, State, and local programs to meet these needs; and it will write a report to the President on its activities and findings, including recommendations of future actions relating to the well-being of children.

The Commission will assess and identify programs which could be endorsed or replicated nationally; receive and disseminate information, ideas, and proposals for improving the well-being of the nation's children; encourage local citizen support for meeting the basic human needs of children, such as health, nutrition, legal rights, education and physical development; and foster the creation of new programs and the improvement of existing programs directed at permanently improving the status of children.

Agenda: This will be a working session, without presentations by the Commissioners, and will consist of general discussions relating to planning and organizational issues.

Attendance by the public will be limited to space available.

BENEDICT J. LATTERI,
Administrative Officer,
National Commission IYC.

June 15, 1978.

[FR Doc. 78-17108 Filed 6-19-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

MATERIALS RESEARCH ADVISORY COMMITTEE: AD HOC SUBCOMMITTEE FOR OVERSIGHT OF THE CONDENSED MATTER THEORY PROGRAM

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: *Ad Hoc* Subcommittee for Oversight of the Condensed Matter Theory Program of the Advisory Committee for Materials Research.

Date and time: July 6 and 7, 1978—9 a.m. to 5 p.m. each day.

Place: Room 421, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Part Open—OPEN—7/6—9 a.m. to 10:30 a.m. CLOSED—7/6—10:30 a.m. to 5 p.m. 7/7—9 a.m. to 5 p.m.

Contact person: Dr. Howard W. Etzel, Acting Division Director, Materials Research, Room 408, National Science Foundation, Washington, D.C. 20550, telephone: (202) 632—7412.

Purpose of subcommittee: To provide program oversight concerning NSF support in Condensed Matter Theory.

Agenda: *July 6, 1978—9 a.m. to 10:30 a.m.—OPEN* Presentations by NSF staff on NSF support of Condensed Matter Theory. General discussion of topics of concern to the Division of Materials Research including grant duration, possible needs of the scientific community, and the Division's budget for fiscal year 1978. *July 6, 1978—10:30 a.m. to 5 p.m. and July 7, 1978—9 a.m to 5 p.m.—CLOSED* Review of the peer review process, including grants and declinations with all peer review documentation.

Reason for closing: This session will deal with a review of grants and declinations in which the subcommittee will review mate-

rials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Acting Director, NSF, on June 1, 1978 pursuant to provisions of section 10(d) of Pub. L. 92-463.

M. REBECCA WINKLER,
Committee Management Coordinator.

[FR Doc. 78-16942 Filed 6-19-78; 8:45 am]

[7555-0]

STATEMENT OF ORGANIZATION

Information for guidance of the Public

A. *Creation and Authority.* The National Science Foundation (NSF) is an independent agency of the U.S. Government, established by the National Science Foundation Act of 1950 (64 Stat. 149; 42 U.S.C. 1861-1875), as amended, and was given additional authority by the National Defense Education Act of 1958 (72 Stat. 1601; 42 U.S.C. 1876-1879). The Foundation consists of the National Science board of 24 members, and a Director, each appointed by the President with the advice and consent of the Senate. Other senior officials include a Deputy director and seven Assistant Directors.

The general functions of the National Science Foundation are to:

1. Initiate and support basic scientific research and programs to strengthen scientific research potential and programs at all levels; and to appraise the impact of research upon industrial development and the general welfare.

2. Award graduate fellowships in the sciences.

3. Foster the interchange of scientific information among scientists in the United States and foreign countries.

4. Foster and support the development and use of computer and other scientific methods and technologies, primarily for research and education in the sciences.

5. Evaluate the status and needs of the various sciences and take into consideration the results of this evaluation in correlating its research and educational programs with other Federal and non-Federal programs.

6. Maintain a current register of scientific and technical personnel, and in other ways provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and technical resources in the United States.

7. Determine the total amount of Federal money received by universities, and appropriate nonprofit organizations for the conduct of scientific research, including both basic and applied but excluding development, and report annually thereon to the President and the Congress.

8. Initiate and support specific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society.

9. Initiate and support scientific research, including applied research, at academic and other nonprofit institutions and, at the direction of the President, support special applied research at other organizations.

10. Recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences.

B. *Organization.* The Foundation is organized along functional and disciplinary lines corresponding to program support of science, engineering and science education:

National Science Board. The National Science Board is composed of 24 part-time Members and the Director of the Foundation ex-officio. Members are appointed by the President, with the advice and consent of the U.S. Senate, for 6-year terms. They are selected because of their distinguished service in science, medicine, engineering, agriculture, education, public affairs, research management, or industry. They are chosen in such a way as to be representative of scientific leadership in all areas of the Nation. The officers of the Board, the Chairman and Vice Chairman, are elected by the Board from among its Members for 2-year terms. The Board exercises authority granted it by the NSF Act, including establishing policies for carrying out the purposes of the Act. Meetings of the Board are governed by the Government in the Sunshine Act (P.L. 94-409) and the Board's Sunshine regulations (45 CFR 614). The policies of the Board on the support of science and development of scientific manpower are generally implemented through the various programs of the Foundation.

Director. The Director of the National Science Foundation is appointed by the President, by and with the advice and consent of the Senate. The Director is the Chief Executive Officer of the Foundation. He serves as ex-officio member of the National Science Board and as Chairman of its Executive Committee. The Director is responsible for the execution of the Foundation's programs in accordance with the NSF Act, and the powers and duties delegated to him by the Board and for recommending policy considerations to the Board. The Director is assisted by a Deputy Director who is appointed by the President, by and with the advice and consent of the Senate.

C. *Activities of the Foundation.* The Activities of the Foundation are carried out by a number of Foundation components reporting to the Director through their respective senior officers:

General Counsel. The General Counsel advises the Director and the National Science Board with respect to the substantive aspects of legislation and renders counsel and advice on policy and legal aspects of all phases of the Foundation's operations.

Director, Office of Government and Public Programs. The Office of Government and Public Programs is responsible for representing the Foundation, the Director, and his key associates in relationship with the Congress, various academic groups and professional societies, institutions and other NSF clientele, the communications media and the public. The Office of Government and Public Programs carries out the above responsibilities through four major elements: the Congressional Liaison Branch, the Public Information Branch, the Communications Resource Branch, and the Community Affairs Branch.

Director, Office of Planning and Resources Management. Responsible for the development, coordination and direction of programs, policies and systems in support of Foundation mission operations and the implementation of legislative and Executive requirements. This responsibility encompasses program planning, programming, and budgeting activities; the development of long-range planning estimates; and includes cognizance for functions associated with appropriation and authorization process. The organization consists of two divisions: the Division of Budget and Program Analysis consisting of the Budget Office and the Programming Office and the Division of Strategic Planning and Analysis consisting of the Planning and Policy Analysis Office and the Program Review Office.

Director, Office of Equal Employment Opportunity. Responsible for developing, maintaining and carrying out a continuing agency-wide affirmative action program designed to provide equal employment opportunity for all persons and to eradicate every form of prejudice or discrimination based on race, color, religion, sex, age or national origin.

Office of Small Business Research and Development. The Office of Small Business Research and Development is responsible for fostering communication between the National Science Foundation and the small business community; collecting, analyzing, compiling and publishing information concerning grants and contracts awarded to small business concerns by the Foundation; assisting small business concerns in obtaining information re-

garding programs, policies and procedures of the Foundation; and recommending to the Director and to the National Science Board any changes in procedures and practices which would enable the Foundation to utilize more fully the resources of the small business research and development community.

The Office of Audit and Oversight. Responsible for post hoc sampling of proposal actions and post-award administration to evaluate documentation and adherence to state procedures. Assessment of overall system performance, financial audits, evaluation and program audit. Investigation of charges of improper actions by NSF staff and monitoring of the decision reconsideration system and the monitoring and coordination of procedures for scientific oversight undertaken by disciplinary advisory panels.

i. *Assistant Director for Mathematical and Physical Sciences, and Engineering.* The Assistant Director for Mathematical and Physical Sciences, and Engineering is appointed by the President, by and with the advice and consent of the Senate. He serves as an advisor to the Director in the development of long range plans, annual programs and on research policy in the areas of mathematical and physical sciences and engineering, as established under statutory and National Science Board authority; and is responsible for developing and carrying out a program to accomplish the Foundation's research mission in these areas. Five divisions report to the Assistant Director for Mathematical and Physical Sciences, and Engineering. Each division is headed by a Division Director and generally is sub-divided on a disciplinary or functional basis into sections and/or programs.

a. *Division of Engineering.* Responsible for supporting research in Engineering Chemistry and Energetics, Mechanics (including civil, mechanical and aeronautical engineering), Electrical Sciences and Analysis and special areas such as bio-engineering. The Division also provides for support for specialized research equipment, and through its Research Initiation Grants, provides support for young engineering faculty. In addition to its unstructured research programs, the Division supports a number of research programs on such special topics as advanced automation, chemical process dynamics, optical communications, the planning and design of tall buildings, and wind engineering. The Division also provides support for travel to international scientific meetings abroad.

b. *Division of Physics.* Responsible for providing support for research which concentrates on the most fundamental aspects of the properties and interactions of matter and energy. Support is provided through programs in Atomic, Molecular and Plasma Physics, Nuclear Physics, Elementary Particle Physics, Theoretical Physics, Intermediate Energy Physics and Gravitational Physics. In addition, support is provided for university physics research facilities, and for travel to international scientific meetings abroad.

c. *Division of Material Research.* Responsible for the support of research designed to extend and deepen our understanding of solids and liquids and to help discover ways to apply that understanding. Included is research in solid state physics and chemistry, chemical and extractive metallurgy, macromolecular chemistry, ceramins, and other areas of science and engineering necessary to improve basic understanding of materials and their engineering properties. This also includes research on the preparation, characterization, and understanding the properties of crystalline and amorphous materials. The Division also provides support for travel to international scientific meetings abroad.

d. *Division of Mathematical and Computer Sciences.* Responsible for providing research support in mathematics and in the applications of mathematics to other sciences; and for research in computer science and engineering, advanced computer-based research techniques and the impact of the computer on organizations and the individual. The Division also provides support for research conferences and regional meetings on topics at the forefront of mathematics research and for travel to international scientific meetings abroad.

e. *Division of Chemistry.* Responsible for the support for fundamental research in all areas of chemistry, to improve understanding and make possible new applications of chemistry beneficial to other sciences, engineering and technology. The broad subfields supported are inorganic and organic synthesis, chemical dynamics and thermodynamics, structural chemistry, quantum chemistry, and chemical analysis. In addition, a special program exists to assist department and individual investigators in acquiring advanced instrumentation critical to modern chemical inquiry. Support also is provided for travel to international scientific meetings and other related activities.

II. *Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences.* The Assistant Director is appointed by the President, by and with the advice and consent of the Senate. He is responsible for the conduct of the Foundation's programs in the areas of astronomical, atmospheric, earth, and ocean sciences and polar regions. He serves as the Director's principal advisor in these areas, formulating long-range plans, annual programs and research policy within the framework of policy established by statutes and the National Science Board. Five divisions report to the Assistant Director.

a. *Division of Astronomical Sciences.* Supports basic research in astronomy and provides for advanced telescopes, instrumentation, and related services to the scientific community. Assures continuing support, through contracts, for the development and operation of five National Research Centers: National Astronomy and Ionosphere Center (NAIC), Arecibo, Puerto Rico; Cerro Tololo Inter-American Observatory (CTIO), Cerro Tololo, Chile; National Radio Astronomy Observatory (NRAO), Green Bank, W. Va.; Kitt Peak, Ariz., and Socorro, N. Mex.; Kitt Peak National Observatory (KPNO), Kitt Peak, Ariz.; and Sacramento Peak Observatory, (SPO), Sunspot, N. Mex.

b. *Division of Atmospheric Sciences.* Supports basic research in the atmospheric sciences at the Nation's academic institutions; performs the lead Federal agency role for support for research at academic institutions related to the international Global Atmospheric Research Program (GARP); funds a Climate Dynamics Program concerned with the acquisition of new knowledge concerning the natural variability of climate and the physical processes governing climate; and assures continuing support, through contract, for the development and operation of the National Center for Atmospheric Research (NCAR), with facilities at Boulder, Colo., and Palestine, Tex. The National Scientific Balloon Facility is located in Palestine, Tex.

c. *Division of Earth Sciences.* Supports basic research at the Nation's academic institutions on the earth's structure, composition, and resources history. One element, the Ocean Sediment Coring Program (OSCP), seeks to provide basic new knowledge essential to understanding the composition, structure, origin and geologic history of the ocean basins. This goal is pursued by drilling into the sea floor from drilling ship *Glomar Challenger,* to obtain core samples for study by investigators throughout the world.

D. *Division of Ocean Sciences.* Supports basic research in the ocean sciences at the Nation's academic and oceanographic institutions; funds and coordinates the U.S. contribution to the International Decade of Ocean Exploration; and provides for the acquisition and operating support of the oceanographic ships and faciilities needed to carry out these reseach programs.

e. *Division of Polar Programs.* Executes the Foundation's responsibility for funding, coordinating, and managing the United States Antarctic Research Programs; discharges NSF's as-

signed responsibility for the extension of research in the Arctic and chairs the Interagency Arctic Research Coordinating Committee. Research support is managed through disciplinary programs in atmospheric sciences, biology and medicine, oceanography, earth sciences and glaciology.

III. *Assistant Director for Biological, Behavioral and Social Sciences.* The Assistant Director for Biological, Behavioral, and Social Sciences is appointed by the President, by and with the advice and consent of the Senate. The Assistant Director serves as principal advisor to the Director in the development of long-range plans, annual programs and research policy in the biological sciences; behavioral and neural sciences; social sciences; and environmental biology as established under the Statutory and National Science Board authority. The Assistant Director is also responsible for developing and implementing programs to strengthen scientific research potential in these sciences. The Directorate composed of four divisions, each reporting to the Assistant Director, is structured primarily on a disciplinary basis. Each Division headed by a Division Director, is subdivided into Programs.

a. *Division of Physiology, Cellular and Molecular Biology.* Responsible for supporting research in the fields of biochemistry, biophysics; genetics; cellular, developmental, human cell, metabolic and regulatory biology. The Division also provides support; for travel to international scientific meetings abroad; and specialized facilities and research equipment. The major objectives of the Division are to understand the properties, interactions and specialization of cells and to understand the chemical basis of biological function in cells, organ systems and whole organisms.

b. *Division of Behavioral and Neural Sciences.* Responsible for research in anthropology, linguistics, memory and cognitive processes, neurobiology, psychobiology, sensory physiology and perception, and social and developmental psychology. The Division also provides support for dissertation research, travel to international scientific meetings, conferences, and workshops. The major goals of the Division are to advance man's understanding of behavior and of nervous systems and to better comprehend the biological, psychological and cultural mechanisms underlying behavior.

c. *Division of Social Sciences.* Responsible for research in economics, human geography, sociology, social indicators, political science, law and social sciences and history and philosophy of science. Interdisciplinary research is also assisted. The Division also provides support for specialized research conferences, doctoral dissertation research and for travel to international scientific meetings. The objective of research support by this Division is to accelerate the processes of discovering objective, verifiable and reliable knowledge about how human beings interact and how man-made organizations and institutions function.

d. *Division of Environmental Biology.* Responsible for research in ecology, ecosystem studies, population biology and physiological ecology, and systematic biology. The Division also provides support for biological research resources such as systematic collections, controlled environmental facilities, field study facilities and culture collections. Support is also provided for dissertation research and travel abroad to international scientific meetings. The research supported by this Division is to provide the basic scientific framework within which problems of natural resources, energy and food production can be approached more effectively.

IV. *Assistant Director for Science Education.* The Assistant Director for Science Education is appointed by the President with the advice and consent of the Senate. As principal advisor to the Director, he provides leadership in all aspects of science education policy and programming. The Assistant Director for Science Education has the responsibility of managing four major program categories: programs to improve the quality and distribution of scientific manpower; programs to strengthen educational institutions; programs of educational research and development; and programs that deal with promoting greater knowledge and use of science by the general public. One office and three divisions have been organized along functional program lines. Each is headed by a Director who reports to the Assistant Director for Science Education.

a. *Office of Science and Society.* The Office of Science and Society is responsible for managing three program activities. The Public Understanding of Science Program seeks to improve public understanding of the ways in which scientific knowledge is developed and the contributions that science and technology make to modern society. The Ethical and Human Values in Science and Technology program supports research to improve our ability to deal intelligently with ethical and other value issues associated with the modern science and technology. The Science for Citizens program attempts to facilitate the participation of scientists and non-scientists in the resolution of public policy issues with scientific and technical components.

b. *Division of Scientific Personnel Improvement.* This Division provides fellowship support for a limited number of graduate students in science and engineering, science and engineering training for research and teaching subject areas related to national needs, support for encouraging more participation in science by women, the physically handicapped, and minorities; support to provide opportunities for science teachers at all levels to participate in continuing education activities designed to incorporate new knowledge into course offerings; and research experiences for talented high school and college students who show early promise in science and engineering. This Division also supports the Nation's needs for scientific manpower in critical areas through its comprehensive energy-related fellowship and traineeship programs.

c. *Division of Science Education Development and Research.* This Division is responsible for research and development programs in science education at all educational levels. The Division provides support for developing and evaluating instructional materials, curricula and new delivery modes; designing, testing and evaluating curricular programs in science and engineering that assist students in understanding social and technological issues; improving the effectiveness of continuing education for practicing scientists and engineers; and experimenting with science-related innovations in educational technology.

d. *Division of Science Education Resources Improvement.* This Division supports comprehensive assistance to undergraduate and graduate science education through grants on a competitive basis to post-secondary institutions—including institutions whose enrollment is predominantly Black, Native-American or Spanish-speaking; support strength programs of training and research for young scientists at the graduate and post-graduate levels; and provides programs to improve the teaching effectiveness of undergraduate science faculty.

V. *Assistant Director for Applied Science and Research Applications.* The Assistant Director is responsible to the Director of the National Science Foundation in planning, organizing, and managing the activities of the directorate for applied Science and Research Applications. Participates with the director in planning, analyzing, and evaluating the activities of the National Science foundation, and in establishing and maintaining an effective liaison with other Federal agencies and with concerned congressional officials. Maintains effective liaison with other executive agencies, concerning congressional and Federal officials, educational institutions, the educational and scientific community, professional societies, and other interested bodies.

a. *Division of Intergrated Basic Research.* Provides support for basic research that has a high relevance to

major problems. This support will provide for increased funding for selected areas in the basic research directorates of the Foundation. Responsible for defining problem areas and related areas of basic research; stimulating and coordinating research on the selected problem areas; assuring that funds are used as an add-on and do not displace support previously provided by the basic research directorates.

b. *Division of Applied Research.* Responsible for working closely with the established research program throughout the Foundation and for supporting proposals for applied research from the broad scientific and engineering communities to which the foundation relates. Works closely with the potential users of applied research in state and local government, other mission agencies, and private industry in order to insure that their views and priorities are included along with those of the scientific community in its planning and review activities.

c. *Division of Problem-Focused Research Applications.* Supports the application of scientific and technological capabilities to selected societal problems of critical national importance where NSF can make a unique contribution to the science and technology base needed for their solution. Works closely with other research units within the Foundation, mission agencies, scientific, technical, and professional groups and societies, and representatives of the potential user community to insure that its activities and priorities are closely related to and coordinated with the activities, needs, and views of these other groups.

d. *Division of Intergovernmental Science and Public Technology.* Encourage the integration of science and technology into the policy and program planning, and program operation activities in state and local governments.

VI. *Assistant Director for Scientific, Technological, and International Affairs.* The Assistant Director for Scientific, Technological and International Affairs is responsible for programs designed to monitor and analyze the Nation's science and technology (S&T) enterprise and to improve national and international exchange of S&T information. Serves as the principal advisor to the NSF Director in the development of long-range plans, programs, and policy for scientific, technological and international activities. Provides policy analyses and assessments of S&T issues of interest to policymakers in the Executive Office of the President.

a. *Division of International Programs.* Administers the Foundation's programs for international cooperative research and exchange of scientists, and manages NSF participation in science and technology activities of Joint Commissions established with other countries. The Division administers the NSF's Special Foreign Currency programs in research and related activities and in science information translation, and it coordinates other foundation programs with international aspects.

b. *Division of Policy Reserch and Analysis.* Responsible for developing information for science policymakers through analysis of existing and emerging national and international issues that have substantial S&T components. Activities include: identifying issues that relate research and development (R&D) and technological innovation to national purposes, developing a knowledge-base and monitoring cpabilities for analyzing the S&T enterprise, and assessing alternative policy options and their potential costs, risks, and benefits. The Division provides information for policymaking groups within the Executive Office of the President, such as the Office of Science and Technology Policy, the Office of Management and Budget, and the Council on Environmental Quality.

c. *Division of Science Resources Studies.* Responsible for development of data and analyses dealing with the characteristics magnitude, and utilization of the Nation's human and financial resources for S&T activities. Studies provide information on scientific and technological manpower, science education, scientific institutions, the funding of research and development, the nature and relationship of different types of R&D activities, the economic impact of R&D, and related topics. Information is developed through support of periodic surveys and studies as well as through special studies carried out in response to needs of the Foundation and other Federal agencies and groups.

d. *Division of Information Science and Technology.* Responsible for programs to strengthen the foundations of information science and for programs to support applied research designed to improve the understanding of scientific and technical information transfer processes. Additionally, research is supported to evaluate new information technology developments and information systems for possible adaptation to S&T information purposes.

VII. *Assistant Director for Administration.* The Assistant Director for Administration serves as the principal advisor to the Director on all administrative and general management activities of the National Science Foundation. This responsibility encompasses grants and contracts administration; analysis activities; personnel management and employee-oriented programs; general administrative and logistic support functions; financial management systems and activities; and data management activities, including the development and implementation of a modern computer-based Management Information system for the entire Foundation. The organization consists of five offices: Health Services; Division of Grants and Contracts; Division of Information systems; Division of Personnel and Management; and Division of Financial and Administrative Management.

Information for Guidance of the Public

Inquiries and Transaction of Business. All inquiries, submittals or requests should be addressed to the National Science Foundation, Washington, D.C. 20550. A member of the public may call at the Foundation offices at 1800 G Street, NW., Washington, D.C. during normal business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday. The statement of organization, set forth above, indicates the offices with which members of the public should deal on particular matters. If an individual is not sure of which office to contact, he/she may write to the Foundation's mailing address, or he/she may, visit the National Science Foundation, Public Information Branch, Room 591, 1800 G Street, NW.

General Method of Functioning, Procedures, Forms, Descriptions of Programs. The Foundation accomplishes its mission primarily through the award of grants to universities, colleges, other nonprofit organizations, and to individuals as well as some profit making organizations. In instances where NSF has a specially assigned mission, or where services are being procured, or for reasons of effecting management control, contracts are used rather than grants. The Foundation's general course and method of operations is to provide financial support for basic and applied research and education in the sciences in response to requests, applications and proposals submitted by the person or organization desiring support. In general, grants in support of scientific research or science education, and fellowship awards are made on a merit basis after a review process involving the Foundation staff and qualified outside commentators acting individually or in review panels drawn from the scientific, education, and industrial community and the public sector.

Pertinent NSF Publications. The Foundation publishes a variety of booklets and other material describing the programs and procedures of the Foundation. All publications and forms may be obtained by writing to or visiting at the Foundation. The following are key publications of the Foundation:

NSF Annual Report. An annual presentation to the President for submission to the Congress highlighting the activities of the Foundation for the fiscal year. Accomplishments in research project support activities, and science education are reflected in a series of brief synopses illustrating and explaining recent undertakings and results which have been brought about through NSF grants. Other data relating to the Foundation staff, financial reports, patents, research center contractors and advisory committees and panels and their membership are contained in appendix.

Publications of the National Science Foundation. Provides a listing of issued NSF publications available to the public, with prices where they apply.

Guide to Programs. Contains summary information about assistance support programs of the National Science Foundation. The Guide is a source of general information for individuals interested in participating in these programs. Program listings describe the principal characteristics and basic purpose of each activity, as well as eligibility, requirements, closing dates (where applicable), and the address from which more detailed information, brochures, or application forms may be obtained.

Grants for Scientific Research. Provides basic guidelines and instructions for investigators applying to the Foundation's program of scientific research project support and other closely related programs, such as the support of foreign travel, conferences, symposia and specialized research equipment and facilities. The contents indicate who may apply, when, where, and what material must be submitted. Additional information outlines the more detailed areas of how application data must be presented; and other various scientific area for which NSF support funds may be granted and applied. Also provides information on the evaluation process concerning the merit review of proposals for support.

NSF Grant Policy Manual. A compendium of basic NSF grant administration policies and procedures generally applicable to most types of NSF grants and to most categories of recipients. Included are fiscal regulations regarding the use and expenditure reporting of NSF granted funds and other specific administrative procedures and policies.

Science at the Bicentiennial—A Report From the Research Community. The Eighth Annual Report of the National Science Board is based on more than 600 responses from representatives of the U.S. research community in industry, universities, Federal laboratories, and independent research institutes. Four major areas of concern emerged from the responses: dependability in funding for research, vitality of the research system, freedom in the research system, and confidence in science and technology.

Science Indicators—1976. The Ninth Annual Report of the National Science Board represents the third step in the process begun in 1972 of developing indicators of the state of science in the United States. The goal is a periodical series of indices of the strengths and weaknesses of science and technology in the United States and the changing character of that activity. The indicators in this report deal primarily with resources—human and financial—for research and development. The indicators range from measures of basic research activity and industrial R&D, through indices of scientific and engineering person and institutional capabilities, to the U.S. balance of trade in high technology products and the general public's attitudes toward science and technology.

Individual Program Announcements. Detailed program publications are issued by individual program areas of the Foundation, announcing and describing award programs and containing critical dates and application procedures for competitions. Examples: Program Solicitation—Research Applied to National Needs; Guide for Preparation of Proposals—Undergraduate Instructional Scientific Equipment; Guide to the Preparation of Proposals—International Decade of Ocean Exploration.

Important Notices. The primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. These convey important announcements of NSF policies and procedures or other subjects determined to be of interest to the academic community and to other selected audiences.

NSF Organization and Functions Manual. The approved organization structure of the Foundation, including the functions and responsibilities of each major component, described in chart and narrative form.

Internal Directives. The Foundation also maintains a system of internal issuances for communication with the agency on matters of policy, procedures, and general information. The internal directives are issued to establish organizations, define missions, set objectives, assign responsibilities, delegate or limit authorities, establish program guidelines and delineate basic requirements affecting activities of the foundation.

Staff Memoranda. These are issuances reserved for use by the Director and Deputy Director, for communication with the staff on subjects of their choice.

Circulars. A series of issuances to communicate agency policies, regulations, and procedures of a continuing nature.

Manuals. Developed to implement detailed information on operating procedures, requirements and criteria.

Bulletins. Issuances to communicate urgent information corcerning changes in policy or procedure prior to their incorporation into a circular or manual, and to communicate information that is pertinent generally for a period of less than one year.

Availability of Information. Persons desiring to obtain information, including documents, may submit a request by telephone or in writing to the Public Information Branch or to other Foundation units. If not satisfied with the response, they may submit a formal request under terms of the NSF Freedom of Information Act regulations 45 CFR Part 61, or, if applicable, the NSF Privacy Act regulations 45 CDR 613. All documents will be made available for inspection or copying, except for those which fall within the exemptions specified in the law and whose withholding is deemed absolutely necessary.

SOURCES OF INFORMATION

Grants. Individuals or organizations who plan to submit grant proposals should refer to the NSF Guide to Programs and to appropriate program brochures and announcements which may be obtained by writing or calling the Foundation.

Contracts. The Foundation publicizes contracting and subcontracting opportunities in the Commerce Business Daily and other appropriate publications. Organizations seeking to undertake contract work for the Foundation may contact the Division of Grants and Contracts, Rm. 640 (202) 632—5872.

Committee Minutes. Summary minutes of meetings of Foundation advisory committee groups may be obtained from the Division of Financial and Administrative Management, 1800 G Street, N.W., Washington, D.C. 20550.

Reading Room. Persons who wish to inspect or copy records should contact the NSF Public Information Branch, Rm. 531, (202) 632-5728.

Employment. Inquiries may be directed to the National Science Foundation, Division of Personnel and Management, Room 212, 1800 G Street N.W., Washington, D.C. 20550.

GEORGE PILARINOS,
Deputy Assistant Director for Administration.

[FR Doc. 78-16947 Filed 6-19-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE NEW ENGLAND POWER COMPANY NUCLEAR PROJECT, NEP UNITS 1 AND 2

Change

Location of the meeting of the ACRS Subcommittee on the New England Power Company Nuclear Project, NEP Units 1 and 2, scheduled to be held on June 28-29, 1978 has been changed. This meeting will be held at Howard Johnson's Motor Lodge, 20 Jefferson Boulevard, Warwick, R.I. 02888 on the above dates. However, on June 28, the meeting will start at 7:00 p.m. (instead of 6:00 p.m.).

All other matters pertaining to this meeting remain the same as announced in the FEDERAL REGISTER on June 12, 1978.

Dated: June 16, 1978.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-17099 Filed 6-19-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON REGULATORY ACTIVITES

Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on July 5, 1978 in Room 1046, 1717 H Street NW., Washington, D.C. 20555. Notice of this meeting was published in the FEDERAL REGISTER on May 17, 1978 (21385).

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977 (56972), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, July 5, 1978, the meeting will commence at 8:45 a.m.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Draft Regulatory Guide 1.XXX, "Atmospheric Dispersion Models for Potential Accident Consequence Assessements at Nuclear Power Plants."

(2) Regulatory Guide 1.125, Revision 1, "Physical Models for Design and Operation of Hydraulic Structures and Systems for Nuclear Power Plants."

(3) Regulatory Guide 1.132, Revision 1, "Site Investigations for Foundations of Nuclear Power Plants."

(4) Implementation Procedures for Division 1 Regulatory Guides.

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guides 1.125, Revision 1 and 1.132, Revision 1, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practical to Mr. Gary R. Quittschreiber (ACRS), the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555 or telecopy them to the Designated Federal Employee (202-634-1925) as far in advance of the meeting as practical. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee, Mr. Gary R. Quittschreiber (telephone 202-634-1374), between 8:15 a.m. and 5 p.m., e.d.t.

Dated June 14, 1978.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-16957 Filed 6-19-78; 8:45 am]

[7590-01]

NUCLEAR FACILITIES OR MATERIALS

Applications for Licenses To Export

Pursuant to 10 CFR 110.70, "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses during the period of May 29 through June 2, 1978. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Dated this day June 14, 1978, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

JAMES R. SHEA,
Director, Office of International Programs.

Name of applicant, date of application, date received, and application number	Material in kilograms or reactor type and power level	Enrichment	End-use	County of destination
Transnuclear, Inc., June 7, 1978, June 8, 1978, XSNM01325.	22,295.905 uranium	3.0	Fuel elements for reactor Wurgassen.	West Germany.
Transnuclear, Inc., June 7, 1978, June 8, 1978, XSNM01326.	10,794 uranium	3.40	Fuel for reactor Doel I in Belgium.	Belgium.

[FR Doc. 78-16959 Filed 6-19-78; 8:45 am]

[7590-01]

[Docket No. 50-333]

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-59, issued to the Power Authority of the State of New York, which revised the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant, located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment revised the Technical Specifications to incorporate Requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the NRC staff's "Mark I Contain-

ment Short Term Program Safety Evaluation", NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in 43 FR 13113 dated March 29, 1978.

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 Section 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) application for amendment dated November 9, 1976, as supplemented March 10, 1977, (2) Amendment No. 36 to License No. DPR—59, 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 Oswego County Office Building, 46 E. Bridge Street, Oswego, N.Y. 13126. A single 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 13th day of June 1978.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-16960 Filed 6-19-78; 8:45 am]

[7590-01]

TOPICAL REPORT

Issuance and Availability

The Nuclear Regulatory Commission has issued a topical report, NUREG-CR-0087, "Considerations for Sampling Nuclear Materials for SNM Accounting Measurements."

NUREG-CR-0087 outlines general sampling techniques for special nuclear materials. It discusses common sampling techniques, sampling plans, the monitoring and controlling of sampling error, developing mixing and sampling procedures, mixing and sampling powders, sampling fuel pellets, and sampling scrap and wastes.

NUREG-CR-0087 is available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Paper copy: $4.50; Microfiche: $3.00)

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 12th day of June 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-16958 Filed 6-19-78; 8:45 am]

[7590-01]

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

Order Authorizing Dismantling of facility and Disposition of Component Parts

By application dated January 18, 1978, the University of Delaware (the licensee) requested authorization to dismantle the AGN 201 Reactor (the facility), a research reactor located in Newark, Delaware, and to dispose of the component parts, in accordance with the plan submitted as part of the application. A "Notice of Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts, and Termination of Facility License" was published in the FEDERAL REGISTER on February 23, 1978 (43 FR 7491). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's dismantling plan will be in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has prepared an environmental impact appraisal for this action. Based on that appraisal, the Commission has determined that this action will not result in any significant environmental impact and that an environmental impact statement need not be prepared.

Accordingly, the University of Delaware is hereby authorized to dismantle the AGN 201 Reactor covered by Facility License No. R-43, as amended, and dispose of the component parts in accordance with their dismantling plan and the Commission's rules and regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan and inspection by representatives of the commission, consideration will be given to whether a further order should be issued terminating Facility License No. R-43.

For further details with respect to this action see (1) the application for authorization to dismantle facility and dispose of component parts dated January 18, 1978, and the licensee's earlier submittal dated July 27, 1977, (2) the Commission's related Safety Evaluation, (3) the Commission's Environmental Impact Appraisal, and (4) the Commission's Negative Declaration dated June 12, 1978 (which is also being published in the FEDERAL REGISTER). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the United states Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of June 1978.

For the Nuclear Regulatory Commission.

BRIAN K. GRIMES,
Assistant Director, for Engineering & Projects Division of Operating Reactors.

[FR Doc. 78-16961 Filed 6-19-78; 8:45 am]

[7590-01]

[Docket No. 50-98]

UNIVERSITY OF DELAWARE RESEARCH REACTOR

Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has considered the order authorizing dismantling of facility and disposition of component parts for the University of Delaware (the licensee) AGN 201 Reactor operated under Facility License No. 43. The order authorizes the licensee to disassemble the reactor which operated at power levels up to 0.1 watts (thermal), and to dispose of the component parts.

The U.S. Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, has prepared an environ-

mental impact appraisal for this research reactor. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, this 12th day of June 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-16962 Filed 6-19-78; 8:45 am]

[7910-01]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1978 and ending on December 31, 1978, is 9 per centum per annum.

Dated: June 14, 1978.

GOODWIN CHASE,
Chairman.

[FR Doc. 78-16996 Filed 6-19-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1457; Amdt. No. 3]

TEXAS

Declaration of Disaster Loan Area

The above number Declaration (See 43 FR 16584), Amendment #1 (See 43 FR 20070), and Amendment #2 (See 43 FR 24641) are amended by adding the following counties:

County, natural disaster, and date

Edwards, drought, Apr. 1, 1977-May 9, 1978.
Frio, drought, Sept. 30, 1977-May 8, 1978.
Hidalgo, drought, Sept. 1, 1977-May 17, 1978.
Jim Hogg, drought, May 19, 1977-May 19, 1978.
Lipscomb, drought, Sept. 30, 1977-May 15, 1978.
Loving, drought, Jan. 1, 1977-May 8, 1978.
Pecos, drought, July 1, 1977-May 8, 1978.
Reeves, drought, Jan 1, 1977-May 8, 1978.
Terry, drought, Sept. 1, 1977-May 8, 1978.
Ward, drought, Sept. 30, 1977-May 1, 1978.
Webb, drought, June 1, 1977-May 1, 1978.
Winkler, drought, Sept. 30, 1977-May 1, 1978.

and adjacent counties within the State of Texas as a result of natural disaster as indicated. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business October 11, 1978, and for economic injury until the close of business on December 11, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 13, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-16921 Filed 6-19-78; 8:45 am]

[8025-01]

[License No. 05/05-5126]

METRO-DETROIT INVESTMENT CO.

Issuance of a License to Operate as a Small Business Investment Company

On april 24, 1978, a notice was published in the Federal Register (43 FR 17436) stating that Metro-Detroit Investment Company, located at 18481 West Ten Mile road, suite 202, Southfield, Michigan 48075, has filed on application with the Small Business Administration pursuant to 13 CFR 107.102 (1977) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business May 9, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 05/05-5126 to Metro-Detroit Investment Company on June 1, 1978. (Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: June 12, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

LIMITS ON COMPENSATION OF AID ANNUITANTS

Proposed Policy

AGENCY: Agency for International Development.

ACTION: Request for public comment.

SUMMARY: The Agency for International Development herewith publishes for comment by the public its proposed policy on limiting salaries paid to AID annuitants under AID financed contracts and grants. This action is being taken as a result of Agency and Congressional concern with the effects of dual compensation. It is also consonant with the President's order of May 18, concerning anti-inflationary measures in U.S. Government purchasing activities.

DATE: Comments will be received until close of business on July 17, 1978.

ADDRESS: Send comments to: Office of Contract Management, Agency for International Development, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT:

Mr. V. Henry Walker, SER/CM/SD/P, Office of Contract Management, Agency for International Development, Washington, D.C. 20523.

The policy will read: It is AID policy to limit the salary of Agency employees who, after retirement, accept AID funded positions as employees of contractors or grantees. Therefore, the combined annuity and salary of any AID annuitant employed under a contract or grant wholly financed by AID shall not, within two calendar years following termination of employment in AID, exceed the highest salary received while an AID direct hire employee unless otherwise approved by the Administrator or Deputy Administrator of AID. A contractor or grantee shall not provide additional salary or benefits other than allowances and fringe benefits normally provided to employees in comparable positions.

D. G. MACDONALD,
Assistant Administrator, Bureau for Program and Management Services.

JUNE 13, 1978.

[FR Doc. 78-16969 Filed 6-19-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

BIWEEKLY LISTS OF UNPUBLISHED ADMINISTRATIVE DECISIONS

JUNE 14, 1978.

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: General Notice.

SUMMARY: To assist Customs officers and concerned members of the public in identifying matters of interest which have recently been the subject of administrative decisions issued by the Customs Service, the Customs Service every two weeks will publish in

the Customs Bulletin a list of recent unpublished administrative decisions issued by the Office of Regulations and Rulings at Customs Service Headquarters.

EFFECTIVE DATE: The first list will be published in the Customs Bulletin dated June 21, 1978, and lists will appear biweekly thereafter.

FOR ADDITIONAL INFORMATION CONTACT:

John T. Roth, Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION: The Office of Regulations and Rulings at Customs Service Headquarters issues thousands of administrative decisions (rulings) each year applying the Customs laws and regulations to specific factual situations. Many of these decisions are issued to importers and other interested parties who have written to Customs Service Headquarters requesting an administrative ruling under the provisions of Part 177 of the Customs Regulations (19 CFR Part 177). Other decisions are issued to Customs Service field offices under the Customs Service's internal advice program or under other Headquarters review procedures provided for in the Customs Regulations (protest review decisions, for example).

The Customs Service believes that the effective administration of the Customs laws and regulations requires that significant administrative decisions be brought to the attention of Customs officers and the importing community. To this end, the Customs Service will substantially increase the number of decisions which are published in the Customs Bulletin as Treasury Decisions and will also publish in the Customs Bulletin, on a biweekly basis, a list of other decisions which have been determined to be significant, but not of sufficient general interest to warrant publication as Treasury Decisions.

The decisions included in the biweekly listing will be identified by the date of the decision, by the six-digit control number assigned to the decision by the Office of Regulations and Rulings, and by a brief statement of the issue involved. Copies of these decisions, with deletions required by the Freedom of Information Act and the Privacy Act of 1974 may be obtained upon written request to the Legal Reference Area, Room 2404, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, at a cost of $0.10 per page (the Customs Service will waive this charge if the total number of pages copied is 10 or less). The biweekly lists will not be cumulative, nor will they appear in the annual bound volume of the Customs Bulletin.

The Customs Bulletin is published each week by the Customs Service and is offered for sale by the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. The current single copy price of the Customs Bulletin is $0.85, with yearly subscriptions available for $43.70 ($10.95 additional for foreign mailing).

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

[FR Doc. 78-17016 Filed 6-19-78; 8:45 am]

[1505-01]

Internal Revenue Service

PUBLIC INSPECTION OF WRITTEN DETERMINATIONS

Intention to Disclose

Correction

In FR Doc. 78-14842 appearing on page 23069 in the issue of Tuesday, May 30, 1978, in the 3rd column, the last sentence in the "DATES:" paragraph should read as follows:

". . . Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determinations described in this notice will be made open to public inspection on September 25, 1978.".

[7035-01]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 688]

ASSIGNMENT OF HEARINGS

JUNE 15, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F 13285, Provisioners Frozen Express, Inc.—Purchase—Jerry Atkinson, d.b.a. Jerry Atkinson Co. and MC 117589 (Sub-No. 46), Provisioners Frozen Express, Inc. now being assigned July 18, 1978 (3 days) at Albuquerque, NM in a hearing room to be later designated.

MC 125146 (Sub-No. 6), Bob Whitaker & Son now being assigned July 21, 1978 (1 day) at Albuquerque, NM in a hearing room to be later designated.

MC 124947 (Sub-No. 92), Machinery Transports, Inc. now being assigned July 24, 1978 (1 week) at Albuquerque, NM in a hearing room to be later designated.

MC-C 9860, *Carolina Coach Company, et al.* v. *Williams Bus Rental,* now assigned June 15, 1978, at Raleigh, NC is postponed indefinitely.

MC 138322 (Sub-No. 3), Bhy Trucking, Inc. now being assigned September 12, 1978 (4 days) at St. Louis, MO in a hearing room to be later designated.

MC 87109 (Sub-No. 25), Tidewater Inland Express, Inc., d.b.a. T.I.E., Inc., now assigned July 24, 1978 at Salisbury, MD, will be held at Salisbury State College on Camden Avenue.

FF 209 (Sub-No. 3), Lyons Transport, Inc., now assigned July 19, 1978 at Chicago, IL, is canceled and transferred to modified procedure.

MC 123405 (Sub-No. 55), Food Transport, Inc., now assigned July 20, 1978 at Washington, DC, is canceled and transferred to modified procedure.

MC 56679 (Sub-No. 97), Brown Transport Corp., now being assigned July 24, 1978 (2 days), at Atlanta, GA, in a hearing room to be later designated.

MC 144154, 336825 Ontario Limited, is now assigned for hearing September 6, 1978 (3 days) at Buffalo, NY, at a location to be later designated.

MC 135728 (Sub-No. 2), Richard J. Franks, is now assigned for hearing September 11, 1978 (2 days) at Buffalo, NY, at a location to be later designated.

MC 142048 (Sub-No. 7), Pacific Transportation Lines, Inc., is now assigned for hearing September 13, 1978 (3 days) at Buffalo, NY, at a location to be later designated.

MC 105813 (Sub-No. 232F), Belford Trucking Co., Inc. now being assigned September 25, 1978 (1 wk) at New York, NY in a hearing room to be later designated.

MC 144288F, Evans Reliable Messenger, Inc. now being assigned September 20, 1978 (3 days) at New Haven, CT in a hearing room to be later designated.

MC 136285 (Sub-No. 28), Southern Intermodal Logistics, Inc., now being assigned for Prehearing Conference on June 14, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC-C 9997, *Telfer Tank Lines, Inc., et al.* v. *Western Asphalt Service,* is now assigned for hearing September 12, 1978 (2 days) at Carson City, NV, at a location to be later designated.

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

[FR Doc. 78-17002 Filed 6-19-78; 8:45 am]

[7035-01]

CRST INC.

Irregular-Route Motor Common Carriers of Property Elimination of Gateway Applications

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing

safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before April 14, 1978. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 MCC 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 114273 (Sub-No. 352GF), filed March 1, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coffee, Tea*, and *prepared foods*, (except frozen foods, meats, meat products, and meat by-products, and cream-filled cookies), from the facilities of Standard Brands, Inc., at Suffolk, VA, to Chicago, IL. The purpose of this filing is to eliminate the gateways of Cincinnati, Dayton, Hamilton and Toledo, OH. (2) *Such commodities* as are used by dealers in five-and-ten-cent store merchandise, between Chicago, IL, on the one hand, and, on the other, Annapolis, Baltimore, Cumberland, Frostburg, Rockville, and Westminster, MD; Alexandria and Richmond, VA, Keyser and Piedmont, WV; and Washington, DC. The purpose of this filing is to eliminate the Mckeesport, PA gateway. (3) *Such commodities* as are used or sold by dealers in five-and-ten-cent store merchandise, from Frederick and Hagerstown, MD, to Chicago, IL. The purpose of this filing is to eliminate the gateway of McKeesport, PA. (4) *Paper and paper products*, and *wood pulpboard*, from Franklin, VA, to Chicago, IL. The purpose of this filing is to eliminate the gateways of Pittsburgh and Washington, PA. (5) *Groceries* (except fresh vegetables), from Baltimore, MD to Chicago, IL. The purpose of this filing is to eliminate the gateway of Blairsville, PA. (6) *Glass containers, closures*, and *rubber rings* for glass containers, and *wooden paper cases* and *labels* for use in connection with the sale and distribution of glass containers, from Chicago, IL, to points in that part of VA on, east, and south of a line beginning at the VA-NC State line and extending along U.S. Hwy 29 through Danville and Lynchburg, VA to junction U.S. Hwy 60 at Amherst, VA, then east along U.S. Hwy 60 to Richmond, VA, and then along U.S. Hwy 360 through Tappahannock, VA, to Reedville, VA on the Chesapeake Bay, and points in VA on the Del-Mar-VA Peninsula. The purpose of this filing is to eliminate the gateway of Washington, PA. (7) *Candy and paper products*, from Chicago, IL, to Annapolis, Baltimore, Cumberland, Frostburg, Rockville, and Westminster, MD, Keyser and Piedmont, WV, and Washington, DC. The purpose of this filing is to eliminate the gateway of Pittsubrgh, PA. And (8) *Paper, and paper articles* as described in appendix XI to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, and *woodpulp*, from West Point, VA, to Chicago, IL. The purpose of this filing is to eliminate the gateway of Pittsburgh, PA. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—This is a gateway elimination application filed in connection with a section 5(2) proceeding in MC-F-11734. Common control may be involved.

By the Commission.

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

[FR Doc. 78-16596 Filed 6-19-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

JUNE 7, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 30, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

No. MC 31462 (Sub-No. E482), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in CT, on the one hand, and, on the other, points in LA on and west of a line commencing at the LA-MS State line on LA Hwy 19, then south along LA Hwy 19 to junction U.S. Hwy 61, then south along U.S. Hwy 61 to junction LA Hwy 22, then along LA Hwy 22 to junction LA Hwy 1, then south LA Hwy 1 to junction LA Hwy 70, then south along LA Hwy 70 to Morgan City, LA. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL and points within 25 miles thereof, Ft. Wayne, IN and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E483), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MA, on the one hand, and, on the other, points in LA on and west of a line commencing at the MS-LA State line on LA Hwy 19, then south along LA Hwy 19 to junction U.S. Hwy 61, then south along U.S. Hwy 61 to junction LA Hwy 22, then south along LA Hwy 22 to junction LA Hwy 1, then south along LA Hwy to 1 junction LA Hwy 24, then south along LA Hwy 24 to Houma, LA, then south from Houma along LA Hwy 57 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL and points within 25 miles thereof, Ft. Wayne, IN and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E484), filed April 5. 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in NH, on the one hand, and, on the other, points in LA on and west of a line commencing at the MS-LA State line on LA Hwy 19, then south along LA Hwy 19 to junction U.S. Hwy 61, then south along U.S. Hwy 61 to junction LA Hwy 22, then south along LA Hwy 22 to junction LA Hwy 1, then south along LA Hwy 1 to junction LA Hwy 24, then along LA Hwy 24 to Houma, LA, then south from Houma along LA Hwy 57 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL, and points within 25 miles thereof, Ft. Wayne, IN, and points in IN within 40 miles of Ft. Wayne, and Hoosick Falls, NY.

No. MC 31462 (Sub-No. E485), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in ME, on the one hand, and, on the other, points in LA on and west of a line commencing at the MS-LA State line on U.S. Hwy 51, then south along U.S. Hwy 51 to junction Interstate Hwy 10, then east along Interstate Hwy 10 to New Orleans, LA, then south from New Orleans along an extended line of LA Hwy 45 to Barataria Bay, LA. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL, and points within 25 miles thereof, Fort Wayne, IN, and points in IN within 40 miles of Fort Wayne, and Hoosick Falls, NY.

No. MC 31462 (Sub-No. E486), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in VT, on the one hand, and, on the other, points in LA on and west of a line beginning at the MS-LA State line on U.S. Hwy 51, then south along U.S. Hwy 51 to junction Interstate Hwy 10, then east along Interstate Hwy 10 to New Orleans, LA, then south from New Orleans along an extended line of LA Hwy 45 to Barataria Bay, LA. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL, and points within 25 miles thereof, Fort Wayne, IN, and points in IN within 40 miles of Fort Wayne, and Hoosick Falls, NY.

No. MC 31462 (Sub-No. E487), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in LA on and west of a line beginning at the AR-LA State line on U.S. Hwy 167, then south along U.S. Hwy, 167 to junction U.S. Hwy 84, then west along U.S. Hwy 84 to junction LA Hwy 6, then west along LA Hwy 6 to junction LA Hwy 117, then south along LA Hwy 117 to Leesville, LA, then south from Leesville along U.S. Hwy 171 to junction U.S. Hwy 190, then west along U.S. Hwy 190 to the LA-TX State line, on the one hand, and, on the other, points in TN on and north of a line commencing at the KY-TN State line on U.S. Alternate Hwy 41, then south along U.S. Alternate Hwy 41 to Nashville, TN, then east from Nashville along Interstate Hwy 40 to junction U.S. Hwy 70N, then east along U.S. Hwy 70N to junction U.S. Hwy 70, then east along U.S. Hwy. 70 to Knoxville, TN, then east from Knoxville along U.S. Hwy 411 to junction Interstate Hwy 40, then south along Interstate Hwy 40 to the TN-NC State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL and points within 25 miles of Cairo.

No. MC 31462 (Sub-No. E488), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in KY, on the one hand, and, on the other, points in LA on and west of a line beginning at the AR-LA State line on LA Hwy 33, then south along LA Hwy 33 to junction LA Hwy 143, then south along LA Hwy 143 to junction LA Hwy 2, then east along LA Hwy 2 to junction U.S. Hwy 165, then south along U.S. Hwy 165 to junction U.S. Hwy 90, then west along U.S. Hwy 90 to Lake Charles, LA, then south from Lake Charles along LA Hwy 14 to junction LA Hwy 27; then south along LA Hwy 27 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL and points within 25 miles of Cairo.

No. MC 31462 (Sub-No. E490), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in OK on the one hand, and, on the other, points in LA on and east of a line beginning at the AR-LA State line on LA Hwy 275, then south along LA Hwy 275 to junction LA Hwy 551, then south along LA Hwy 551 to junction LA Hwy 143, then south along LA Hwy 143 to junction U.S. Hwy 165, then south along U.S. Hwy 165 to junction LA Hwy 4, then south along LA Hwy 4 to junction LA Hwy 559, then south along LA Hwy 559 to junction LA Hwy 124, then south along LA Hwy 124 to junction U.S. Hwy 84, then east along U.S. Hwy 84 for 2 miles to junction LA Hwy 565, then south along LA Hwy 565 to junction LA Hwy 129, then south along LA Hwy 129 to junction LA Hwy 15, then south along LA Hwy 15 to junction LA Hwy 1, then south along LA Hwy 1 to junction LA Hwy 24, then south along LA Hwy 24 to junction LA Hwy 315, then south along LA Hwy 315 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR.

No. MC 31462 (Sub-No. E493), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in FL, on the one hand, and, on the other, points in MO on and north of a line beginning at the MS River near Belmont, MO, then west from Belmont along MO Hwy 80 to junction Route Marker HH, then west along Supplementary Route Marker HH to junction MO Hwy 153, then south along MO Hwy 153 to junction Supplementary Route Marker D, then west along Supplementary Route Market D to junction MO Hwy 25, then north along MO Hwy 25 to junction U.S. BR 60, then west along U.S. BR 60 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to junction U.S. Hwy 67, then south along U.S. Hwy 67 to the MO-AR State line. The purpose of this filing is to eliminate the gateway of Cairo, IL and points within 25 miles of Cairo, points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E497), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MS, on the one hand, and, on the other, points in AR in an area bounded on the west by the TX-OK State line; on the north by a line beginning at the OK-AR State line on U.S. Hwy 70, then east along U.S. Hwy 70 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to junction AR Hwy 24, then east along AR Hwy 24 to junction U.S. Hwy 79, then north along U.S. Hwy 79 to Fordyce, AR; and on the east by a line beginning at Fordyce, AR along AR Hwy 8 south to junction AR Hwy 15, then south along AR Hwy 15 to junction AR Hwy 275, then south along AR Hwy 275 to junction U.S. Hwy 82, then west along U.S. Hwy 82 to junction U.S. Hwy 167, then south along U.S. Hwy 167 to the AR-LA State line; and on the south by the LA-AR State line. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR.

No. MC 31462 (Sub-No. E498), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MS on and south of U.S. Hwy 82, on the one hand, and, on the other, points in AR on and west of a line beginning at the MO-AR State line on U.S. Hwy 65, then south along U.S. Hwy 65 to Pine Bluff, AR, then south from Pine Bluff along AR Hwy 15 to junction AR Hwy 275, then south along AR Hwy 275 to junction U.S. Hwy 82, then west along U.S. Hwy 82 to junction U.S. Hwy 167, then south along U.S. Hwy 167 to the

AR-LA State line. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR.

No. MC 31462 (Sub-No. E499), filed April 5, 1976. Applicant: PARA-MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in AR on and west of a line beginning at the MO-AR State line on U.S. Hwy 65, then south along U.S. Hwy 65 to Pine Bluff, AR, then south along AR Hwy 15 to junction AR Hwy 275, then south along AR Hwy 275 to the AR-LA State line, on the one hand, and, on the other, points in AL on and south of a line beginning at the MS-AL State line on U.S. Hwy 98, then east along U.S. Hwy 98 to junction AL Cty. Hwy 63, then east along AL Cty Hwy 63 to junction U.S. Hwy 45, then south along U.S. Hwy 45 to junction AL Hwy 158, then east along AL Hwy 158 to junction Interstate Hwy 65, then east along Interstate Hwy 65 to junction U.S. Hwy 84, then east along U.S. Hwy 84 to junction AL Hwy 27, then east along AL Hwy 27 to junction AL Cty Road 7, then south along AL Cty Road 7 to junction AL Cty Road 12, then east along AL Cty Road 12 to junction AL Cty Road 16, then east along AL Cty Road 16 to junction AL Hwy 95, then south along AL Hwy 95 to the AL-GA State line near Columbia, AL. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E500), filed April 5, 1976. Applicant: PARA-MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in FL, on the one hand, and, on the other, points in AR on and west of a line beginning at the MO-AR State line on AR Hwy 9, then south along AR Hwy 9 to junction U.S. Hwy 62, then south along U.S. Hwy 62 to junction U.S. Hwy 167, then south along U.S. Hwy 167 to Little Rock, AR, then south from Little Rock along AR Hwy 130 to junction AR Hwy 15, then south along AR Hwy 15 to Pine Bluff, AR, then south from Pine Bluff along U.S. Hwy 65 to junction AR Hwy 81, then south along AR Hwy 81 to the AR-LA State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E501), filed April 5, 1976. Applicant: PARA-MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in AR on and west of a line beginning at the Mo-AR State line on U.S. Hwy 71, then south along U.S. Hwy 71 to junction AR Hwy 16, then south along AR Hwy 16 to junction AR Hwy 21, then south along AR Hwy 21 to junction U.S. Hwy 64, then south along U.S. Hwy 64 to junction Interstate Hwy 40, then east along Interstate Hwy 40 to Little Rock, AR, then south from Little Rock along AR Hwy 130 to junction AR Hwy 15, then south along AR Hwy 15 to Pine Bluff, AR, then south from Pine Bluff along U.S. Hwy 65 to junction AR Hwy 81, then south along AR Hwy 81 to the AR-LA State line, on the one hand, and, on the other, points in GA on and south of a line beginning at the AL-GA State line on GA Hwy 62, then east along GA Hwy 62 to Albany, GA, then from Albany north to Cordele, GA along GA Hwy 257, then east from Cordele along U.S. Hwy 280 to junction U.S. Hwy 80, then east along U.S. Hwy 80 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Gulfport, MS and points with 35 miles of Gulfport.

No. MC 31462 (Sub-No. E503), filed April 5, 1976. Applicant: PARA-MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MS, on the one hand, and, on the other, points in OK on and west of a line beginning at the TX-OK State line on U.S. Hwy 271, then north along U.S. Hwy 271 to junction Indian Nation Turnpike, then north along the Indian Nation Turnpike to junction U.S. Hwy 69, then north along U.S. Hwy 69 to junction U.S. Hwy 270, then west along U.S. Hwy 270 to junction OK Hwy 3, then west along OK Hwy 3 to junction U.S. Hwy 177, then north along U.S. Hwy 177 to junction U.S. Hwy 66, then west along U.S. Hwy 66 to junction Interstate Hwy 35, then north along Interstate Hwy 35 to junction OK Hwy 33, then west along OK Hwy 33 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to junction U.S. Hwy 64, then west along U.S. Hwy 64 to junction U.S. Hwy 281, then north along U.S. Hwy 281 to the OK-KS State line. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR.

No. MC 31462 (Sub-No. E504), filed April 5, 1976. Applicant: PARA-MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in OK on and west of a line beginning at the TX-OK State line on Interstate Hwy 35, then north along Interstate Hwy 35 to junction U.S. Hwy 84, then west along U.S. Hwy 84 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to the OK-KS State line, on the one hand, and, on the other, points in AL on and south of a line beginning at the MS-AL State line on U.S. Hwy 84, then east along U.S. Hwy 84 to junction U.S. Hwy 43, then north along U.S. Hwy 43 to junction AL Hwy 5, then north along AL Hwy 5 to junction U.S. Hwy 80, then east along U.S. Hwy 80 to junction AL Hwy 14, then east along AL Hwy 14 to Montgomery, AL, then along east from Montgomery along U.S. Hwy 80 to the AL-GA State line. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E506), filed April 5, 1976. Applicant: PARA-MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in GA on, north and east of a line beginning at the GA-AL State line on U.S. Hwy 278, then east along U.S. Hwy 278 to Atlanta, GA, then south from Atlanta along Interstate Hwy 75 to the GA-FL State line, on the one hand, and, on the other, points in OK on and west of a line on U.S. Hwy 75, then south along U.S. Hwy 75 to Tulsa, OK, then from Tulsa south along the Muskogee Turnpike to junction U.S. Hwy 69, then south along U.S. Hwy 69 to junction U.S. Hwy 64, then east along U.S. Hwy 64 to junction OK Hwy 2, then south along OK Hwy 2 to junction OK Hwy 1, then east along OK Hwy 1 to the OK-AR State line. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E508), filed April 5, 1976. Applicant: PARA-MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TN, on the one hand, and, on the other, points in OK on and south of a line beginning at the TX-OK State line on U.S. Hwy 66, then east along U.S. Hwy 66 to junction U.S. Hwy 281, then south along U.S. Hwy 281 to junction U.S. Hwy 62, then east along U.S. Hwy 62 to junction U.S. Hwy 81, then south along U.S. Hwy 81 to junction OK Hwy 19, then east along OK Hwy 19 to junction OK Hwy 3, then east along OK Hwy 3 to junction U.S. Hwy 70, then east along U.S. Hwy 70 to the OK-AR State line. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR,

Cairo, IL and points within 25 miles of Cairo.

No. MC 31462 (Sub-No. E509), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods,* as defined by the Commission, between points in CO, on the one hand, and, on the other, points in OK on and south of a line beginning at the TX-OK State line on OK Hwy 33, then east along OK Hwy 33 to junction OK Hwy 47, then east along OK Hwy 47 to junction U.S. Hwy 183, then south along U.S. Hwy 183 to junction OK Hwy 33, then east along OK Hwy 33 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction Interstate Hwy 35, then north along Interstate Hwy 35 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to junction U.S. Hwy 77, then north along U.S. Hwy 77 to the OK-KS State line. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E515), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods,* as defined by the Commission, between points in TX, on the one hand, and, on the other, points in KS on and east of a line beginning at the KS-OK State line on U.S. Hwy 77, then north along U.S. Hwy 77 to junction Interstate Hwy 35, then northeast along Interstate Hwy 35 to Topeka, then from Topeka north along KS Hwy 4 to the KS-MO State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles of Kiowa County (except points on and east of U.S. Hwy 281).

No. MC 31462 (Sub-No. E516), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points, in TN. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E517), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points, in NM, on the one hand, and, on the other, points in MS. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, points in Tillman County, OK and points within 50 miles thereof, points in Bradley County, AR, and Lamar City, TX.

No. MC 31462 (Sub-No. E518), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points, in NM on and north of U.S. Hwy 66, on the one hand, and, on the other, points in AL in an area bounded on the west and south by a line beginning at the GA-AL State line on Interstate Hwy 59, then southwest along Interstate Hwy 59 to junction U.S. Hwy 431, then south along U.S. Hwy 431 to junction Interstate Hwy 20, then east along Interstate Hwy 20 to the AL-GA State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E519), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in MO, on the one hand, and, on the other, points in NM on and south of a line co beginning at the AZ-NM State line on U.S. Hwy 66, then east along U.S. Hwy 66 to junction U.S. Hwy 85, then north along U.S. Hwy 85 to junction NM Hwy 44, then north along NM Hwy. 44 to junction NM Hwy. 4, then east along NM Hwy. 4 through Los Alamos to junction US Hwy. 84, then southeast along US Hwy. 84 to junction US Hwy. 85, then east along US Hwy. 85 to junction NM Hwy. 120, then east along NM Hwy. 120 to five miles south of Yates, then east along unmarked road 15 miles to Bueyeros, then east from Bueyeros along NM Hwy. 102 to the NM-TX State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E520), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM on and south of U.S. Hwy 66, on the one hand, and, on the other, points in KS on and east of U.S. Hwy 283. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E521), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in IA, on the one hand, and, on the other, points in NM on and south of U.S. Hwy 66. The purpose of this filing is to eliminate the gateways of points in NE within 100 miles of Omaha, and points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E522), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM on and south of U.S. Hwy 66, on the one hand, and, on the other, points in MN on and east of a line beginning at the IA-MN State line on U.S. Hwy 69, then north along U.S. Hwy 69 to Interstate Hwy 35, then north along Interstate Hwy 35 to Minneapolis, then north from Minneapolis along MN Hwy 65 to junction U.S. Hwy 2, then north along U.S. Hwy 2 to junction MN Hwy 38, then north along MN Hwy 38 to junction MN Hwy 1, then west along MN Hwy 1 to junction MN Hwy 6, then north along MN Hwy 6 to junction U.S. Hwy 71, then north along U.S. Hwy 71 to the MN-CD International border. The purpose of this filing is to eliminate the gateways of Burlington, IA and points within 50 miles of Burlington, Kansas City, MO and points within 30 miles of Kansas City, and points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E523), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in WI, on the one hand, and, on the other, points in NM on and south of U.S. Hwy 66. The purpose of this filing is to eliminate the gateways of Burlington, IA and points within 50 miles of Burlington, points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E524), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box

309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in AR, on the one hand, and, on the other, points in NM. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, points in Tillman County, OK and points within 50 miles thereof, and points in Delta, Fannin, Lamar and Red River Counties, TX.

No. MC 31462 (Sub-No. E525), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in MO on and east and south of a line beginning at the KS-MO State line on MO Hwy 52, then east along MO Hwy 52 to junction U.S. Hwy 65, then north along U.S. Hwy 65 to the MO-IA State line. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E526), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in IA on and east of a line beginning at the MN-IA State line on U.S. Hwy 69, then south along U.S. Hwy 69 to junction U.S. Hwy 34, then west along U.S. Hwy 34 to junction U.S. Hwy 169, then south along U.S. Hwy 169 to the IA-MO State line. The purpose of this filing is to eliminate the gateways of Kansas city, MO and points within 30 miles of Kansas City, and points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E527), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in IL, on the one hand, and, on the other, points in NM. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, Kansas City, MO and points within 30 miles of Kansas City, St. Louis, MO and points within 50 miles of St. Louis, and Cairo, IL and points within 25 miles of Cairo.

No. MC 31462 (Sub-No. E528), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in WI on, south and east of a line beginning at the MN-WI State line on Interstate Hwy 90, then east along Interstate Hwy 90 to junction WI Hwy 80, then along WI Hwy 80 to junction WI Hwy 21, then east along WI Hwy 21 to junction WI Hwy 13, then north along WI Hwy 13 to junction WI Hwy 54, then east along WI Hwy 54 to junction U.S. Hwy 51, then north along U.S. Hwy 51 to junction U.S. Hwy 8, then east along U.S. Hwy 8, to junction WI Hwy 17, then north along WI Hwy 17 to junction WI Hwy 70, then east along WI Hwy 70 to junction U.S. Hwy 45, then north along U.S. Hwy 45 to the WI-MI State line. The purpose of this filing is to eliminate the gateway of Burlington, IA and points within 50 miles of Burlington, points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E529), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in IN. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, and Cairo, IL and points within 25 miles of Cairo.

No. MC 31462 (Sub-No. E530), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in OK on, south and east of a line beginning at the TX-OK State line on OK Hwy 33, then east along OK Hwy 33 to junction OK Hwy 30, then north along OK Hwy 30 to junction OK Hwy 20 for 2 miles to Durham, then east from Durham along an unmarked road through Crawford to junction OK Hwy 33, then east along OK Hwy 33 to junction OK Hwy 47, then east along OK Hwy 47 to junction OK Hwy 33, then east along OK Hwy 33 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to the OK-KS State line. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E531), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in MI. The purpose of this filing is to eliminate the gateway of Burlington, IA and points within 50 miles of Burlington, and points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E532), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in KY. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof, and Cairo, IL and points within 25 miles of Cairo.

No. MC 31462 (Sub-No. E533), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in OH. The purpose of this filing is to eliminate the gateway of Cairo, IL and points within 25 miles of Cairo, points in Kiowa County, OK and points within 50 miles thereof.

No. MC 31462 (Sub-No. E534), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. *Household goods*, as defined by the Commission, between points in NM, on the one hand, and, on the other, points in WV on and north of a line beginning at the KY-WV State line at Williamson, WV, then east from Williamson along U.S. Hwy 119 to junction WV Hwy 10, then east along WV Hwy 10 to junction WV Hwy 16, then north along WV Hwy 16 to junction WV Hwy 3, then east along WV Hwy 3 to junction WV Hwy 12, then north along WV Hwy 12 to junction Interstate Hwy 64, then east along Interstate Hwy 64 to the WV-VA State line. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof, Cairo, IL and points within 25 miles of Cairo, and Ft. Wayne, IN and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E535), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in ME. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and point within 50 miles thereof, Cairo, IL and points within 25 miles of Cairo, Ft. Wayne, IN and points within 40 miles of Ft. Wayne, and Hoosick Falls, NY.

No. MC 31462 (Sub-No. E536), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in NH. The purpose of this filing is to eliminte the gateway of points in Kiowa County, OK and points within 50 miles thereof, Cairo, IL and points within 25 miles of Cairo, Ft. Wayne, IN and points within 40 miles of Ft. Wayne, and Hoosick NY.

No. MC 31462 (Sub-No. E537), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in VT. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, Cairo, IL and points within 25 miles of Cairo, Ft. Wayne, IN and points within 40 miles of Ft. Wayne, and Hoosick Falls, NY.

No. MC 31462 (Sub-No. E538), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in MA. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof, Cairo, IL and points within 25 miles of Cairo, and Ft. Wayne, IN and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E539), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in CT. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof, Cairo, IL and points within 25 miles of Cairo and Ft. Wayne, IN and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E540), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in NY. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK, and points within 50 miles thereof, Cairo, IL, and points within 25 miles of Cairo, Ft. Wayne, IN, and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E541), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in NJ. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK, and points within 50 miles thereof, Cairo, IL, and points within 25 miles of Cairo, and Ft. Wayne, IN, and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E542), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in DC. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, Cairo, IL, and points within 25 miles of Cairo, and Ft. Wayne, IN, and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E543), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in MD. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, Cairo, IL and points within 25 miles of Cairo, and Ft. Wayne, IN and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E544), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in PA. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, Cairo, IL and points within 25 miles of Cairo, IL and Ft. Wayne, IN and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E545), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in SC. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E546), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in NC. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E547), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in VA. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E548), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower,

136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in GA. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, points in Tillman County, OK and points within 50 miles thereof, points in Bradley County, AR, Houston, TX and points within 50 miles of Houston, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E549), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in FL. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, points in Tillman County, OK and points within 50 miles thereof, Houston, TX and points within 50 miles of Houston, points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E550), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in AL on and south of a line beginning at the MS-AL State line of Interstate Hwy 10, then east along Interstate Hwy 10 to Mobile, AL, then north from Mobile to Interstate Hwy 65, then along Interstate Hwy 65 to junction U.S. Hwy 84, then east along U.S. Hwy 84 to junction AL Hwy 27, then east along AL Hwy 27 to junction U.S. Hwy 231, then south along U.S. Hwy 231 to junction AL Hwy 52, then east along AL Hwy 52 to the AL-GA State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, points in Tillman County, OK and points within 50 miles thereof, Houston, TX and points within 50 miles of Houston, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E551), filed October 13, 1977. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. *Household goods,* as defined by the Commission, between points in NM, on the one hand, and, on the other, points in LA. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, Houston, TX and points within 50 miles of Houston, and points in Lamar County, TX.

No. MC 83539 (Sub-No. E525), filed May 31, 1976. Applicant: C. & H. TRANSPORTATION, P.O. Box 5976, Dallas, TX 75222. Applicant's representative: H. N. Cunningham III (same as above). *Self-propelled articles* (except in driveaway service) each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, on trailers, between (1) points in IL in, west, and south of McHenry, Kane, Kendall, Grundy, Livingston, Ford, and Vermilion Counties on the one hand and, on the other, points in TN in and east of Montgomery, Houston, Humphreys, Perry, and Wayne Counties, and (2) points in IL on the one hand and, on the other, points in TN in, east, and south of Sumner, Davidson, Williamson, Hickman, Lewis, and Lawrence Counties, and in, west, and south of Macon, Jackson, Putnam, Cumberland, Morgan, Anderson, Knox, Jefferson, Hamblen, Greene, Washington, and Carter Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, TN, and points in KY.

No. MC 83539 (Sub-No. E595), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery,* between points in MI, on the one hand, and, on the other, points in NC. The purpose of this filing is to eliminate the gateway of VA.

No. MC 83539 (Sub-No. E596), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION CO., INC. P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery,* between points in MI, on the one hand, and, on the other, points in SC. The purpose of this filing is to eliminate the gateways of VA and NC.

No. MC 83539 (Sub-No. E597), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION, CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery,* (A) between points in MI in and north of Benzie, Grand Traverse, Antrim, Charlevoix, Cheboygan, Presque Isle, and Alpena Counties, on the one hand, and, on the other, points in VT in and north of Rutland and Windsor Counties; (B) between points in MI in and north of Mason, Lake, Osceola, Isabella, Midland, and Arenac Counties, on the one hand, and, on the other, points in VT; (C) between points in MI, on the one hand, and, on the other, points in VT in Orleans, Caledonia, and Essex Counties. The purpose of this filing is to eliminate the gateways of PA, NY, and Worcester, MA.

No. MC 83539 (Sub-No. E598), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery,* between points in NH, on the one hand, and, on the other, points in WV. The purpose of this filing is to eliminate the gateways of Worcester, MA, and points within 25 miles of Worcester and Philadelphia, PA.

No. MC 83539 (Sub-No. E599), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery,* between points in NJ, on the one hand, and, on the other, points in NC. The purpose of this filing is to eliminate the gateways of PA and VA.

No. MC 83539 (Sub-No. E600), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery,* between points in NJ, on the one hand, and, on the other, points in SC. The purpose of this filing is to eliminate the gateways of PA, VA, and NC.

No. MC 83539 (Sub-No. E601), filed May 31, 1977. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery,* between points in NM, on the one hand, and, on the other, points in NH. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of IN, Philadelphia, PA, and Worcester, MA, and points within 25 miles thereof.

No. MC 83539 (Sub-No. E602), filed May 31, 1977. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery,* between points in NY, on the one hand, and, on the other, points in NC. The purpose of this filing is to eliminate the getaways of PA and VA.

No. MC 83539 (Sub-No. E603), filed May 31, 1977. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machin-*

ery, between points in NY, on the one hand, and, on the other, points in SC. The purpose of this filing is to eliminate the getaways of PA, VA and NC.

No. MC 83539 (Sub-No. E604), filed May 31, 1977. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery*, between points in NC, on the one hand, and, on the other, points in OH. The purpose of this filing is to eliminate the getaway of VA.

No. MC 83539 (Sub-No. E605), filed May 31, 1977. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery*, between points in NC, on the one hand, and, on the other, points in PA. The purpose of this filing is to eliminate the getaway of VA.

No. MC 83539 (Sub-No. E606), filed May 31, 1977. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, TX 75222. Applicant's representative: Douglas Anderson (same as above). *Heavy machinery*, between points in NC, on the one hand, and, on the other, points in WV. The purpose of this filing is to eliminate the gateway of VA.

No. MC 105886 (Sub-No. E3) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of February 25, 1977, and republished, as corrected, this issue. Applicant: MARTIN TRUCKING, INC., P.O. Box 67, Bessemer, PA 16112. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. *High temperature bonding mortar, magnesite and dolomite, lime and lime products, and limestone and limestone products*, (1) from points in Ashtabula, Columbiana, Cuyahoga, Lake, Mahoning, Stark and Trumbull Counties, OH, Crawford, Mercer, Venango and Lawrence Counties, PA (Except New Beaver Borough), to points in VA. (2) from points in Cuyahoga, Jefferson, Ashtabula, Trumbull, Mahoning, Columbiana, and Stark Counties, OH, and Lawrence County, PA (except New Beaver Borough), to points in PA on and east of a line beginning at the NY-PA State line, and extending along Interstate Hwy 81 to junction PA Turnpike near Clarks Summit, then along the PA Turnpike to Norristown, then along PA Turnpike to junction Interstate Hwy 76 and 676, then along Interstate Hwys 76 and 676 to the PA-NJ State line. (3) from points in Lawrence County, PA (except New Beaver Borough) and points in Ashtabula, Trumbull, Mahoning and Columbiana Counties, OH, to points in WV on and south of U.S. Hwy 60. (4) from points in Lawrence County, PA (except New Beaver Borough) and points in Cuyahoga, Lake, Ashtabula, Trumbull, Mahoning, Columbiana, Stark and Jefferson Counties, OH, and Hancock County, WV, to points in DE. (5) from points in Lawrence County, PA (except New Beaver Borough) and points in Ashtabula, Trumbull, Mahoning and Columbiana Counties, OH, to points in KY on and south of U.S. Hwy 60. (6) from points in Lawrence County, PA (except New Beaver Borough) and points in Cuyhoga, Lake, Ashtabula, Trumbull, Mahoning, Columbiana and Stark Counties, OH, to points in MD. The purpose of this filing is to eliminate the gateway of New Beaver Borough, Lawrence County, PA.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 107012 (Sub-No. E333), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated*, (1) From points in Cochise, Gila, Graham and Greenlee Counties, AZ, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, DeKalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL (Greene County, AR*); Charlotte, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (Greene County, AR*); Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Raribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (points in IL within the Burlington, IA commercial zone*), Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (Greene County, AR*). (2) From points in Apache, Coconino, Mohave, Navajo and Yavapai Counties, AZ, to points in AL (Greene County, AR*); Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, AR (Greene County, AR*); points in FL (Greene County, AR*); Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chichasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Wright, Mitchell, Winnebago, Winneshiek, Worth, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (points in

IL within the Burlington, IA commercial zone); Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (Greene County, AR*); (3) From points in Maricopa, Pima, Pinal and Santa Cruz Counties, AZ, to points in AL (Greene County, AR*); Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, AR (Greene County, AR*); points in FL (Greene County, AR*); Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington IA commercial zone*); Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (points in IL within the Burlington, IA commercial zone*); Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (Greene County, AR*). (4) From points in Yuma County, AZ, to points in AL (Greene County, AR*); Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline and White Counties, AR (Greene County, AR*); points in FL (Greene County, AR*); Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Wright, Howard, Mitchell, Winnebago, Winneshiek, Worth, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington IA commercial zone*); Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (points in IL within the Burlington, IA commercial zone*); Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, Gorge, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (Greene County, AR*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 107012 (Sub-No. E344), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated,* (1) from points in Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, and Power Counties, ID, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, and White Counties, AR (Greene County, AR*); Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, and Pushmataha Counties OK (Kansas City, MO*); (2) from points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties, ID, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Falkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, and White Counties, AR (Greene County, AR*); Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, Pushmataha, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, OK (Kansas City, MO*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 107012 (Sub-No. E342), filed May 16, 1974. Applicant: NORTH

AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, uncrated,* (1) From points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, KS, to points in AZ, CA, CO (Kansas City, MO*); Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike and Whitley Counties, KY (points in IL within the Burlington, IA commercial zone and points in AR*); points in NM, OK, TX, UT and WY (Kansas City, MO*). (2) From points in Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington, IA commercial zone); points in KY (points in AR*); Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Fairbault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (points in IL within the Burlington, IA commercial zone*). (3) From points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS, to points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); points in KY (points in AR*); Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collins, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Tutus, Upshur, Van Zandt and Wood Counties, TX (points in AR*). (4) From points in Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS, to points in AZ, CA (Kansas City, MO*); Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, LaPlata, Mineral, Montezuma, Montrose, Quray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO (Kansas City, MO*); points in KY (points in AR*); Bernalillo, Guadalupe, Los Alamos, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra and Socorro Counties, NM (Kansas City, MO*). Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK (points in AR*); Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Sava, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zatata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, DeWitt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Iravis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood counties, TX (points in AR*); points in UT and WY (Kansas City, MO*). (5) From points in Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumneer and Washington counties, KS, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA (Kansas City, MO*); Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, LaRue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Sheleby, Simpson, Spencer, Todd, Trimble, Warren, Bath, Boone, Bourbon, Boyd, Bracken, Campbell, Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Wolfe, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Ballard, Caldwell, Calloway, Carlislie, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean Trigg, Union and Webster Counties, KY (points in IL within the Burlington, IA commercial zone and points in AR*); Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwell, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur,

VanZandt and Wood Counties, TX (points in AR*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107012 (Sub-No. E348), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, uncrated,* (1) from points in Albany, Carbon, Converse, Goshen, Laramie, Niobrara and Platte Counties, WY, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (Greene County, AR*); Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington IA commercial zone*); Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner and Washington Counties, OK (Kansas City, MO*). (2) From points in Park, Teton, Yellowstone National Park, Fremont, Hot Springs, Natrona, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie and Weston Counties, WY, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (Greene County, AR*); Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK (Kansas City, MO*). (3) From points in Lincoln, Sublette, Sweetwater and Uinta Counties, WY, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (Greene County, AR*); Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg and Pushmataha Counties, OK (Kansas City, MO*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113908 (Sub-No. E328), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar,* in bulk, in tank vehicles, from Houston, TX, to points in CO, NE, IA, those points in IL on and north and west of a line beginning at the IL-MO State line, and extending along U.S. Hwy 54 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction U.S. Hwy 52, then along U.S. Hwy 52 to the IL-IN State line, and those points in MO on and north and east of a line beginning at the MO-IA State line, and extending along U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 54, then along U.S. Hwy 54 to the MO-IL State line. The purpose of this filing is to eliminate the gateway of Wichita, KS.

No. MC 113908 (Sub-No. E399), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar stock,* in bulk, in tank vehicles, from Fremont, MI to points in TX. The purpose of this filing is to eliminate the gateways of Marionville, MO and Rogers, AR.

No. MC 113908 (Sub-No. E401), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Wine vinegar,* in bulk, in tank vehicles, (1) from those points in CA on and north of a line beginning at the CA-NV State line, and extending along Interstate Hwy 80 to junction CA Hwy 20, then along CA Hwy 20 to the Pacific Ocean, to points in AR and those points in OK on and east of a line beginning at the OK-KS State line, and extending along OK Hwy 99 to junction U.S. Hwy 377, then along U.S. Hwy 377 to the OK-TX State line. (2) From points in Santa Cruz, Santa Clara, Merced, Madera, Fresno and Inyo Counties, CA and those points in CA on and south of a line beginning at the CA-NV State line, and extending along Interstate Hwy 80, then along Interstate Hwy 80 to junction CA Hwy 20, then along CA Hwy 20 to the Pacific Ocean, to those points in AR (except South and west of AR Hwy 24 and AR 29), and those points in OK north and east of OK Hwy 20 and OK Hwy 99. (3) From points in CA on and south of Santa Cruz, Santa Clara, Merced, Madera, Fresno and Inyo Counties, to those points in AR north and east of a line beginning at the AR-TN State line, and extending along Interstate Hwy 40, then along Interstate Hwy 40 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction AR Hwy 14, then along Ar Hwy 14 to the AR-MO State line. The purpose of this filing is to eliminate the gateways of Kansas City, MO and Marionville, MO.

No. MC 113908 (Sub-No. E420), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar,* in bulk, in tank vehicles, from those points in MI on and east of a line beginning at the U.S.-Canadian international boundary line, and extending south along Interstate Hwy 75, then along Interstate Hwy 75 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction U.S. Hwy 127, then along U.S. Hwy 127 to the MI-OH State line, to those points in CO on and south and west of a line beginning at the CO-UT State line, and extending along CO Hwy 90, then along CO Hwy 90 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 285, then along U.S. Hwy 285 to the CO-NM State line. The purpose of this filing is to eliminate the gateways of Rogers, AR and Nixa, MO.

No. MC 113908 (Sub-No. E422), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Wine Vinegar,* in bulk, in tank vehicles, (1) From points in CA south of Santa Cruz, Santa Clara, Merced, Fresno, Madera, and Inyo Counties, and north and west of a line beginning at the CA-AZ State line, and extending along Interstate Hwy 10, then along Interstate Hwy 10 to junction CA Hwy 86, then along CA Hwy 86 to junction CA Hwy 78, then

along CA Hwy 78 to the Gulf of Santa Catalina, to points in IN, OH; those points in AR on and north and east of a line beginning at the AR-TN State line, and extending along U.S. Hwy 79 to junction U.S. Hwy 65, then along U.S. Hwy 65 to the AR-MO State line; those points in IA on and east of U.S. Hwy 71; those points in MS except on and west and south of U.S. Hwy 61 at or near Natchez, MS, to junction MS Hwy 33, then south along MS Hwy 33 to the MS-LA State line. (2) From those points in CA on and south of a line beginning at the CA-AR State line, and extending along Interstate Hwy 10 to junction CA Hwy 86, then south along CA Hwy 86 to junction CA Hwy 78, then along CA Hwy 78 to the Gulf of Santa Catalina, to points in IN, OH; those points in IA on and east of U.S. Hwy 71; those points in AR north and east of a line beginning at the AR-MO State line, and extending along U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 79, then along U.S. Hwy 79 to the AR-TN State line; those points in MS on and north of a line beginning at the MS-AR State line, and extending along MS Hwy 12, then along MS Hwy 12 to junction Ms Hwy 14, then along MS Hwy 14 to the MS-AL State line. (3) From points in CA south of Interstate Hwy 80 and CA Hwy 20 and on and north of Santa Cruz, Santa Clara, Merced, Fresno, Madera, and Inyo Counties, to points in AR, IN, OH; those points in IA on and south and east of a line beginning at the IA-IL State line, and extending along IA Hwy 22 to junction IA Hwy 77, then along IA Hwy 77 to junction IA Hwy 1, then along IA Hwy 1 to the IA-MO State line; those points in OK on and east and north of a line beginning at the OK-KS State line, and extending along OK Hwy 99, then along OK Hwy 99 to junction OK Hwy 20, then east along OK Hwy 20 to the OK-AR State line; those points in LA on and north and east of a line beginning at the LA-TX State line, and extending along LA Hwy 110, then along LA Hwy 110 to junction U.S. Hwy 190, then along U.S. Hwy 190 to junction U.S. Hwy 167, then along U.S. Hwy 167 to junction LA Hwy 82, then along LA Hwy 82 to the Gulf of Mexico. (4) From points in CA on and north of a line beginning at the CA-NV State line, and extending along Interstate Hwy 80 to junction CA Hwy 20, then along CA Hwy 20 to the Pacific Ocean, to points in IN, OH, AR, LA, MS; those points in IA on and south of a line beginning at the IA-IL State line, and extending along IA Hwy 22, then along IA Hwy 22 to junction IA Hwy 77, then along IA Hwy 77 to junction IA Hwy 1, then along IA Hwy 1 to the IA-MO State line; those points in OK on and east of OK Hwy 99. The purpose of this filing is to eliminate the gateways of Kansas City, MO and Nixa, MO.

No. MC 113908 (Sub-No. E429), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from points in MI to those points in CO on and south of U.S. Hwy 50. The purpose of this filing is to eliminate the gateway of Wichita, KS, and Oklahoma City, OK.

No. MC 117574 (Sub-No. E58), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Dredges, component parts of dredges, and dredging equipment, which is also industrial machinery and attachments, accessories and parts of such industrial machinery,* (1) between points in Bertie, Camden, Chowan, Currituck, Darr, Edge Comb, Gates, Halifax, Hertford, Martin, Nash, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, NC, on the one hand, and, on the other, points in AZ, CA, CO, CT, ID, IA, KS, ME, MA, MI, MN, MT, NE, NV, NH, NJ, NM, NY, ND, OK, OR, RI, SD, UT, VT, WA, WI, WY, and points in the following described states: AR, points north and west of a line commencing at the AR-MO State line along AR Hwy 21 to junction AR Hwy 74, then along AR Hwy 74 to junction U.S. Hwy 71, then along U.S. Hwy 71 to junction AR Hwy 348, then along AR Hwy 348 to junction AR Hwy 220, then along AR Hwy 220 to the AR-OK State line; IL, points north and west of a line commencing at the IN-IL State line along U.S. Hwy 50 to junction IL Hwy 130, then along IL Hwy 130 to junction IL Hwy 15, then along IL Hwy 15 to junction IL Hwy 4, then along IL Hwy 4 to the IL-MO State line; IN, points northwest of a line commencing at the OH-IN State line along U.S. Hwy 50 to the IN-IL State line; MO, points northwest of a line commencing at the IL-MO State line along MO Hwy 51 to junction MO Hwy 72, then along MO Hwy 72 to junction MO Hwy 32, then along MO Hwy 32 to junction MO Hwy 137, then along MO Hwy 137 to junction MO Hwy 76, then along MO Hwy 76 to junction MO Hwy 181, then along MO Hwy 181 to junction U.S. Hwy 160, then along U.S. Hwy 160 to junction MO Hwy 13, then along MO Hwy 13 to the MO-AR State line; OH, points north and west of a line commencing at the OH-WV State line along Interstate Hwy 70 to junction U.S. Hwy 22, then along U.S. Hwy 22 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the OH-IN State line; PA, points north and west of a line commencing at the PA-NY State line along Interstate Hwy 80 to junction PA Hwy 33, then along PA Hwy 33 to junction U.S. Hwy 209, then along U.S. Hwy 209 to junction PA Hwy 895, then along PA Hwy 895 to junction PA Hwy 501, then along PA Hwy 501 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the PA-WV State line; TX, points northwest of a line commencing at the OK-TX State line along U.S. Hwy 81 to junction TX Hwy 59, then along TX Hwy 59 to junction U.S. Hwy 380, then along U.S. Hwy 380 to junction TX Hwy 67, then along TX Hwy 67 to junction U.S. Hwy 180, then along U.S. Hwy 180 to junction TX Hwy 351, then along TX Hwy 351 to junction U.S. Hwy 277, then along U.S. Hwy 277 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction TX Hwy 163, then along TX Hwy 163 to the TX-MX Border; OK, points north and west of a line commencing at the AR-OK State line along OK Hwy 101 to junction U.S. Hwy 64 to junction OK Hwy 2, then along OK Hwy 2 to junction OK Hwy 31, then along OK Hwy 31 to junction OK Hwy 1, then along OK Hwy 1 to junction OK Hwy 7, then along OK Hwy 7 to junction U.S. Hwy 77, then along U.S. Hwy 77 to junction OK Hwy 32, then along OK Hwy 32 to junction U.S. Hwy 81, then along U.S. Hwy 81 to the OK-TX State line; WV, points northwest of a line commencing at the PA-WV State line along Interstate Hwy 70 to the WV-OH State line. The purpose of this filing is to eliminate the gateway of Carlisle, PA.

No. MC 117574 (Sub-No. E59), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Dredges, component parts of dredges, and dredging equipment, which is also industrial machinery and attachments, accessories and parts of such industrial machinery,* between points in Pender, Duplin, Jones and Anslow, NC, on the one hand, and, on the other, those points in CA, CT, DE, ID, ME, MD, MA, MN, NV, NH, NJ, NY, ND, OK, OR, RI, SD, UT VT, WA, WY; and all points in the following described states: AZ north and west of a line commencing at the AZ-NM State line along Interstate Hwy 40 to junction Interstate Hwy 17, then along Interstate Hwy 17 to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction AZ Road 85, then along AZ Road 85 to the AZ-NM Border; points in CO north and west of a line commencing at the CO-KS State line along U.S. Hwy 50 to junction U.S. Hwy 350, then along U.S. Hwy 350 to junction Interstate Hwy 25, then along Interstate Hwy 25 to the NM-CO State line; points in IN north of a line commenc-

ing at the OH-IN State line along Interstate Hwy 80 to junction U.S. Hwy 31, then along U.S. Hwy 31 to the MI-IN State line; points in IA north of a line commencing at the WI-IA State line along U.S. Hwy 151, then along U.S. Hwy 151 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction IA Road 330, then along IA Road 330 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction Interstate Hwy 35, then along Interstate Hwy 35 to the MO-IA State line; points in KS west of a line commencing at the NE-KS State line along U.S. Hwy 75 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction U.S. Hwy 77, then along U.S. Hwy 77 to junction Interstate Hwy 70, then along Interstate Hwy 70 to junction U.S. Hwy 156, then along U.S. Hwy 156 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the CO-KS State line; points in MI north of a line commencing at the MI-IN State line along U.S. Hwy 31, to Lake MI; points in MO north and west of a line commencing at the IA-MO State line along Interstate Hwy 35 to junction U.S. Hwy 136, then along U.S. Hwy 136 to junction U.S. Hwy 169, then along U.S. Hwy 169 to junction MO Road 6, then along MO Road 6 to junction MO Road 111, then along MO Road 111 to the NE-MO State line; points in NE north and west of a line commencing at the NE-MO State line along NE Roads 4 and 8, to junction U.S. Hwy 75, then along U.S. Hwy 75 to the KS-NE State line; points in NM north and west of a line commencing at the CO-NM State line along Interstate Hwy 25 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction Interstate Hwy 25, then along Interstate Hwy 25 to junction Interstate Hwy 40, then along Interstate Hwy 40 to the AZ-MN State line; points in OH north and east of a line commencing at the OH-IN State line along Interstate Hwy 80 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction U.S. Hwy 250, then along U.S. Hwy 250 to junction OH Road 151, then along OH Road 151 to the WV-OH State line; points in PA north of a line commencing at the PA-WV State line along U.S. Hwy 22 to junction Interstate Hwy 376, then along Interstate Hwy 376 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction PA Road 16, then along PA Road 16 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the MD-PA State line; points in WV north of a line commencing at the WV-OH State line along U.S. Hwy 22 to the PA-WV State line; points in WI north of a line commencing at Kenosha, WI on Lake MI along WI Road 50 to junction WI Road 11, then along WI Road 11 to the IA-WI State line. The purpose of this filing is to eliminate the gateway of Carlisle, PA.

No. MC 117574 (Sub-No. E65), filed July 16, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). (1) *Agricultural implements and agricultural machinery, tractors with or without attachments, cranes, industrial and processing machinery,* which are also contractor's equipment or heavy and bulky articles or articles requiring specialized handling or rigging because of size or weight, and *attachments, accessories, and parts of all of the above-described commodities,* (2) *agricultural implements, agricultural machinery, tractors* (other than truck tractors), *incidental machinary, attachments, and parts* when moving with such implements, machinery, or tractors, except commodities requiring special equipment, (3) *sewage, water, and refuse treatment systems,* the transportation of which because of size or weight requires the use of special equipment, which is also industrial or processing machinery, (4) *tools, materials, and supplies used in connection with the erection and construction of sewage, water, and refuse treatment systems* (except commodities in bulk), which are also attachments, accessories and parts of industrial or processing machinery.

(A) Between points in DE; points in MD Counties of Caroline, Cecil, Harford, Kent, Queen Annes, and Talbot; points in NJ; points in NY Counties southeast of and including Dutchess and Orange Counties, on the one hand, and on the other: (1) points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY; (2) those points in AL on and west of a line beginning at the AL-GA State line, and extending along U.S. Hwy 11 to junction U.S. Hwy 231, then along U.S. Hwy 231 to junction U.S. Hwy 31, then along U.S. Hwy 31 to junction U.S. Hwy 29, then along U.S. Hwy 29 to the AL-FL State line; (3) those points in FL on and west of U.S. Hwy 29; (4) those points in MD on and west of U.S. Hwy 220; (5) those points in OH on and west and south of U.S. Hwy 422; (6) those points in PA on and west of a line beginning at the PA-OH State line, and extending along U.S. Hwy 422 to junction U.S. Hwy 22, then along U.S. Hwy 22 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction PA Hwy 641, then along PA Hwy 641 to junction U.S. Hwy 11, then along U.S. Hwy 11 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the MD-PA State line; (7) those points in TN on and west of a line beginning at the TN-VA State line, and extending along U.S. Hwy 11W to junction U.S. Hwy 11, then along U.S. Hwy 11 to the TN-GA State line; (8) those points in VA on and west of a line beginning at the VA-WV State line, and extending along VA Hwy 16, then along VA Hwy 16 to junction U.S. Hwy 19, then along U.S. Hwy 19 to the TN-VA State line; (9) those points in WV on and west of a line beginning at the MD-WV State line, and extending along U.S. Hwy 220 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the WV-VA State line.

(B) Between points in Columbia, Delaware, Greene, Sullivan, and Ulster Counties, NY, on the one hand, and, on the other: (1) points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WV, WI, and WY; (2) points in DE on and south of a line beginning at the DE-MD State line, and extending along DE Hwy 404 to junction DE Hwy 18, then along DE Hwy 18 to the Atlantic Ocean; (3) points in MD on and south and west of a line beginning at the PA-MD State line, and extending along Interstate Hwy 83 to junction Interstate Hwy 695, then along Interstate Hwy 695 to Junction MD Hwy 2, then along MD Hwy 2 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 301, then along U.S. Hwy 301 to the VA-MD State line; (4) points in MI on and south of a line beginning at the MI-IN State line, and extending along U.S. Hwy 12, to junction U.S. Hwy 127, then along U.S. Hwy 127 to the MI-OH State line; (5) points in OH on and south and west of a line beginning at the MI-OH State line, and extending south along OH Hwy 109 to junction OH Hwy 18, then along OH Hwy 18 to junction OH Hwy 100, then along OH Hwy 100 to junction OH Hwy 95, then along OH Hwy 95 to junction OH Hwy 13, then along OH Hwy 13 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction OH Hwy 83, then along OH Hwy 83 to junction U.S. Hwy 22, then along U.S. Hwy 22 to the OH-PA State line; (6) points in PA on and west of a line beginning at the OH-PA State line, and extending along U.S. Hwy 22 to junction PA Hwy 56, then along PA Hwy 56 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction Interstate Hwy 83, then along Interstate Hwy 83 to the PA-MD State line; (7) points in VA on and west of U.S. Hwy 36 and U.S. Hwy 301.

(C) Between points in Anne Arundel, Baltimore, Calvert, Carroll, Charles, Howard, Prince Georges, Saint Marys Counties, MD, and Washington, DC, on the one hand, and, on the other: (1) points in AZ, CA, CO, ID, IL, IA, KS, MI, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY; (2) those points in AR on and west of a

line beginning at the AR-OK State line, and extending along U.S. Hwy 64 to junction U.S. Hwy 65, then along U.S. Hwy 65 to the AR-MO State line; (3) points in IN on and northwest of a line beginning at the KY-IN State line, and extending along Interstate Hwy 65 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the OH-IN State line; (4) those points in KY on and north of a line beginning at the MO-KY State line, and extending along U.S. Hwy 62 to junction Interstate Hwy 65, then along Interstate Hwy 65 to the KY-IN State line; (5) points in MO on and northwest of a line beginning at the AR-MO State line, and extending along U.S. Hwy 65 to junction U.S. Hwy 60, then along U.S. Hwy 60 to the KY-MO State line; (6) points in NY on and northwest of a line beginning at the PA-NY State line, and extending along U.S. Hwy 11 to junction NY Hwy 7, then along NY Hwy 7 to the NY-VT State line; (7) points in OH on and north of a line beginning at the IN-OH State line, and extending along U.S. Hwy 40 to junction Interstate Hwy 71, then along Interstate Hwy 71 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the PA-OH State line; (8) points in PA on and north of a line beginning at the PA-OH State line, and extending along Interstate Hwy 80 to junction U.S. Hwy 322, then along U.S. Hwy 322 to junction U.S. Hwy 11, then along U.S. Hwy 11 to the NY-PA State line; (9) points in VT on and east of a line beginning at the NY-VT State line, and extending along VT Hwy 9 to junction U.S. Hwy 7, then along U.S. Hwy 7 to junction U.S. Hwy 4, then along U.S. Hwy 4 to junction VT Hwy 100, then along VT Hwy 100 to Newport, VT, at Lake Memphremagog.

(D) Between points in Saint Lawrence County, NY, on the one hand, and, on the other: (1) points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NJ, NH, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, and WY; (2) points in IL on and south of a line beginning at the IL-IA State line, and extending along U.S. Hwy 150, then along U.S. Hwy 150 to junction Interstate Hwy 74, then along Interstate Hwy 74 to the IL-IN State line; (3) points in IN on and south of a line beginning at the IN-IL State line, and extending along Interstate Hwy 74 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the IN-OH State line; (4) points in IA on and west of a line beginning at the IA, WI State line, and extending along U.S. Hwy 18, then along U.S. Hwy 18 to junction IA Hwy 13, then along IA Hwy 13 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction IA Hwy 1, then along IA Hwy 1 to junction U.S. Hwy 218, then along U.S. Hwy 218 to junction IA Hwy 22, then along IA Hwy 22 to junction IA Hwy 38, then along IA Hwy 38 to junction IA Hwy 17, then along IA Hwy 17 to junction U.S. Hwy 150, then along U.S. Hwy 150 to the IA-IL State line; (5) points in MD on and west of the Susquehanna River and the Chesapeake Bay; (6) points in MI on, north and west of a line beginning at Escanaba on Lake MI, and extending along U.S. Hwy 41 to Marquette, MI, at Lake Superior; (7) points in OH on and south of a line beginning at the OH-IN State line, and extending along Interstate Hwy 70 to junction U.S. Hwy 35, then along U.S. Hwy 35 to junction U.S. Hwy 127, then along U.S. Hwy 127 to junction OH Hwy 73, then along OH Hwy 73 to junction U.S. Hwy 22, then along U.S. Hwy 22 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the OH-WV State line; (8) points in WV on and south of a line beginning at the OH-WV State line, and extending along U.S. Hwy 40 to the WV-PA State line; (9) points in VA west of the Chesapeake Bay; (10) points in WI on and north of a line beginning at Algoma on Lake MI, and extending along WI Hwy 54 to junction WI Hwy 23, then along WI Hwy 23 to junction WI Hwy 33, then along WI Hwy 33 to junction WI Hwy 23, then along WI Hwy 23 to junction U.S. Hwy 18, then along U.S. Hwy 18 to the WI-IA State line. The purpose of this filing is to eliminate the gateways of Carlisle, Shadygrove, and Waynesboro, PA.

No. MC 117815 (Sub-No. E48) (correction), filed May 24, 1975, published in the FEDERAL REGISTER issue of May 19, 1978, and republished, as corrected, this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, IA 50309. *Glassware*, as described in Appendix IX to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except commodities in bulk, in tank vehicles, from those points in IN bounded by a line beginning at the IL-IN State line at unnumbered hwy along (through Brook, Collegeville, Francesville and Winamac, IN) to Warsaw, IN, then north along IN Hwy 15 to Goshen, IN, asnd then north along IN Hwy 15 to the IN-MI State line, to points in MN, those points in WI on and west of U.S. Hwy 51, points in IA on, west and north of a line beginning at the IA-Il State line, and extending west along U.S. Hwy 151 to junction U.S. Hwy 30, then west along U.S. Hwy 30 to junction IA Hwy 14, then south along IA Hwy 14 to junction IA Hwy 92, then along IA Hwy 92 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to junction U.S. Hwy 34, then west along U.S. Hwy 34 to junction IA Hwy 48, then south along IA Hwy 48 to junction IA Hwy 2, then west along IA Hwy 2 to junction IA-NE State line; to those points in NE on and north and west of a line beginning at the IA-NE State line, and extending west along NE Hwy 2, then along NE Hwy 2, to junction NE Hwy 50, then south along NE Hwy 50 to junction U.S. Hwy 136, then west along U.S. Hwy 136 to junction U.S. Hwy 81, then south along U.S. Hwy 81 to the NE-KS State line, restricted to movements from, to or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the gateway of Gurnee, IL.

NOTE.—The purpose of this republication is to include the destination states of IA and NE, previously omitted.

By the Commission.

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

[FR Doc. 78-16879 Filed 6-19-78; 8:45 am]

[1505-01]

[Volume No. 63]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-4822, appearing at page 7754 in the issue of Friday, February 24, 1978, the 20th line in the second full paragraph in column two of page 7756 should read, "points in AL, AR, FL, GA, KY, LA".

[1505-01]

[Volume No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-12758, appearing at page 20297 in the issue of Thursday, May 11, 1978, the first line of the second complete paragraph in the column two of page 20314 should read, "No. MC 144395 F, filed March 7,".

[7035-01]

Office of Proceedings

[Notice No. 96]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 13, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for

under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can be 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 applicaiton is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107515 (Sub-No. 1143TA), filed April 27, 1978, and published in the FEDERAL REGISTER issue of May 25, 1978, and republished as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Serby and Mitchell, 5th Floor Lenox Towers, South, 3390 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AR, KS, LA, MS, MO, NM, OK, TN and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., 2 South Portage Street, Westfield, NY 14787. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 124236 (Sub-No. 86TA), filed May 5, 1978. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (in bulk), from McLennan County, TX, to Memphis, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): United States Steel Corp., 600 Grant Street, Room 525, Pittsburgh, Pa. 15230. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 124236 (Sub-No. 87TA), filed May 1, 1978. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, 1530 Main Street, Dallas, TX 75201. Applicant's representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite* (in bulk), from National, AR, at or near Malvern, AR, to all points in OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): NL Baroid Division of NL Industries, Inc., P.O. Box 1675, Houston, TX 77001. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 124236 (Sub-No. 88TA), filed May 15, 1978. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from San Antonio, TX, to the International Border at or near Hidalgo, TX, for 180 days. Supporting shipper(s): Kaiser Cement & Gypsum Corp., P.O. Box 18346, San Antonio, TX 78218. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 124411 (Sub-No. 15TA), filed May 25, 1978. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, IA 50251. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt emulsion*, (in bulk), from Des Moines, IA, to points in MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bitucote Products Co., 900 East Raccoon, Des, Moines, IA 50309. Send Protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 127840 (Sub-No. 71TA), filed May 24, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and shortenings*, (in bulk, in tank vehicles), from Columbus, OH, to Milwaukee, Burlington and Madison, WI, for 180 days. Supporting shipper(s): Larry Moore, Traffic Control Assistant, Capitol City Products Company, P.O. Box 569, Columbus, OH 43216. Send Protests to: Lois Stahl, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 129862 (Sub-No. 20TA), filed May 9, 1978. Applicant: RAJOR, INC., 100 Beta, P.O. Box 756, Franklin, TN 37064. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning and heating units*, (except commodities which because of size or weight require the use of special equipment), from Davidson County, TN, to points in FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Heil Quaker Corporation, 1714 Heil Quaker Blvd., LaVergne, TN 37086. Send Protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 135874 (Sub-No. 128TA), filed May 23, 1978. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street South, South St. Paul MN 55075. Applicant's representative: K. O. Petrick, 550 E. 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies*, (except commodities in bulk), from North Hampton Township, OH, to points in IA, NE, ND, SD and WI, for 180 days. Supporting shipper(s): Alside, Inc., P.O. Box 2010, Akron, OH 44309. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 138174 (Sub-No. 2TA), filed May 12, 1978. Applicant: JJ & JL COMPANY, INC., d.b.a. JET AIR FREIGHT SERVICE, 6136 N.E., 87th Avenue, Portland, OR 97203. Applicant's representative: David C. White, 2400 S.W., Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except radio pharmaceuticals, radioactive drugs, medical isotopes, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having and immediately prior or subsequent movement by air, (1) between Portland, OR, on the one hand, and, on the other, points in Lane County, OR; and (2) between the Eugene-Mahlon Sweet Airfield at or near Eugene, OR, on the one hand, and, on the other, points in Benton, Linn, and Lane Counties, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (12) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

No. MC 138875 (Sub-No. 89TA), filed May 15, 1978. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden beams*, from the facilities of Trus Joist Corporation located in Lane County, OR, to points in IA, KS, MN, NE, ND and SD, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Trus Joist Corporation, 145 North Bertleson Road, Eugene, OR. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 139006 (Sub-No. 2TA), filed May 4, 1978, and published in the FEDERAL REGISTER issue of June 5, 1978, and republished as corrected this issue. Applicant: RAPIER SMITH, R.R. 5, Loretto Road, Bardstown, KY 40004. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl or plastic siding, extruded; clapboard siding; plastic articles; paper articles; building materials; and accessories and supplies* used in connection with the described commodities from Bardstown, KY and commercial zone to points in the United States in and east of IA, KS, MN, NE, OK, and TX, except KY. (2) *Materials, equipment and supplies* used in connection with and used in the manufacture of vinyl or plastic siding, extruded; clapboard siding; plastic articles; paper articles; building materials; and accessories and supplies used in connection with the described commodities from points in the United States in and east of IA, KS, MN, NE, OK, and TX, except KY, to Bardstown, KY and commercial zone, for 180 days. Supporting shipper(s): Mr. A. L. Hyter, Supervisor, Divisional Transportation, Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Mr. Fred K. Bauer, Corporate Traffic Manager, Bird & Son, Inc., Washington Street, West Walpole, MA 02032. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202. The purpose of this republication is to insert omissions in description published in FEDERAL REGISTER on June 5, 1978.

No. MC 139420 (Sub-No. 37TA), filed May 18, 1978. Applicant: ART GREENBERG, d.b.a. GLACIER TRANSPORT, Box 428, Grand Forks, ND 58201. Applicant's representative: James B. Hovland, P.O. Box 1680, 414 Gate City Bldg., Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen novelty confections and dietetic frozen desserts*, from Grand Forks, ND, to CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bridgeman Western, Grand Forks Branch, Division of Land O'Lakes, Inc., University & 9th, Grand Forks, ND 58201. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building & U.S. Post Office, 657 2d Avenue North, Fargo, ND 58102.

No. MC 140033 (Sub-No. 51TA), filed May 5, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Applicant's representative: E. Larry Wells, Winkle and Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials and products related thereto*, from Mobile, AL, to Harris County, TX, for 180 days. Supporting shipper(s): GAF Corporation, P.O. Box 5607, 2600 Singleton Blvd., Dallas, TX 75222. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 140549 (Sub-No. 10TA), filed April 26, 1978, and published in the FR issue of May 30, 1978, and republished as corrected this issue. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry, bulk fertilizer*, from Willmar, MN to points in ND and SD, for 180 days. Supporting shipper: Martrex, Inc., P.O. Box 159, Chanhassen, MN 55317. Send protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401. The purpose of this republication is to indicate carrier's correct name, also to correct the origin point as previously published.

No. MC 141197 (Sub-No. 24TA), filed May 16, 1978. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 West 11th Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the facilities of Mid Missouri Coal company in Randolph County, MO, to the City Power Plant at or near Springfield, IL, (Dallman Lakeside Power Plant), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid Missouri Coal Company, Box D, Huntsville, MO 65259. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 142559 (Sub-No. 19TA), filed May 19, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Warner Robins, GA to St. Louis, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland Glass Corp., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: James Johnson, Dis-

trict Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 142574 (Sub-No. 3TA), filed May 10, 1978. Applicant: CIRCLE C TRANSPORTATION, CO., 5800 York Street, Denver, CO 80217. Applicant's representative: William J. Lippman, 50 South Steele Street, Suite 330, Denver, CO 80209. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cardboard cartons,* from Omaha, NE, to Denver, CO, restricted to traffic to the facilities of Circle C Beef Co., under a continuing contract, or contracts, with Circle C Beef Co., for 180 days. Supporting shipper(s): Circle C Beef Co., 5800 York Street, Denver, CO 80216. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 143058 (Sub-No. 5TA), filed May 18, 1978. Applicant: TRANS WEST CARRIERS, INC., 111 Erie Street, Pomona, CA 91768. Applicant's representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Newsprint paper,* in rolls, from Oregon City, OR, to the facilities of Treasure Chest Advertising Co. Inc., located at or near (1) Glendora, CA; and (2) Sacramento, CA, and (3) City of Industry, CA, under a continuing contract, or contracts, with Treasure Chest Advertising Co. Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Treasure Chest Advertising Co. Inc., 19313 East Foothill Boulevard, Glendora, CA 91740. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 143095 (Sub-No. 5TA), filed May 9, 1978. Applicant: NEW ENGLAND TRANSPORT, INC., LTD., P.O. Box 441, Springfield, VT 05156. Applicant's representative: Brian S. Stern, 2425 Wilson Boulevard, Suite 327, Arlington, VA 22201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Talc,* in bags, in containers or trailers having a subsequent movement by water, from Windsor, VT, to piers, wharves, or railroad yards in the New York, NY, commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johnson & Johnson International, 501 George Street, New Brunswick, NJ 08901. Send protests to: David A. Demers District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

No. MC 143267 (Sub-No. 19TA), filed May 1, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Applicant's representative: Peter A. Greene, 900 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Refractory products,* from the facilities of Harbison-Walker Refractories, Division of Dresser Industries, Inc., at or near Fulton and Vandalia, MO, to points in CT and NJ, for 180 days. Supporting shipper(s): Harbison-Walker Refractories, Division of Dresser Industries, Inc., 2 Gateway Center, Pittsburgh, PA 15222. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 143267 (Sub-No. 21TA), filed May 25, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Applicant's representative: Peter A. Greene, Caldwell & Greene, 900 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic bathroom fixtures,* from the facilities of Middlefield Corp. at Middlefield, OH, to Longview, Dallas, and Waco, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Middlefield Corp., 15650 Madison Road, Middlefield, OH 44062. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commisson, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 143891 (Sub-No. 1TA), filed May 15, 1978. Applicant: FLYING L TRUCKING CO., 870 West 9th Street, San Pedro, CA 90731. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned pet food,* from Muscatine, IA, to points in AL, FL, IL, IA, MD, MA, MO, NJ, NY, OH, OK, TX and WV, for 180 days. Supporting shipper(s): Star-Kist Foods, Inc., 582 Tuna Street, Terminal Island, Calif. 90731. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 144190 (Sub-No. 1TA), filed May 16, 1978. Applicant: STORY, INC., Route 1, Box 122, Henegar, AL 35978. Applicant's representative: John W. Cooper, 200 Woodward building, Birmingham, AL 35203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Carpet and carpeting,* from Catoosa and Whitfield Counties, and Chatsworth and Calhoun, GA, to CA, OR, WA, CO, AZ, UT, WY, ID, MT, and IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (14) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Mabel E. Holston Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 144215 (Sub-No. 2TA), filed May 16, 1978. Applicant: NORTON TRUCKING, INC., 126 Sun Street, Salinas, CA 93901. Applicant's representative: Albert C. Parolini, 126 Sun Street, Salinas, CA 93901. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Deerfield, IL, to the states of MI, WI, MN, OH, NY, MA, CT, IN, and RI, from Deerfield, IL, to Newark, NJ, and its surrounding commercial zone, under a continuing contract, or contracts, with Kitchens of Sara Lee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL. Send protests to: Michael M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

No. MC 144559 (Sub-No. 1TA), filed March 29, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: BEELER BROS., INC., d.b.a. BEELER FARMS, P.O. Box 7, 91st Avenue and McDowell Road, Tolleson, AZ 85353. Applicant's representivative: George Beeler (same as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cottonseed meal, soybean meal, alfalfa meal, pelleted or in bulk feed ingredients,* (except liquid feed in bulk), between points in AZ, on the one hand, and points in CO, on the other, under a continuing contract, or contracts, with Allmendinger Commodities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Allmendinger Commodities, Box 151 Lytle Star Route, Colo-

rado Springs, CO 80901. (Randall L. Allmendinger, owner). Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025. The purpose of this republication is to show alfalfa meal in the commodity description.

By the Commission.

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

[FR Doc. 78-17003 Filed 6-19-78; 8:45 am]

[7035-01]

[Section 5a Application No. 55; Amendment No. 1]

MOTOR CARRIERS TRAFFIC ASSOCIATION, INC.; AGREEMENT

Notice

JUNE 12, 1978.

The Commission is in receipt of an application in the above proceeding for approval of amendments to the approved agreement.

Filed May 31, 1978 by: J. Raymond Clark, Counsel for Petitioners, Suite 1150, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037.

The amendments involve: Changes to effect compliance with findings of Ex Parte No. 297, 349 I.C.C. 811 and 351 and I.C.C. 437 which prohibits rate bureaus from being profit making organizations, and with the other findings in that proceeding.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before July 10, 1978. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

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

[FR Doc. 78-17000 Filed 6-19-78; 8:45 am]

[7035-01]

[Section 5a Application No. 75; Amendment No. 1]

PACIFIC MOTOR TARIFF BUREAU, INC.

Notice

JUNE 12, 1978.

The Commission is in receipt of an application in the above proceeding for approval of amendments to the approved agreement.

Filed May 31, 1978 by: Osborne R. Thomasson, Attorney-in-Fact, Pacific Motor Tariff Bureau, Inc., 2340 Merced Street, San Leandro, Calif. 94577.

The amendments involve: Substitution of new procedures in the by-laws governing the processing of rate proposals to bring the by-laws into conformity with current section 5a standards and other changes to comply with Ex Parte No. 297.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before July 10, 1978. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

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

[FR Doc. 78-17001 Filed 6-19-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6210-01]

1

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11:00 a.m., Friday, June 23, 1978.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed sale of the former Federal Reserve Bank of Boston building.
2. Proposed salary structure adjustments at several Federal Reserve Banks.
3. Proposed purchase of property by the Federal Reserve Bank of Minneapolis for the Helena Branch.
4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204

Dated: June 15, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-1279-78 Filed 6-16-78; 11:33 am]

[6750-01]

2

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: F.R. 43, June 16, 1978, Page No. 26184.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, June 21, 1978.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date and time of its previously announced closed meeting of Wednesday, June 21, to Tuesday, June 27, 1978, 10:00 a.m.

[S-1282-78 Filed 6-16-78; 3:14 pm]

[6750-01]

3

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: F.R. 43, June 16, 1978, Page No. 26184.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:00 p.m., Wednesday, June 21, 1978.

CHANGES IN THE AGENDA: The regularly-scheduled open Commission meeting scheduled for Wednesday, June 21, for which no items has been placed on the agenda, will not be held.

[S-1283-78 Filed 6-16-78; 3:14 pm]

[7020-02]

4

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2:00 p.m., Thursday, June 29, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary):
   a. Methyl alcohol from Canada (Docket No. 518).
   b. Sorbates from Japan (Docket No. 520).
   c. Fabricated steel (Docket No. 521).
5. Status of the grievance of Mr. Shewmaker.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1280-78 Filed 6-16-78; 3:14 pm]

[7590-01]

5

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, June 22, 1978.

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1:30 p.m.—Discussion of Comments on Draft Uranium Mill Tailings Legislation (Tentative) (Approx 1½ hrs) (Public Meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, (202) 634-1410.

WALTER MAGEE,
Office of the Secretary.

JUNE 15, 1978.

[S-1281-78 Filed 6-16-78; 3:14 pm]

[4410-01]

6

UNITED STATES PAROLE COMMISSION.

TIME AND DATE: Monday, June 26, and Tuesday, June 27, 1978; 9:00 a.m. — 5:30 p.m.

PLACE: Sheraton International Conference Center. 11810 Sunrise Valley Drive, Reston, Virginia.

STATUS: Open.

MATTERS TO BE CONSIDERED: Review and discussion of the Commission's policies, rules, and procedures.

CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, (202) 724-3117.

[S-1284-78 Filed 6-16-78; 3:14 am]

federal register

TUESDAY, JUNE 20, 1978
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

HOME HEALTH SERVICES

Grant Requirements for Demonstrating Training of Professionals and Paraprofessionals

[4110-84]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 51e]

GRANTS FOR HOME HEALTH SERVICES

Grants for Demonstrating the Training of Professionals and Paraprofessionals to Provide Home Health Services

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes regulations to implement the provisions of section 602(b) of Pub. L. 94-63 regarding home health training. This proposal sets forth the requirements for receiving grants. The program is designed to improve the training of home health personnel to assure a high quality of health care provided in the home setting.

DATE: Comments must be received by August 4, 1978.

ADDRESSES: Written comments, preferably in triplicate, should be sent to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6-17, 5600 Fishers Lane, Rockville, Maryland 20857. All comments received in timely response to this notice will be considered and will be available for public inspection and copying at the above address on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Dame, Director, Home Health Care, Bureau of Community Health Services, Room 7A-42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301-443-2270).

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, wth the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations to implement the program of grants under Section 602(b) of Pub. L. 94-63 (42 U.S.C. 1395x note, extended by Pub. L. 94-460 and 95-83) for demonstrating the training of home health professionals and paraprofessionals. Public Law 95-205 appropriated $1 million for the program for fiscal year 1978. The statute requires the Secretary to issue regulations to implement this program.

The program is designed to improve the training of home health personnel in order to assure a high quality of health care provided in the home setting. The regulation set forth below establishes requirements for all grants under Section 602(b) of Pub. L. 94-63. Major issues raised by the statute and the Department's proposed approaches for resolving them are as follows:

1. Section 602(b) provides that the purpose of these grants is to demonstrate "the training of professional and paraprofessional personnel to provide home health services (as defined in Section 1861(m) of the Social Security Act)." Therefore, it is proposed in § 51e.202(g) to limit training to personnel of home health agencies certified by the Social Security Administration and organizations that have applied for such certification and persons who show that they are or will be employed by such agencies or organizations, since "home health services" by definition consist of services provided by a certified home health agency. *See,* 20 CFR 405.602.

2. The proposed regulation authorizes the Secretary to establish a preference for applicants who propose to train a particular category of home health personnel which the Secretary determines will best promote the purposes of section 602(b) and these regulations in any fiscal year. *See,* proposed § 51e.206(b)(1). Setting such a priority is consistent with the flexibility of section 602(b), and is necessary in order to carry out the purposes of the statute effectively, given the limited available funding for this program.

In fiscal year 1978, using the criteria set forth in the proposed regulation, the Secretary proposes to award grants only to applicants who propose to train home health aides. This particular category of home health personnel was chosen because home health aides provide a significant proportion of patient care but have the least formal training of any personnel engaged in the delivery of home health services; consequently, training home health aides will best demonstrate the potential of the entire program to provide high-quality home health care. Furthermore, such training can be effectively provided within the limits of available funding for fiscal year 1978. Preferences established pursuant to an evaluation of such factors in subsequent years will be announced in the FEDERAL REGISTER.

3. In order to maximize the availability of these training services, the proposed regulation provides a preference for projects which propose to offer training to home health personnel for an entire State or an area with a population of at least one million persons. Such a minimum service area provides a reasonable base from which potential trainees can be identified and through which economies of scale can be achieved. According a preference to such areas does not preclude, however, the award of grants to applicants for worthwhile projects who propose to serve other appropriate areas.

4. Curricula used by a project for training home health personnel must be approved by the Secretary. The curricula will be approved on the basis of general criteria with respect to all categories of home health personnel and specific criteria with respect to home health aides and supervisory nurses. Specific curriculum requirements for other categories of home health personnel may subsequently be developed and published in the FEDERAL REGISTER as amendments to this regulation.

5. In the interest of maximizing the extent of training available under the program, the proposed regulation requires that travel and subsistence expenses be borne by the trainee or the agency or organization sponsoring the trainee, rather than by the grant. *See,* proposed § 51e.207(c). However, in order to lessen the impact of this potential economic barrier to participation, and in order to promote the greatest possible utilization of this program, it is also proposed that fees or tuition not be charged for the training itself.

6. In order to promote a national effort for training home health personnel, funds available will be allocated to the ten regions of the Department of Health, Education, and Welfare, on the basis of the size of the population of each region. *See,* proposed § 51e.209. The need for trained home health personnel is apparent nationwide; consequently, allocation based on population is felt to be commensurate with need. Furthermore, this method of allocation is relatively inexpensive and simple to administer and is therefore desirable in a program with such limited resources.

It is proposed to redesignate Part 51e as Subpart A of that Part and to add a new Subpart B, to read as set forth below.

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

Dated: April 5, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: May 31, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

PART 51e—GRANTS FOR HOME HEALTH SERVICES AND TRAINING

1. Part 51e of 42 CFR is redesignated as part 51e, Subpart A.

2. A new Subpart B is added to 42 CFR Part 51e, to read as follows:

Subpart B—Grants for Demonstrating the Training of Personnel To Provide Home Health Services

51e.201 Applicability.
51e.202 Definitions.
51e.203 Eligibility.
51e.204 Applications.
51e.205 Project elements.
51e.206 Grant evaluation and award.
51e.207 Use of project funds.
51e.208 Grant payments.
51e.209 Allocation of funds among regions.
51e.210 Civil rights.
51e.211 Confidentiality of information.
51e.212 Grantee accountability.
51e.213 Applicability of 45 CFR Part 74.
51e.214 Additional conditions.

Authority: Sec. 215, Public Health Service Act, 8 Stat. 690, as amended 63 Stat. 35 (42 U.S.C. 216), Sec. 602(b), Pub. L. 94-63, 89 Stat. 304 (42 U.S.C. 1395x note).

Subpart B—Grants for Demonstrating the Training of Personnel To Provide Home Health Services

§ 51e.201 Applicability.

The regulations of this subpart are applicable to grants authorized by Section 602(b) of Public Law 94-63 (42 U.S.C. 1395x note, 89 Stat. 304) to demonstrate the training of professional and paraprofessional personnel to provide home health services.

§ 51e.202 Definitions.

As used in this part:

(a) "Act" means Pub. L. 94-63 (89 Stat. 304).

(b) "Applicant" means a public or nonprofit private entity which applies for a grant under this subpart.

(c) "Home health agency" means an entity which has a provider agreement with the Secretary pursuant to 20 CFR Part 405, Subpart F.

(d) "Home health organization" means an agency or organization which intends to become a home health agency but which does not, at the time of application for grant under this subpart, have a provider agreement with the Secretary.

(e) "Home health services" are those items and services listed in Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) provided by a home health agency.

(f) "Nonprofit" as applied to a private entity means an entity exempt from Federal income taxation under Section 501 of the Internal Revenue Code of 1954.

(g) "Personnel" means persons who are current employees of home health agencies or home health organizations, or persons who have written assurance of employment upon completion of training from a home health agency or home health organization.

(h) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(i) "State" means one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Marianas or the Trust Territory of the Pacific Islands.

(j) "State agency" means the agency of a State which has an agreement with the Secretary under Section 1864(a) of the Social security Act to certify agencies as home health agencies as defined in Section 1861(o) of that Act.

§ 51e.203 Eligibility.

Any public or nonprofit private entity is eligible to apply for a grant under this subpart.

§ 51e.204 Applications.

(a) An application for a grant under this subpart must be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe. The application must contain the following:

(1) A full and adequate description of the proposed project and of the manner in which the applicant intends to conduct the project and meet the requirements of § 51e.205, including a description of plans and criteria for enrolling trainees.

(2) A budget and justification of the amount of grant funds requested.

(3) The following information with respect to the proposed project area of the applicant:

(i) The precise boundaries of the proposed project area; and

(ii) Demographic data relating to the proposed project area, including the total population of the area, the number and percentage of persons aged 65 years old and older, and the number and percentage of recipients under Title XIX of the Social Security Act.

(4) Information, with a description of the source or methodology on which it is based, concerning the need for the proposed project, including:

(i) the number of home health agencies and home health organizations located in the area proposed to be served;

(ii) an estimate of the number and types of individuals needing training; and

(iii) an estimate of the number of trainees proposed to be trained in each training program during the project period.

(5) Copies of position descriptions of key project personnel, the qualifications of these individuals, and justification of the need for the positions.

(6) A plan and methodology for evaluating the training program(s).

(7) A description of the applicant's organizational structure, any ongoing and past training activities, and any experience in home health and/or other health or health-related activities.

(b) The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute, the applicable regulations of this subpart, and any additional conditions of the grant.

§ 51e.205 Project elements.

(a) *General requirements.* A project for demonstrating the training of professionals and paraprofessionals to provide home health services supported under this subpart must:

(1) Provide the training in accordance with the description of the proposed project submitted in the application pursuant to the requirements of § 51e.204(a)(1).

(2) Provide the training using curricula which meet the requirements of paragraph (b) of this section.

(3) Assure that staff professionals and paraprofessionals meet all applicable licensure, certification, or other legal requirements for the practice of their professions.

(4) Provide training without charge to trainees or to the organizations employing trainees.

(5) Provide for clinical experience, where appropriate to the training.

(6) Have available adequate facilities, staff, and equipment to provide the training.

(7) Establish basic statistical data, cost accounting, management information and reporting systems which shall enable the project to provide such statistics and other information as the Secretary may reasonably require to evaluate the effectivness of the program in relation to its purposes and objectives.

(8) Provide the students with a statement of satisfactory completion of the course.

(b) *Curriculum requirements.*

(1) *General requirements.* In addition to the requirements of paragraph (a) of this section, projects for the training of home health personnel must also meet the following general requirements, and the specific requirements of paragraph (b) (2) or (3) of this section, as applicable:

(i) each curriculum must present a sound theoretical framework with well-defined objectives;

(ii) each curriculum must provide adequate coverage of all topics pertinent to the particular category of home health personnel. Such topics must be presented in a systematic and orderly manner; and

(iii) each curriculum must include a schedule of clinical practice exercises and study activities, where appropriate for the particular program.

(2) *Specific requirements for projects for the training of home health aides.* A curriculum for the training of home health aides must be designed to give trainees proficiency in the following areas:

(i) Personal care, care of the sick, needs of people under stress, the body and its functions, grooming;

(ii) Care and maintenance of the home and personal belongings, home accident prevention, family spending;

(iii) Nutrition, meal planning, food storage, marketing;

(iv) Dealing with children in the family; and

(v) Understanding the home health agency, its roles, and other related services available in the community.

(3) *Specific requirements for projects for the training of supervisory nurses in rehabilitation nursing techniques.* A curriculum for the training of supervisory nurses must be designed to give trainees proficiency in the following areas:

(i) Helping persons in need of home health services to cope with their disability in the performance of activities of daily living;

(ii) Assistive devices for the disabled, body transfer techniques, joint range of motion exercises, bed positioning, and safety techniques in patient ambulation;

(iii) Patient care assessment methods, and formulation of patient care treatment programs.

§ 51e.206 Grant evaluation and award.

(a) *General.* Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to those applicants for projects which will, in his judgment, best promote the purposes of Section 602(b) of the Act, and the applicable regulations of this subpart, taking into consideration:

(1) The extent to which the project would provide for the elements set forth in § 51e.205;

(2) The potential of the project for the development of effective methods of home health services training;

(3) The administrative and management capability of the applicant;

(4) The soundness of the fiscal plan for assuring effective utilization of grant funds; and

(5) The extent to which the applicant proposes to enroll, or has been successful in enrolling, trainees from minority groups.

(b) *Priorities.* (1) Preference will be given to applicants for grants under this subpart who propose to train a particular category (or categories) of home health personnel, such as home health aides or supervisory nurses, which the Secretary determines will best promote the purposes of Section 602(b) of the Act and the applicable regulations of this subpart in any fiscal year, taking into account:

(i) The availability of funds;

(ii) The need for training of such personnel;

(iii) The number of personnel who may benefit from training;

(iv) Changes in requirements under applicable provisions of the Social Security Act, or regulations promulgated under the Act; and

(v) Administrative practicality (availability of teaching guides, evaluation methodology, and prospective number of grantees). Preferences established by the Secretary pursuant to an evaluation of such factors will be announced in the FEDERAL REGISTER.

(2) Preference will be given to applicants within each category given preference under subparagraph (1) of this paragraph whose project area will include an entire State or a geographic area with a population of at least one million people.

§ 51e.207 Use of project funds.

(a) Any funds granted pursuant to this subpart, as well as other funds to be used in performance of the approved project, may be expended solely for carrying out the approved project in accordance with Section 602(b) of the Act, the applicable regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Project funds awarded under this subpart may be used for, but need not be limited to, the following:

(1) Employment of personnel to conduct the project;

(2) Clerical staff to support project personnel;

(3) Costs necessary for the conduct of the project associated with the travel of the training staff;

(4) Training support costs, such as supplies, equipment, teaching aides, rental of meeting facilities; and

(5) Training personnel.

(c) Project funds may *not* be used for trainee expenses, such as costs of travel and room and board.

(d) Prior approval by the Secretary of revisions of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 51e.208 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred in the performance of the project, to the extent he determines that such payments are necessary to the conduct of the approved project.

§ 51e.209 Allocation of funds among regions.

Funds appropriated to carry out Section 602(b) of the Act will be allocated to the ten regions of the Department of Health, Education, and Welfare, as set forth in § 1.30(A), 35 Fed. Reg. 14334 (1970), on the basis of the size of the population of each region, *Provided*, That:

(a) A minimum amount as may be prescribed by the Secretary shall be allocated to each region; and

(b) Where the Secretary determines that there will not be enough applications which meet the requirements of § 51e.205 within a region to utilize the funds allocated to it, he may reallocate such excess funds to regions which he determines have approvable applications under this subpart which otherwise would not be funded.

§ 51e.210 Civil rights.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) and in particular Section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (42 CFR Part 80). In addition, no person shall be denied employment in or by such program or activity on the grounds of age, sex, creed, or marital status.

(b) Attention is called to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 51e.211 Confidentiality of information.

All information as to personal facts and circumstances obtained by the project staff in connection with the provision of services under the project shall be treated as privileged communication, shall be held confidential, and shall not be divulged without the individual's consent except as may be otherwise required by applicable law (including this part) or necessary to provide services to the individual. Such information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 51e.212 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence, satisfactory to the Secretary, for expenditures for

direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct cost incurred.

(b) *Grant closeout.*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section; and

(ii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 51e.213 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this subpart:

45 CFR PART 74

SUBPART

A General.
B Cash depositories.
C Bonding.
D Retention and custodial requirements for records.
F Grant-related income.
G Matching and cost sharing.
K Grant payment requirements.
L Budget revision procedures.
M Grant closeout, suspension, and termination.
O Property.
Q Cost principles.

§ 51e.214 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of the award when, in his judgment, such conditions are necessary to assure or protect advancement of the approved project, the interest of public health, or the conservation of grant funds.

[FR Doc. 78-16324 Filed 6-19-78; 8:45 am]

federal register

TUESDAY, JUNE 20, 1978
PART III



DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

MANDATORY PETROLEUM PRICE REGULATIONS

Entitlements Program for Crude Oil Produced in California

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION [1]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Further Amendments to Entitlements Program for Crude Oil Produced in California

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby adopts three modifications to its December 8, 1977 amendments to the domestic crude oil entitlements program as that program relates to crude oil produced in California. First, California upper tier crude oil, as well as lower tier crude oil, receives certain additional entitlements benefits. Second, the benefits are no longer a uniform amount for all crude oil below a certain (26°) gravity threshold. Instead, they are graduated, with the admustment being relatively less for higher gravity crude oils and ralatively more for lower gravity crude oils. Finally, the burden of offsetting entitlement cost increases is not limited to imported and Alaska North Slope crude oil run in California refineries, but is spread nationwide among all participants in the entitlements program. The purpose of these amendments is to better equalize the after-entitlements costs to refiners of controlled and uncontrolled crude oil in California, and in this fashion to provide greater incentives for refiners to purchase price-controlled California crude oil at prices that will enhance the potential for maximum domestic crude oil production.

DATES: The amendments adopted hereby are effective for crude oil receipts (for refiners purchasing California crude oil) and crude oil runs to stills commencing on June 1, 1978, and will be reflected in entitlement notices commencing with the August 1978 notice. Comments on the proposed revised Form ERA-49 appended to this notice are due by July 17, 1978, 4:30 p.m.

ADDRESS: Send comments to: Department of Energy, Public Hearing Management, Room 2313, Box UG, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), Department of Energy, Room 2107, Washington, D.C. 20461, 202-566-9161.

Frank Kelly (Media Relations), Economic Regulatory Administration, 2000 M Street NW., Room 6308E, Washington, D.C. 20461, 202-254-8690.

Edwin Mampe (Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 2310, Washington, D.C. 20461, 202-254-7200.

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, NW., Room 6128I, Washington, D.C. 20461, 202-254-8660.

Michael Paige (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue, NW., Room 5136, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. *Background.*
II. *Amendments adopted.*
A. In General.
B. Graduated Entitlement Obligation Reductions for Lower Tier and Upper Tier California Crude Oil.
1. Adjustments for Upper Tier Crude Oil.
2. Basis for Selection of Graduated Adjustments
3. Entitlements Reporting.
4. Crude Oil Subject to Adjustments.
C. Spreading of Offsetting Entitlements Costs on a Nationwide Basis.
D. Effective Date of Amendments.
III. *Additional matters.*
A. Sales of Residual Fuel Oil Outside the West Coast.
B. Sales of California Crude Oil Outside California.
C. Increased Fees and Quotas for Imports into PADD V.
D. Release of Lower Tier Heavy California Crude Oil Production to Upper Tier Status.

I. Background

On December 8, 1977, we promulgated certain amendments to the crude oil entitlements program to reduce the entitlements obligations of refiners purchasing low-gravity lower tier crude oil produced in California (42 FR 62897, December 14, 1977). The purpose of these amendments was generally to remove the apparent disincentive that the entitlements program was creating for refiners to purchase heavy lower tier California crude oil at prices that would encourage maximum levels of production.

Specifically, we reduced entitlements obligations of refiners purchasing lower tier California crude oil of 25.9° API gravity or less by $1.74 per barrel. This adjustment was based upon our assessment that, for a representative low-gravity lower tier California crude oil (20° Huntington Beach crude oil), this amount constituted the effective entitlement "penalty," i.e., the amount by which the effective after-entitlement acquisition cost to refiners of such lower tier crude oil exceeded the after-entitlement acquisition cost in the same region of uncontrolled domestic crude oil in the same gravity category. The adjustment was intended generally to remove the apparent depressing effects of our entitlements regulations on the prices paid for this category of our domestic production. It was intended that, by thus lowering the after-entitlements acquisition costs of this crude oil, the pre-entitlements purchase price of such crude oil would rise to more normal levels and so encourage continued production that otherwise was threatened to be shut in.

The adjustments thus accomplished were offset in the entitlements program by imposing increased entitlements burdens upon imported and Alaska North Slope (ANS) crude oil run in California refineries.

However, in the December 8 notice we recognized the need to monitor and further review developments in the California crude oil market, and we undertook to hold further hearings on these matters in the first quarter of calendar year 1978. In addition, we received information indicating that, while some postings for California crude oil increased in response to the amendments, in general prices for California crude oil remained depressed and substantial volumes of crude production continued to be threatened with imminent shut-in.

Accordingly, on February 22, 1978, we issued a further Notice of Proposed Rulemaking, in which we sought to assess the impact of our December 8 amendments and also to determine whether and what additional actions might be taken to resolve the California crude oil problem in a more comprehensive and final manner (43 FR 8150, February 28, 1978). We identified a wide variety of issues and possible actions upon which data and comments were sought, in an effort to obtain a basis for finally resolving a very complex problem. These issues and actions are discussed in the ensuing sections of this notice.

In response to the February notice, we received a total of 56 written comments. In addition, we held a public hearing pursuant to our notice in Huntington Beach, California, on March 30 and 31, 1978, at which a total of 41 persons made oral presentations. These comments and oral presentations have been fully considered in

[1] Editorial Note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

reaching the decisions reflected in today's amendments, and will be discussed in the ensuing sections of this notice in connection with the matters to which they relate.

II. AMENDMENTS ADOPTED

A. *In General.* In general, the amendments adopted hereby provide that the entitlements obligations of refiners who in a given month receive (as evidenced by adjusted crude oil receipts) lower tier crude oil produced in California having a weighted average gravity of 18° shall be reduced by an amount equal to $2.38 per barrel. For crude oil below 18° gravity, the adjustment will be $2.38 plus $.09 per barrel for each degree (or fraction thereof) that such weighted average gravity falls below 18°. Lower tier crude oil above 18° gravity will receive an adjustment of $2.38 minus $.09 per barrel for each degree above 18°. In addition, the entitlements obligations of refiners who in a given month receive upper tier crude oil prouced in California having a weighted average gravity of 18.0 shall be reduced by an amount equal to $1.45 per barrel plus $.09 for each degree (or fraction thereof) that such weighted average gravity falls below 18°, and increased by $.09 for each degree above 18°. This graduated system of calculating entitlement adjustments replaces in its entirety the system which was adopted in the December 8 notice and reflected in 10 CFR 211.67(a)(4) prior to today's amendments. New § 211.67(a)(4) now reflects the graduated adjustments. These revised entitlements benefits will be effective for refiners' crude oil receipts in June 1978 and subsequent months.

In addition, the costs to the entitlements program resulting from the reduction of entitlements obligations to such refiners of California crude oil are being spread among all participants in the entitlements program. Thus, § 211.67(a)(4) as adopted today contains no provision for a special imposition of compensating burdens upon any particular type of crude oil. Rather, the calculation of the "national domestic crude oil supply ratio" set forth in § 211.62 is being amended to reflect the additional entitlements issued pursuant to new § 211.67(a)(4).

The specifics of and bases for these and related conforming amendments are discussed below.

B. *Graduated entitlement obligation reductions for lower tier and upper tier California crude oil.* In response to the comments and data we have obtained in this proceeding, and based upon our analysis of the data contained in such comments and in recent public California crude oil postings, we have determined that a graduated system of "per degree" entitlement adjustments should be adopted in lieu of the prior system of providing a uniform adjustment for crude oil falling below a single specified threshold. In this connection, we have determined that it is also necessary and appropriate to: (1) provide entitlement adjustments for upper tier California crude oil; and (2) extend the entitlement adjustments to lower tier California crude oil having a gravity of up to 44° API and to upper tier crude oil with a gravity of up to 35° API, rather than limiting the adjustment to crude oil of less than 26° API gravity.

Under the system adopted today, a refiner purchasing California crude oil will calculate the *weighted average* gravity of both upper tier California crude oil and lower tier California crude oil included in that refiner's adjusted crude oil receipts (as defined in § 211.62) in the month in question. The refiner must separately report the number of barrels of such upper tier or lower tier crude oil and the weighted average gravity thereof in the entitlements report for that month.

The entitlements issued to a refiner reporting receipts of lower tier California crude oil will be increased by an amount equal to the number of barrels of lower tier California crude oil included in its adjusted receipts multiplied by a fraction, the numerator of which is $2.38, plus or minus $.09 times the number of degrees (counting any remaining fractional degree as a whole degree) that the weighted average gravity either falls below or exceeds, respectively, 18° API, and the denominator of which is the entitlement price for the month in which such additional entitlements are issued. The entitlements issued to a refiner reporting receipts of upper tier California crude oil will be increased by an amount equal to the number of barrels of upper tier California crude oil included in its adjusted receipts multiplied by a fraction, the numerator of which is $1.45 plus or minus $.09 for each degree (counting any remaining fractional degree as a whole degree) that the weighted average gravity either falls below or exceeds, respectively, 18° and the denominator of which is the entitlements price for the month in which such additional entitlements are issued. However, in no event will the dollar value of additional entitlements issued to a refiner for either upper tier or lower tier California crude oil exceed the amount of the entitlement obligation that attaches to such crude oil under the entitlements program.

Refiners are to measure the weighted average gravity of price-controlled California crude oil included in their receipts by multiplying the number of barrels of a particular pricing tier of California crude oil received in a particular sale by the gravity thereof, adding them to the results of calculating the gravity of every other receipt of the same pricing tier of California crude oil in the same month in the same fashion, and divdiing that sum by the total number of barrels of that pricing tier of California crude oil received by the refiner in that particular month. This is done separately for both upper tier and lower tier crude oil produced in California and included in the refiner's receipts for the month in question.

The adjustments are illustrated in the following table:

Weighted average gravity of upper tier/lower tier California crude oil in refiner's monthly receipts (°API)	Lower tier per barrel adjustment	Upper tier per barrel adjustment
45.0 and above	0	0
44.0 to 44.9	$0.04	0
43.0 to 43.9	.13	0
42.0 to 42.9	.22	0
41.0 to 41.9	.31	0
40.0 to 40.9	.40	0
39.0 to 39.9	.49	0
38.0 to 38.9	.58	0
37.0 to 37.9	.67	0
36.0 to 36.9	.76	0
35.0 to 35.9	.85	0
34.0 to 34.9	.94	$0.01
33.0 to 33.9	1.03	.10
32.0 to 32.9	1.12	.19
31.0 to 31.9	1.21	.28
30.0 to 30.9	1.30	.37
29.0 to 29.9	1.39	.46
28.0 to 28.9	1.48	.55
27.0 to 27.9	1.57	.64
26.0 to 26.9	1.66	.73
25.0 to 25.9	1.75	.82
24.0 to 24.9	1.84	.91
23.0 to 23.9	1.93	1.00
22.0 to 22.9	2.02	1.09
21.0 to 21.9	2.11	1.18
20.0 to 20.9	2.20	1.27
19.0 to 19.9	2.29	1.36
18.0 to 18.9	2.38	1.45
17.0 to 17.9	2.47	1.54
16.0 to 16.9	2.56	1.63
15.0 to 15.9	2.65	1.72
14.0 to 14.9	2.74	1.81
13.0 to 13.9	2.83	1.90
12.0 to 12.9	2.92	1.99
11.0 to 11.9	3.01	2.08
10.0 to 10.9	3.10	2.17
9.0 to 9.9	3.19	2.26
8.0 to 8.9	3.28	2.35
7.0 to 7.9	3.37	2.44
6.0 to 6.9	3.46	2.53

As discussed below, we believe that these measures should remove any disincentives the entitlements program may be creating for the purchase of heavy controlled California crude oil, whether upper tier or lower tier.

1. *Adjustments for upper tier crude oil.* In our February notice, we indicated that we had received information that the entitlements program may be a cause of depressed California upper tier prices as well as for California lower tier prices, and we requested comments upon whether entitlements relief similar to that provided for lower tier crude oil should be provided to upper tier crude oil as well. We also requested comments upon what the amount of any such adjustment should be.

A substantial number of persons commented on this issue, most of

whom indicated that the entitlements program was indeed causing similar problems for upper tier crude oil as exist for lower crude oil, and that prompt remedial action should be taken. Several commenters indicated that the threat of shut-in production is as real and imminent with respect to certain upper tier production as has been true for lower tier production. There was evidence that some upper tier crude oil is now selling at several dollars below ceiling prices. A number of commenters also pointed out that our actions in December had decreased the value of upper tier crude oils relative to lower tier crude oils of the same gravity category.

Based upon the comments received and our analysis of the data available to us (discussed below), which indicate that the entitlement "penalty" for upper tier California crude oil is significant, we are persuaded that it is necessary to reduce entitlement obligations for upper tier California crude oil. We have concluded that we cannot fully resolve the difficulties for continued California crude oil production that appear to be caused by the entitlements program unless we also address the penalties on upper tier crude oil. While the reduction of penalties for lower tier crude oil is necessary in any event, such reduction if implemented alone would continue to have a depressing effect upon upper tier prices and production, because such upper tier production would become substantially less valuable to refiners in relation to lower tier production of the same gravity. In view of the evidence indicating that some upper tier production is already threatened with shut-in, this could create a substantial disincentive for the continued production of upper tier crude oil.

2. *Basis for selection of graduated adjustments.* In adopting the adjustments set forth herein, our methodology was to utilize the particular price and cost data submitted by commenters, plus a variety of public postings, for California production from the eight largest fields that have current postings and sales at each of the pricing tiers (upper tier, lower tier, and stripper). Those eight fields are: Wilmington, Midway Sunset, Kern River, Huntington Beach, San Ardo, South Belridge, Ventura, and McKittrick. Together, they represent 50.5 percent of daily California crude oil production (including adjacent federal offshore properties) in October 1977 and 47.7 percent of the year-end 1976 reserves in the State of California and adjacent federal offshore properties. These fields represent a spectrum of gravity of from 8° to 36°.

In order to establish a baseline from which adjustments would be measured, we took postings for uncontrolled (stripper well) crude oil produced from these fields, plus price data for imported crude oil in California (where available on a volumetrically significant basis), and calculated the average after-entitlements acquisition costs of such uncontrolled crude oils and correlated these costs at each different degree of gravity represented in the sample. We did the same for both upper tier and lower tier crude oil in the eight fields comprising the sample. We then plotted the after-entitlements cost differentials between lower tier and uncontrolled crude oil and between upper tier and uncontrolled crude oil at the pertinent gravity points. We found that the progression of these differentials for both lower tier and upper tier production was essentially linear—that is, although not all degrees of gravity were represented in the sample, there appeared to be a relatively constant rate of change in the differentials for crude oil in each of the price-controlled tiers from one degree of gravity to the next. We also concluded that it would be reasonable to extrapolate beyond the 36° high point represented in the sample to 44°, the point at which a divergence is no longer apparent.

Using this methodology, we were able to determine that the divergence at 18°, the estimated median gravity of California crude oil, between after-entitlements costs of *upper* tier and the average of uncontrolled crudes is $1.45, and increases or decreases by approximately $.09 per degree below or above that point, respectively. Comparing costs of *lower* tier and the average of uncontrolled crudes, we found that a divergence occurs at 18° of $1.45 per barrel and also increases or decreases by approximately $.09 per degree below and above that point, respectively.

Based upon this analysis, we decided that we should adopt the "per degree" adjustments described above rather than gross adjustments based upon broader ranges of gravity. We have concluded that this method is preferable to an adjustment scheme with increments of 5 degrees or more which was discussed as an alternative in the February 22 notice, because it will avoid the creation of any artificial regulatory inducements to alter supply mixes simply in order to move over a major threshold into higher adjustment categories. It should also avoid any significant depression in the value of controlled California crudes above any adjustment threshold simply as a result of large gravity adjustments below that threshold.

Most commenters on this issue advocated a system which would both account for the existence of entitlements penalties at gravities above the December 8 rule's 26° cutoff and would also reflect the higher penalties experienced by producers of very low gravity crude oil. Some producers selling crudes above 25.9° indicated that one effect of granting the single quantum adjustment for all lower tier crudes below the 26° threshold in the December 8 rule was to cause a severe depression of the value of crudes just above the threshold, because crudes slightly below the threshold received a large relative benefit that their crude oil did not obtain, although the difference in quality between the two crudes was not that great. Adoption of a graduated "per degree" adjustment should prevent this result.

A majority of commenters recommended against the adoption of a sulphur content entitlement adjustment, indicating that appropriate gravity adjustments would in and of themselves tend to account for any such variations. Based on the comments and testimony received, we have concluded that a sulphur content adjustment in addition to a gravity adjustment is not required, because sulphur content is not a significant independent factor in the pricing of California crude oil. In addition, in view of the paucity of information indicating the extent to which sulphur is taken into account in current postings, to attempt to incorporate a sulphur differential would introduce unnecessary complexity. Thus, we are not adopting entitlements adjustments based upon sulphur content.

3. *Entitlements reporting.* As indicated previously, refiners are to report the weighted average gravity of all upper tier California crude oil and (separately) the weighted average gravity of all lower tier California crude oil included in their adjusted crude oil receipts in the month for which they are reporting crude oil runs to stills. Attached to this notice as an Appendix is a proposed revision to the entitlements reporting form (Form ERA-49), including draft instructions, that will facilitate the reporting of such information. You may submit comments on this proposed revision to the address indicated in the "Addresses" section of this notice on or before July 17, 1978.

Should a revised form not be available in time for reporting of crude oil runs and receipts for the month of June 1978, refiners should nevertheless clearly and affirmatively set forth the required data on the form actually used, and specifically certify such data, in order to receive the additional entitlements credits provided in today's amendments.

In order to permit refiners to calculate their weighted average gravity for lower and upper tier California crude oil and to certify the same in entitlements reports, we have also amended the provisions of 10 CFR 212.131 to require first sellers and resellers of such crude oil to separately certify to their

purchasers the gravity (weighted average, if commingled) of such crude oil sold to that purchaser.

4. *Crude oil subject to adjustments.* It was called to our attention in this proceeding that there is crude oil production occurring outside the territorial limits of the State of California which ought to be provided the same adjustments as have been provided to production occurring within the State of California, viz. production from federal leases on the Outer Continental Shelf (OCS) off the coast of California. This crude oil is produced from the same geological producing basins as that produced in California, is generally of the same quality as that produced in California, and is transported to California after production and must compete in the same crude oil markets as crude oil produced in California. If the adjustments adopted today were given only to production occurring within the State of California proper, this OCS crude oil could suffer an unwarranted competitive detriment relative to California production.

Accordingly, we have determined that crude oil production eligible for the adjustments adopted today should include such OCS production. Thus, the definitions of California upper tier crude oil and California lower tier crude oil in § 211.62, which are subject to the adjustments of § 211.67(a)(4), include crude oil produced from the OCS offshore California.

Some producers of crude oil in the State of Nevada also requested inclusion in the entitlements relief provided in the rule adopted today. The principal basis offered for such inclusion was that some of the products refined from such crude oil compete in the California area market. Upon examination of the underlying facts, we have determined that it would be inappropriate to include Nevada production within the scope of the amendments adopted today, inasmuch as all such production is transported to and refined in Utah and Wyoming, and is subject only tangentially, if at all, to the unusual market conditions that affect California crude oil production. Some of the Nevada production in question has received exception relief that has increased its effective wellhead price. To the extent Nevada wellhead prices remain below those of similar grades of crude oil elsewhere in the country, this can be attributed primarily to the high costs of transporting such oil, largely by truck, to the points where it is refined.

C. *Spreading of offsetting entitlements costs on a nationwide basis.* In our February notice, we specifically solicited comments upon the possibility of distributing the burden of the California crude oil entitlement adjustments on a nationwide basis, or on other alternative bases, rather than limiting the burden to imported and ANS crude oil runs in California refineries. A substantial majority of the comments received in this proceeding supported the proposal to distribute the costs associated with the entitlement adjustments for California crude oil on a nationwide basis, rather than limiting them to ANS and imported crude oils processed in California refineries, as the regulations provided prior to their amendment today. A number of comments indicated that the December 8 rule limiting the offsetting burden to ANS and imported crude oils processed in California refineries has had serious adverse effects, especially on small and independent California refiners. Evidence was adduced that some of those California refiners that are dependent in the short run upon ANS or imported crude oils for their feedstocks because of such factors as location, refinery configuration, and historic sources of supply, are being unduly penalized and placed at a significant competitive disadvantage vis-a-vis other refiners under the current system of distributing the cost of the entitlement adjustments for California crude oil. There is also evidence that, rather than providing an incentive for such firms to make the refinery conversions necessary to process California crude oils, the current operation of the penalty on ANS and imported crudes in some cases has had the opposite effect because of a weakened competitive and/or cash flow position attributable to the penalty. Finally, many commenters indicated that a partial reason that postings had not increased in response to our December 8 rulemaking as much as had been expected was the fact that refiners with mixed-source feedstocks had no particular short-term incentive to pass on the benefits, since their net cash position after accounting for the penalty was the same as or worse than before the amendments and since their ability to convert to California feedstocks was limited in the short term. They argued that relieving them of the special penalty would enhance their cash flow, facilitate refinery retrofit operations to process California crude oil, and provide a net cash benefit would then be passed on to the producers.

A number of commenters also argued that spreading the costs of the adjustments across the entire entitlements program on a nationwide basis would be consistent with the manner in which costs associated with special entitlement benefits confined to limited geographical areas have in the past been distributed.

The two alternative proposals for distributing the burden of the entitlement adjustments set forth in the February 22 Notice—distributing the burden to all crude runs in California refineries or exempting small and independent refiners from the existing burden—received little support among the commenters. We have concluded that limiting the burden to California refineries in any fashion would tend to perpetuate the apparent counter-productive effects of the manner in which the offsetting burdens were distributed under our December 8 rule. Because it is our purpose in promulgating these amendments to decisively and effectively remove disproportionate entitlements penalties from California crude oil, we have determined not to limit the offsetting burdens to California refineries.

Some commenters contended that the offsetting burdens should be retained in California, on the theory that the region that benefits should also absorb the burden and on the premise that localizing the burdens will at least provide some long-term incentives to retrofit refineries to process heavy California crudes. However, we have determined, on review of the submissions, that the foregoing considerations militating against localizing the burdens outweigh the factors in favor of such localization. We note that the burden on any given refiner under the provisions adopted today (about $.06 per barrel) would be substantially smaller than they would be on California refiners if the burdens were limited to the much smaller base of imported and ANS crudes run in California. The consequent hardships and potential economic and competitive distortions are thus substantially less under the amendments adopted today than they would be under the alternative of retaining the burdens in California.

Based on the submissions in this proceeding and the considerations discussed above, we have determined that the existing provision confining the costs of the entitlement adjustments for California crude oil to ANS and imported crude oils processed in California refineries is not having the intended effect of encouraging the purchase of California crude oil at prices that will provide sufficent incentives for continued production, while it unduly penalizes California refiners and consumers. Therefore, we are amending the regulations by deleting present § 211.67(a)(4)(ii) and adopting in its place a provision (a change to the definition of "national domestic crude oil supply ratio" in § 211.62) which applies the offsetting entitlement reduction among all participants in the entitlements program.

In light of these amendments, we are also deleting the special exchange provisions of § 211.67(g)(6). These special provisions are required only for those months with respect to which the offsetting entitlements burdens

were imposed only upon ANS and imported crude oil attributable to California refineries under the December 8 rule. Because the offsetting burdens are no longer so limited, the special exchange provisions are not required for receipts commencing in the month of June 1978. However, the provisions of § 211.67(g)(6) will, like the provisions of § 211.67(a)(4) prior to their amendment today, govern entitlements issuances for the months of January 1978 through May 1978.

D. *Effective date of amendments.* For the reasons discussed below, we have determined that the amendments adopted hereby should be effective for crude oil receipts and runs to stills commencing on June 1, 1978. In this connection, and to the extent that the Administrative Procedure Act might otherwise require that the effective date be suspended for crude oil receipts and runs occuring within a thirty-day period following issuance of this rule, we find that good cause exists for waiving the thirty-day waiting period and for making these rules effective June 1, 1978. If we do not act promptly to provide entitlements relief to upper tier production and to extend entitlements adjustments on a graduated basis to crude oil above 26°, there is a danger that some of this production may be shut in. However, we have also concluded, for the reasons stated below, that insufficient grounds exist for making these amendments generally retroactive to receipts and runs occurring in months prior to June 1978.

Several commenters urged that the amendments adopted, and particularly the spreading of burdens on a nationwide basis (if adopted), be made retroactive to January 1, 1978, the effective date of the December 8, 1977 amendments first establishing the entitlements adjustments and related burdens for heavy California crude oil. These commenters recited the fact that the December 8 amendments had caused serious economic and competitive distortions, and had unfairly penalized those refiners (and particularly small and independent refiners) that were primarily dependent upon imported and ANS crude oil feedstocks. Our review of the matters raised in this proceeding convinces us that our December 8 method of imposing the burdens has had such an effect, and that the need to rectify these hardships and inequities and competitive distortions is sufficiently urgent to warrant waiving the thirty-day waiting period ordinarily required by the Administrative Procedure Act.

While we should act expeditiously to prevent the incurrence of new obligations of this nature, and in this manner relieve the mounting pressures upon California refiners and producers, we are unable to conclude that relief from obligations already incurred will be generally necessary or appropriate. In many cases entitlements transactions will already have been closed, and in cases where this is not yet true the relevant purchase transactions between producer and refiner will have been consummated. Providing retroactive relief would therefore necessitate additional future entitlements adjustments, and in many cases the retroactive benefits, which are ultimately intended to benefit California crude oil producers, might not be passed through to such producers. Under these circumstances, we have determined that such retroactive adjustments are not generally warranted. Any firm affected by the offsetting entitlement burden on imported or ANS oil to the point where it has incurred severe financial hardship may apply to the Office of Hearings and Appeals for such individual exception relief on a retroactive basis as may be appropriate.

By making these amendments effective June 1, 1978, we will not be substantially disturbing prior transactions. Because refiners report their runs and receipts for the entire month after the close of that month for entitlements purposes, refiner reports for all June runs and receipts should reflect knowledge of and the effects of these amendments. Similarly, any month-end settlements between producers and refiners will have the opportunity to reflect the effect of these amendments.

Accordingly, the amendments adopted today are effective for crude oil receipts and runs to stills commencing on June 1, 1978. The provisions as they existed prior to today's amendments will govern entitlements issuances with respect to adjusted runs and receipts occurring in the months of January 1978 through May 1978.

III. Additional Matters

A. *Sales of residual fuel oil outside the west coast.* In our February notice we requested comments concerning the possibility of taking certain actions to expand the market for the residual fuel oil that is commonly produced from heavy California crude oils, and in this fashion to make such California crude oils more attractive to refiners. Among the alternatives being considered was the removal of the current entitlement penalty which is imposed upon domestically produced residual fuel oil sold in the East Coast refining market. We are separately issuing a notice of proposed rulemaking dealing with the East Coast residual fuel oil issue generally, in which we have proposed to remove the current entitlement penalty on such domestic residual fuel oil. In addition, in that proceeding we are requesting comments as to the appropriateness and implications of adopting further regulatory actions (e.g., additional entitlements benefits to offset higher transportation costs) to improve the competitive posture of West Coast refiners in the East Coast market and thus possibly further facilitate the movement of residual fuel oil from the West Coast to East Coast markets. In view of these developments, we have determined not to take any specific action concerning the direct application of the entitlements program to California residual fuel oil in this proceeding. In determining whether to adopt the proposal set forth in the general East Coast residual fuel oil rulemaking or to proceed with additional regulatory actions of the kind described, one consideration among others would be the impact upon the production of California crude oil.

However, we have concluded that permission to export California residual fuel oil on a temporary and case-by-case basis may be an effective and appropriate action to relieve some of the pressures on California crude oil production, at least in some cases, and to provide California refiners with increased flexibility to meet peak demands for gasoline and other light products in the coming months. We believe such exports would be consistent with the purposes of the Emergency Petroleum Allocation Act if the applicant for an export license can generally demonstrate that the export will provide the refiner with additional flexibility to increase its crude oil runs. We will, in conjunction with the Department of Commerce, formulate a general statement of policy which will set forth the general considerations and criteria under which such exports might be permitted. This policy will be applied on a case-by-case basis to determine whether a particular export transaction can and should be permitted under all of the facts and circumstances.

We were requested by several commenters to remove the current restriction in the entitlements regulations that in effect causes the refiner to lose the benefits of domestic price controls and of the entitlements program for that residual fuel oil which is exported. We have decided not to take such action, since it would effectively export the benefits of domestic price controls that are intended exclusively for the U.S. market. Moreover, such additional incentive does not appear to be necessary to stimulate the volumes of exports that will relieve any current oversupply situation.

B. *Sales of California crude oil outside California.* The February notice requested comments upon whether we should adopt a general policy of encouraging sales of California crude oil in markets other than California, including the possibility of exports, as a

way of opening up new markets sufficient to sustain California crude oil production, and if so by what means and under what conditions and circumstances.

The comments received in this proceeding were divided, and have impressed upon us the complexity of the problem and the number of competing considerations involved. Many commenters felt that the foreign market for such crude oil or products was not substantial, while others asserted that a liberalized export policy would aid substantially. On the other hand, there may be cases in which domestic crude oil refiners outside California would be willing to receive and process heavy California crude oil, if the operation of our general regulations could be modified to make such a transaction financially attractive to such refiners. Among the relevant economic factors would be the higher transportation costs to distant refineries, of which the general entitlements regulations do not take account.

Based upon all available information, we have concluded that it is necessary and appropriate to expand the market for California crude oil outside California. However, we have determined that it would be inappropriate to permit the export of California crude oil, inasmuch as such an action would be counter-productive to the long-term goal of developing domestic refinery capacity to process domestic crude oil production and of thus promoting domestic energy self-sufficiency. Instead, we have determined that it will be appropriate to provide case-by-case exception relief to those domestic refiners outside California who are generally willing to process California crude oil, where such relief is required in order to expand the domestic market for California crude oil, where the producers of such crude oil would be likely to shut in such production in the absence of such relief, and where the California crude oil would displace imported crude oil.

The DOE will establish a program to provide economic incentives for the transportation of California crude oil to refineries outside of California. These incentives will be provided in any specific case where it is shown that relief is necessary to offset high transportation and other costs and where there is a danger that continued production of the crude oil would be uneconomic. In making the latter determination the Department will give appropriate weight to whether the crude oil is currently selling below posted prices.

Therefore, the Office of Hearings and Appeals is today issuing a notice that it will hold a public hearing and receive comments on establishing criteria it would apply to provide exception relief to refiners outside the State of California in order to carry out the above objectives. These criteria will allow the Office of Hearings and Appeals to process expeditiously applications filed by individual refiners.

C. *Increased fees and quotes for imports into PADD V.* In our February notice we incorporated and solicited comments upon a proposal advanced by the State of Alaska intended to relieve the pressures upon West Coast domestic production created by imports, by either imposing stringent quotas or imposing substantial increased import license fees upon crude oil imported into Petroleum Administration for Defense District (PADD) V. Under the Alaska proposal, refiners would receive a refund of or credit against the fee to the extent that they engage in refinery retrofit operations to create increased capacity to process heavy domestic crude oil. The general purpose would be to create disincentives for continuing the high level of imports into PADD V and positive inventives to expand heavy crude oil refining capacity.

A substantial majority of comments opposed this proposal. A number of commenters objected to the strictly regional impact of this proposal, and questioned the legality of imposing such a fee on other than a uniform nationwide basis. Also, commenters pointed out that such a system would have the same counter-productive effects as the December 8 rule had in allocating entitlements burdens to refiners running imported and ANS crudes, and would have an unfairly disproportionate impact and aggravate competitive imbalances among refiners having different crude feedstocks.

The DOE is continuing to study the Mandatory Oil Import Program, in order to determine whether recommendations should be made to the President concerning changes in the program. We will give further consideration to the desirability and feasibility of variations of the kind suggested by Alaska in connection with this review. However, in view of the complexity of this issue and the need to give it further analysis, we have determined to take no action on the Alaska proposal in this proceeding.

D. *Release of lower tier heavy California crude oil production to upper tier status.* The proposal put forward in our February notice to "release" a certain portion of lower tier heavy California production to upper tier status, and thus promote producers' ability to effectively realize their lower tier ceiling prices, received very little support from commenters. It appears that one of the reasons for this lack of support was that, as indicated previously, upper tier crude oil as well as lower tier crude oil is suffering from entitlement penalties, and that releasing lower tier crude oil to upper tier status would therefore not be a realistic long-term solution to the overall problem. Of course, we have taken what we believe to be effective action to alleviate the upper tier problem as well in the amendments adopted today. However, in view of the lack of support for this alternative, and because we believe that the other actions taken today should serve substantially to relieve entitlements-induced pressures upon heavy California production, we have determined to take no action on his alternative.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91 E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Parts 211 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective June 1, 1978.

Issued in Washington, D.C., June 15, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

1. Section 211.62 is amended by revising the definition of "California lower tier crude oil," by adding a definition of "California upper tier crude oil," and by revising the definition of "national domestic crude oil supply ratio" in appropriate alphabetical order to read as follows:

§ 211.62 Definitions.

* * * * *

"California lower tier crude oil" means crude oil produced in California (or produced from federal lands off the shore of California) that is subject to the lower tier ceiling price rule set forth in § 212.73 of Part 212 of this chapter.

"California upper tier crude oil" means crude oil produced in California (or produced from federal lands off the shore of California that is subject to the upper tier ceiling price rule set forth in § 212.74 of Part 212 of this chapter.

* * * * *

"National domestic crude oil supply ratio" means, for a particular month, the volume of deemed old oil (as defined in § 211.67(b)) included in the aggregate adjusted crude oil receipts of all refiners, decreased by a number of barrels of old oil equal to the number

of entitlements issuable to small refiners under § 211.67(e) and the number of entitlements issuable under § 211.67(a)(4) and the number of entitlements issuable under § 211.67(a)(5), divided by the sum of the total volume of the crude oil runs to stills for all refiners for that month and thirty percent (30%) of the total volume of imports of eligible products by eligible firms for that month. The calculation of the national domestic crude oil supply ratio for each month shall take into account entitlement purchase or sale requirements resulting from the correction of reporting errors pursuant to paragraph (j) of § 211.67.

* * * * *

2. Section 211.66 is amended by revising paragraph (h) to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(h) *Monthly report.* On or prior to the fifth day of each month, commencing with the month of August 1978, each refiner shall file with the ERA a report certifying the following information as to the second month prior to the month in which the report is filed:

(1) The estimated volume (to the best of the knowledge of the certifying officer) of old oil included in the crude oil receipts of that refiner.

(2) The estimated volume (to the best of the knowledge of the certifying officer) of upper tier crude oil included in the crude oil receipts of that refiner.

(3) Any permitted or required adjustments to the estimated volumes of old and upper tier crude oil included in the crude oil receipts of that refiner.

(4) The volume of crude oil runs to stills of that refiner, taking into account, and specifying the amount of, the adjustments provided for in § 211.67(d).

(5) The weighted average costs for that refiner (including transportation costs to the refinery) of old oil, upper tier crude oil, ANS crude oil, stripper well crude oil (as defined in Part 212 of this chapter), other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter, and imported crude oil included in that refiner's crude oil receipts. For refiners required to file transfer pricing report forms under § 212.84 of this chapter, the weighted average cost of imported crude oil reported under this subparagraph shall be derived from the landed costs set forth in such reports.

(6) The estimated volume (to the best of the knowledge of the certifying officer) of California lower tier crude oil included in the crude oil receipts of that refiner, and the weighted average gravity (calculated as a single figure for the entire month) of such California lower tier crude oil included in such crude oil receipts.

(7) The estimated volume (to the best of the knowledge of the certifying officer) of California upper tier crude oil included in the crude oil receipts of that refiner, and the weighted average gravity (calculated as a single figure for the entire month) of such California upper tier crude oil included in such crude oil receipts.

(8) Such other information as the ERA may request.

* * * * *

3. Section 211.67 is amended by deleting paragraph (g)(6), and by revising paragraphs (a)(1) and (a)(4) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.* (1) For each month, commencing with the month of June 1978, each refiner shall be issued a number of entitlements by the ERA equal to the number of barrels of crude oil included in the total volume of that refiner's crude oil runs to stills for that month multiplied by the national domestic crude oil supply ratio for that month, subject to the entitlement adjustment for small refiners set forth in paragraph (e) of this section and the entitlement adjustments in subparagraph (a)(4) of this section.

* * * * *

(4) For each month, commencing with the month of June 1978, the number of entitlements issued under paragraph (a) (1) of this section to each refiner shall be increased by: (i) the number of barrels of California lower tier crude oil included in its adjusted crude oil receipts in that month multiplied by a fraction, the numerator of which is $2.38 plus or minus $.09 for each degree API gravity (or fraction thereof) by which the weighted average gravity of all California lower tier crude oil included in that refiner's adjusted crude oil receipts in that month either falls below or exceeds, respectively, 18 degrees API, and the denominator of which is the entitlement price for that month; and (ii) the number of barrels of California upper tier crude oil included in its adjusted crude oil receipts in that month multiplied by a fraction, the numerator of which is $1.45 plus or minus $.09 for each degree API gravity (or fraction thereof) by which the weight average gravity of all California upper tier crude oil included in that refiner's adjusted crude oil receipts in that month either falls below or exceeds, respectively, 18 degrees API, and the denominator of which is the entitlement price for that month: *Provided,* That the dollar value of additional entitlements issued under this subparagraph (4) shall not exceed the dollar value of the obligation (as calculated under paragraph (b) of this section) for the crude oil with respect to which such additional entitlements are issued. The refiner shall calculate and report the weighted average gravity of California lower tier crude oil and California upper tier crude oil separately, and in calculating such weighted average gravities shall (A) determine the gravity of such crude oil for each receipt of such crude oil in that month on the basis of the gravity of such crude oil at the time it becomes a receipt, and (B) determine a single monthly weighted average gravity for such crude oil by weight averaging (on a volumetric basis) all of such individual receipts in that month.

* * * * *

4. Section 212.131 is amended by revising paragraphs (a)(2)(i), (a)(3)(i), and (b)(i) to read as follows:

§ 212.131 Certification of domestic crude oil sales.

(a)* * *

* * * * *

(2) *Non-stripper well properties.* (i) with respect to each sale of crude oil from a property which has not qualified as a stripper well property, the producer shall certify in writing to the purchaser the number of barrels, if any, of—

(A) Lower tier ("old") crude oil (separately identifying any California lower tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California lower tier crude oil at the time of the sale);

(B) Upper tier ("new") crude oil (separately identifying any California upper tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California upper tier crude oil at the time of the sale), excluding any crude oil transported through the trans-Alaska pipeline; and

(C) Crude oil transported through the trans-Alaska pipeline.

With respect to any property which has not qualified as a stripper well property, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(2)(i) may be complied with by a one-time certification to the purchaser of the property's monthly base production control level determined pursuant to § 212.72, whether based upon production and sale of crude oil in 1972 or upon production and sale of old crude

oil in 1975, and, if applicable either the property's adjusted base production control level determined pursuant to § 212.76 or the information necessary to compute such adjusted base production control level pursuant to § 212.76: *Provided, However,* That the producer shall certify to the purchaser the amounts and gravity of California lower tier crude oil and California upper tier crude oil in each sale.

* * * * *

(3) *Unitized properties.* (i) With respect to each sale of crude oil from a unitized property for which the producer has determined a unit base production control level, the producer shall certify in writing to the purchaser the number of barrels of—

(A) Lower tier ("old") crude oil (separately identifying any California lower tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California lower tier crude oil at the time of the sale);

(B) Upper tier ("new") crude oil, if any (separately identifying any California upper tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California upper tier crude oil at the time of the sale), Including either "actual new crude oil" or "imputed new crude oil" determined pursuant to § 212.75(b), but excluding any crude oil transported through the trans-Alaska pipeline;

(C) Crude oil transported through the trans-Alaska pipeline, if any; and

(D) Imputed Stripper well crude oil, if any, determined pursuant to § 212.75(b).

With respect to any unitized property for which the producer has determined a unit base production control level, and from which crude oil is only sold to one purchaser, the requirements of this paragraph (a)(3)(i) may be complied with by a one-time written certification to the purchaser of—

(*1*) The monthly unit base production control level, determined pursuant to § 212.75(b);

(*2*) The number of barrels of "imputed new crude oil," if any, determined pursuant to § 212.75(b), excluding any crude oil transported through the trans-Alaska pipeline;

(*3*) The number of barrels of crude oil transported through the trans-Alaska pipeline, if any; and

(*4*) The number of barrels of imputed stripper well crude oil, if any, determined pursuant to § 212.75(b): *Provided, however,* That the producer shall certify to the purchaser the amounts and gravity of California lower tier crude oil and California upper tier crude oil in each sale.

* * * * *

(b)(1) Each seller of domestic crude oil, other than a producer of domestic crude oil covered by paragraph (a) of this section, shall, with respect to each sale of domestic crude oil other than an allocation sale pursuant to § 211.65 of Part 211, or a sale in which no volumes of domestic crude oil are deemed to have been transferred pursuant to § 211.67(g) of Part 211, certify in writing to the purchaser the respective volumes of and respective per barrel prices for the—

(i) Lower tier ("old" crude oil (separately identifying California lower tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California lower tier crude oil at the time of the sale);

(ii) Upper tier ("new") crude oil (separately identifying any California upper tier crude oil, as defined in § 211.62 of Part 211 of this chapter, and the gravity in degrees API of such California upper tier crude oil at the time of the sale), exclusive of any crude oil transported through the trans-Alaska pipeline;

(iii) Crude oil transported through the trans-Alaska pipeline;

(iv) Stripper well crude oil; and

(v) Other domestic crude oils the first sale of which is exempt from the provisions of this part—included in the volume of domestic crude oil so sold. The certification shall also contain a statement that the price charged for the domestic crude oil has been determined in accordance with Subpart L of this part.

ECONOMIC REGULATORY ADMINISTRATION
Washington, D.C. 20461

DOMESTIC CRUDE OIL ENTITLEMENTS PROGRAM
REFINERS MONTHLY REPORT

ERA-49

This report is mandatory under Public Laws 93-159, 94-163, and 93-275 as amended.

FOR ERA USE *ONLY*

ACCESSION NUMBER: ☐☐☐☐☐

DATE: ☐☐ YEAR ☐☐ MONTH ☐☐ DAY

1. REPORTING FIRM IDENTIFICATION INFORMATION: *Check If Any Change In Identification Data* ☐

a. Name

b. Street/Box/RFD

c. City d. State e. ZIP Code ☐☐☐☐☐

f. Name of Contact Person g. Telephone *(Including Area Code)* ☐☐☐ – ☐☐☐☐

h. Reporting Firm Short Name ☐☐☐☐☐☐☐☐☐☐☐☐☐☐ i. Amendment Number ☐ ____

2. a. DATE OF REPORT: ☐☐ YEAR ☐☐ MONTH ☐☐ DAY b. REPORTING PERIOD: ☐☐ YEAR ☐☐ MONTH

3. CERTIFICATION

I CERTIFY THAT THE INFORMATION SUBMITTED ON AND WITH THIS FORM IS FACTUALLY CORRECT, COMPLETE AND IN ACCORDANCE WITH ERA REGULATIONS (TITLE 10, CODE OF FEDERAL REGULATIONS) AND THE INSTRUCTIONS TO FORM ERA-49.

a. Name and Title of Certifying Official b. Signature c. Date Certified

THE U.S. CODE, (CRIMES AND CRIMINAL PROCEDURES), SECTION 1001, MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

4. CRUDE OIL RECEIPTS

CATEGORY OF CRUDE OIL (A)		TOTAL VOLUME (BARRELS) (D)	TOTAL COST (E)	WEIGHTED AVERAGE COST PER BARREL (F)
10109	Old Oil	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10119	Calif. Low-Gravity Old Oil Receipts	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10199	Calif. Low-Gravity New Oil Receipts	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10209	New Oil	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10219	Stripper Well Oil	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10229	Tertiary Oil	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10239	Other Domestic Oil	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10259	Calif. ANS Oil	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10269	Alaskan N. Slope (PAD5)	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10279	Alaskan N. Slope (PAD1-4)	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10289	Synthetic Crude	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10299	Naval Petroleum Reserve	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10309	Imported Oil	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10319	Calif. Imported Oil	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐
10399	TOTAL CRUDE OIL RECEIPTS (Sum all lines except 10119, 10259, and 10319)	☐☐☐☐☐☐☐☐	$ ☐☐☐☐☐☐☐☐.00	$ ☐.☐☐☐

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ECONOMIC REGULATORY ADMINISTRATION
Washington, D.C. 20461

DOMESTIC CRUDE OIL ENTITLEMENTS PROGRAM
REFINERS MONTHLY REPORT

ERA-49

FOR ERA USE *ONLY*

ACCESSION NUMBER:

DATE: YEAR MONTH DAY

REPORTING FIRM SHORT NAME:

DATE OF REPORT: YEAR MONTH DAY

REPORTING PERIOD: YEAR MONTH

9. CALIFORNIA LOW-GRAVITY OLD OIL RECEIPTS

	(A)	WEIGHTED AVERAGE GRAVITY (B)	SUBTOTALS (VOLUME IN BARRELS) (C)	TOTALS (VOLUME IN BARRELS) (D)
60119	For Own Account At Own Refineries			
60129	For Non-Refiners At Own Refineries			
60139	For Own Account At Other Refiners			
60219	Adjustments			
60399	Adjusted Monthly Receipts (60119 + 60129 + 60139 + 60219)			
60409	FOR ERA USE *ONLY*		Net Correction From Prior Month Amended Reports	
60499			Corrected Monthly Receipts For Calculations	

10. CALIFORNIA LOW-GRAVITY NEW OIL RECEIPTS

63119	For Own Account At Own Refineries			
63129	For Non-Refiners At Own Refineries			
63139	For Own Account At Other Refiners			
63219	Adjustments			
63399	Adjusted Monthly Receipts (63119 + 63129 + 63139 + 63219)			
63409	FOR ERA USE *ONLY*		Net Correction From Prior Month Amended Reports	
63499			Corrected Monthly Receipts For Calculations	

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ITEM NO. 9, CALIFORNIA OLD OIL RECEIPTS

In Column B of the line items specified below, enter the weighted average API gravity rounded downward to the nearest whole degree, i.e., 27.9 gravity would be entered as 27.

In *line 60119, Column (C)*, enter the total volume of California old crude oil, in actual barrels, received for your account at own refineries for the reporting period.

In *line 60129, Column (C)*, enter the total volume of California old crude oil, in actual barrels, received for processing at own refineries for nonrefiners for the reporting period.

In *line 60139, Column (C)*, enter the total volume of California old oil, in actual barrels, received for processing for your account by other refiners.

ADJUSTMENTS

In *line 60219, Column (C)*, enter the volume of California old adjustments, in actual barrels, to receipts of oil for your own account at your own refineries during the reporting period. If the adjustments are negative, indicate with a minus sign in the left most position of the field and zero fill. Do not include corrections resulting from internal errors.

In *line 60399, Column (D)*, enter the volume, in actual barrels, of the total adjusted monthly receipts for the reporting period.

ITEM NO. 10, CALIFORNIA NEW OIL RECEIPTS

In Column B of the line items specified below, enter the weighted average API gravity rounded downward to the nearest whole degree, i.e., 27.9 gravity would be entered as 27.

In *line 63119, Column (C)*, enter the total volume of California new crude oil, in actual barrels, received for your account at own refineries for the reporting period.

In *line 63129, Column (C)*, enter the total volume of California new crude oil, in actual barrels, received for processing at own refineries for nonrefiners for the reporting period.

ADJUSTMENTS

In *line 63219, Column (C)*, enter the volume of California new adjustments, in actual barrels, to receipts of oil for your own account at your own refineries during the reporting period. If the adjustments are negative, indicate with a minus sign in the left most position of the field and zero fill. Do not include corrections resulting from internal errors.

In *line 63399, Column (D)*, enter the volume, in actual barrels, of the total adjusted monthly receipts for the reporting period.

[FR Doc. 78-17061 Filed 6-16-78; 11:25 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 211]

PROPOSED AMENDMENTS TO THE ENTITLEMENTS PROGRAM WITH RESPECT TO IMPORTED RESIDUAL FUEL OIL

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Further Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a further proposal to amend the domestic crude oil "entitlements" program with respect to entitlement adjustments for imported residual fuel oil. Three alternative amendments with respect to this matter were previously proposed in December 1976, but none of the three was adopted as a final rule. Two of those proposals combined amendments to the entitlements program with basic revisions in the Mandatory Oil Import Program (MOIP). The amendments proposed in this notice are not dependent on any revision of the MOIP and would eliminate the entitlement penalty which currently exists for sales of domestic residual fuel oil in the East Coast market. This proposal would also increase the entitlement value issuable for imports of residual fuel oil from the present 30% of the per barrel crude oil entitlement value to 100% of that value, less an amount equal to the product fee in the MOIP in cases where the product fee is not payable by reason of a fee-free allocation. In addition, these amendments would provide for expansion of the residual fuel oil program from its current scope, the Bureau of Mines East Coast Petroleum Refining District, to include as well as the State of Michigan, which has been similarly dependent on residual fuel oil imports.

DATES: Comments by August 25, 1978, 4:30 p.m.; Requests to speak by July 17, 1978, 4:30 p.m.; Hearing date: July 26 and 27, 1978, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Department of Energy, Public Hearing Management, Room 2313, 2000 M Street, Box TA, Washington, D.C. 20461. Hearing location: Room 3000A, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Frank Kelly (Office of Public Affairs), 2000 M Street, N.W., Room 6308E, Washington, D.C. 20461, 202/254-8690.

Robert C. Gillette (Hearing Procedures), 2000 M Street, N.W., Room 2214B, Washington, D.C. 29461, 202/254-5201.

Stephen W. Hall (Regulations and Emergency Planning), 2000 M Street, N.W., Room 8222G, Washington, D.C. 20461, 202/632-8494.

Douglas McIver (Entitlements Program Office), 2000 M Street, N.W., Room 61281, Washington, D.C. 20461, 202/254-8660.

Michael Paige (Office of General Counsel), 12th and Pennsylvania Avenue, N.W., Room 5136, Washington, D.C. 20461, 202/566-9565.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Amendment
A. General Objectives
B. Specific Proposals
1. Elimination of "Reverse" Entitlements
2. Increase of Entitlements for Imported Residual Fuel oil
3. Extension of Entitlements to Other Import-Dependent areas
4. Entitlement Treatment for Virgin Islands Imports
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IV. Additional Comments Requested
V. Comment Procedures
A. Written Comments
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I. Background

On March 29, 1976 the Federal Energy Administration (FEA), a predecessor agency of the DOE, adopted amendments to the entitlements program which were designed to mitigate potential severe competitive imbalances in the East Coast residual fuel oil market. The entitlements program is designed generally to equalize refiners' crude oil costs, recognizing the impact of domestic crude oil price controls, the thus reduce market distortions in product prices which would otherwise exist.

The East Coast is unique in that 80-90% of the region's demand for residual fuel oil is supplied by product made outside the continental United States. Most of this imported residual fuel oil is produced in Caribbean refineries, which are owned both by U.S. companies and foreign interests, with a small percentage being supplied by refineries located in Europe, the Middle East and elsewhere.

The original Mandatory Oil Import Program, established in 1959, placed no limit on the volume of residual fuel oil which could be imported. At that time, foreign crude oil prices where lower than domestic crude prices, and thus foreign residual fuel oil was generally less expensive than its domestically-produced counterpart. When the oil import quota system was replaced with a system of import fees in 1973, fee-exempt allocation in declining amounts for Petroleum Administration for Defense (PAD) District I residual fuel oil imports were granted so that the impact of the fees would be delayed until new domestic refining capacity could be built. Thus, since 1973, only a small amount of residual fuel oil has been imported subject to a fee, and domestic residual fuel oil users have had little incentive to decrease their dependence on imports, since the amount of fee-free allocations was sufficient for incremental residual oil requirements over domestic production levels. The anticipated construction of additional residual fuel oil refining capacity has not occured to the extent originally projected because of reduced demand and excess capacity of the Caribbean refineries. Refineries located in the United States have generally been, and continue to be, oriented toward the production of motor gasoline, distillate fuels and other "lighter" products.

The FEA determined in the March 1976 rulemaking proceeding that the entitlements program would cause sever distortions in the East Coast market, because one Caribbean-located refiner (Amerada Hess), and several domestic refiners of residual fuel oil supplying the East Coast participated in the entitlements program, while the other major suppliers to the market did not.

For purposes of this discussion, however, it is important to note that all suppliers to the East Coast market which are located outside the United States, including Amerada Hess, are subject to the provisions of the MOIP. Thus, all residual fuel oil brought into the United States for sale or use is treated as an "import" for purposes of the MOIP and is subject to the MOIP fees at the time of importation. In contrast, for purposes of the entitlements program, refineries located in territories and possessions of the United States, including the Amerada Hess refinery in the Virgin Islands, are considered to be domestic refiners. Thus, crude oil refined in such refineriers earns entitlements on the same basis as does other domestically-refined crude oil, although the refined products produced are subject to MOIP fees (as are all products refined in foreign refineries) at the time they are brought into the U.S. However, the provisions of the MOIP which are applicable to Amerada Hess differ from those under which other domestic refiners must operate, since Hess is outside of U.S. customs territory. The major differences are as follows. First, the fee-free licenses issued to Amerada Hess based on refinery capacity (under 10 CFR §§ 213.12 and 213.29) allow for the importation of unfinished oils and finished products (in lieu of crude oil) into the customs territory, whereas fee-free licenses issued to onshore refineries are for crude oil and unfinished oils. Second, Amerada Hess receives a fee-free allocation for impor-

tation of residual fuel oil into PAD District I, as do other product importers. Finally, when Amerada Hess purchases a fee-paid license, it has the option to transport the products in foreign or U.S. flag vessels. If foreign flag vessels are used, it must pay the product fee of 63¢ per barrel; if U.S. flag vessels are used (or foreign vessels when no U.S. flag vessels are available), Hess need pay only the crude fee of 21¢ per barrel.

When the entitlements program was originally adopted in November 1974, partial entitlements were granted to imports of certain products so that marketers dependent on these imported products would be placed in a competitive position compared to marketers of domestically-refined products. This same level of protection was provided to marketers of imported products under the supplemental fees which were placed on imported crude oil and products in early 1975. In each case, special provisions were made for Amerada Hess to take account of its being outside U.S. customs territory and participating in the entitlements program. When the supplemental fees were removed in late December 1975, the East Coast residual fuel oil market was threatened with severe competitive distortions, which were further aggravated by the February 1, 1976 rollback in domestic crude oil prices required by the Energy Policy and Conservation Act. As a result of these factors, the economic viability of marketers that were reliant on foreign refiners located in the Caribbean was significantly imperiled.

In March of 1976, FEA estimated that Amerada Hess (and other domestic refiners which participated in the entitlements program) had an advantage of approximately $3 per barrel in crude oil costs as compared to foreign refiners. Thus, in order to bring the crude oil costs of those refiners supplying the East Coast with residual fuel oil into closer equilibrium (and permit the foreign refineries and domestic marketers dependent on them to remain financially viable), FEA determined in the March 1976 proceeding to reduce the benefits which domestic refiners received under the entitlements program for their residual fuel oil production sold on the East Coast, while at the same time granting to the importers dependent on foreign refineries limited participation in the entitlements program. By that rulemaking, importers were granted the right to receive a partial entitlement benefit with respect to each barrel of residual fuel oil imported for sale or use into the East Coast market. The East Coast market for purposes of the entitlement adjustments provided in the March 29, 1976 rule was defined as the Bureau of Mines East Coast Petroleum Refining District, which includes the States within PAD District I, except for West Virginia and certain counties in Western New York and Pennsylvania.

Under the March 1976 amendments, imports of residual fuel oil into the East Coast market result in the issuance to the importer of record in the month in which the import takes place of a fractional entitlement per barrel equal to 30 percent of the entitlement value earned by a domestic refiner for each barrel of imported crude oil included in its crude oil runs to stills. With respect to domestically-refined residual fuel oil produced for sale into the East Coast market, the refiner loses 50 percent of the applicable crude oil fractional entitlement value, the so-called "reverse" entitlement, for each barrel of residual fuel oil so produced and sold in excess of the first 5,000 barrels per day (B/D). The net effect of these adjustment is to preserve for domestic refiners a theoretical crude oil cost advantage for production in excess of the first 5,000 B/D equal to 20 percent of the per barrel crude oil entitlement value for the month in question. In February 1978, this advantage was approximately 38 cent.

This advantage is currently the only protection against imports of residual fuel oil afforded domestic refiners under programs administered by DOE. The provisions of the MOIP provide for a 21 cent fee on imported crude oil and a 63 cent fee on imported products, which would result is a theoretical 42 cent level of protection for domestic refiners. However, the fee-free allocations which currently exist with respect to both crude oil and products result in virtually no fees being paid with regard to the major portion of products (and a substantial portion of the crude oil) which is being imported at the present time. Thus, the protection intended by the MOIP is yet to be evidenced, and is now essentially provided by the entitlements program.

On November 3, 1976 FEA held a public hearing to assess the operation and effectiveness of the amendments to the entitlements program which were adopted in March, as described above. A large number of written comments were submitted in this proceeding and a substantial number of firms made oral presentations at the public hearing. The participants were in disagreement on several issues which were the subject of the hearing. However, as a result of the November proceeding, FEA determined to propose amendments to the residual fuel oil provisions of the entitlements program which would achieve a result similar to that of the March 1976 amendments, but which would eliminate certain undesirable effects of those regulations on domestic residual fuel oil markets. Moreover, it was suggested in that proceeding that any action involving imported product entitlements might have to be coordinated with possible revisions of the MOIP.

Thus, FEA issued on December 23, 1976 (41 FR 56821; December 30, 1976) a proposal which contained three alternative entitlement program adjustments for residual fuel oil in conjunction with two proposed alternative amendments to the MOIP, which was then under consideration for revision. Each of the three proposals was designed to provide an 84 cent per barrel level of protection for domestic refiners, by eliminating the entitlement loss for domestic refiners with respect to sales of domestic residual fuel oil in the East Coast market and increasing the level of entitlements benefits which would be earned for imports of residual fuel oil.

The first alternative set forth in the December 1976 notice proposed a suspension of the MOIP product import fees and a grant of entitlement benefits to imports of residual fuel oil into PAD Districts I through IV (all regions of the U.S. except the West Coast) at a level 84 cent lower than that earned by domestic refiners for refining a barrel of crude oil.

The second alternative did not propose any changes to the MOIP, but proposed that the entitlements program would act as a supplement to the MOIP. Under this proposal, until the time in 1977 or 1978 when some importers would begin to pay product import fees (which it was believed would be the case at the time of the proposal), imports of residual fuel oil into PAD District I would earn entitlements worth 84 cent less than domestic refiners. At the time that importers began to pay the MOIP product import fees, entitlements would be granted to residual fuel oil imports at the level of the per barrel crude oil value less 42 cent. The additional 42 cent of protection would have resulted from the differential in the MOIP crude oil and product fees.

The third alternative proposed in the December 1976 notice provided for the award of full per barrel crude oil entitlements to import of residual fuel oil into PAD Districts I through IV. In conjunction with this alternative, the MOIP fees for imported products would have been increased immediately to provide an 84¢ per barrel level of protection.

Seventy written comments were received in response to the December 1976 notice. In addition, 30 persons presented oral statements at the public hearing on the proposal held in Washington, D.C. on January 27 and 28, 1977. The commenters included major, independent and small refiners, importers of residual fuel oil, marketers, trade associations, utility com-

panies, petrochemical manufacturers, local and state governments, members of Congress, and the United States Department of Justice. The comments thus reflected the views of a broad range of interested parties that would have been affected by the proposed amendments.

As was the case in the November 3, 1976 informational hearing noted above, there was disagreement among those commenting on the December proposals with respect to several issues. The commenter were almost unanimous, however, in opposing the second alternative proposed. The main objections to this alternative were its adminsitrative complexity and the fact that it would not eliminate the competitive advantage conferred by the MOIP fee-free allocations, which are held by historical marketers, and would place new and expanding marketers at a competitive disadvantage. Consumer interests generally preferred the first alternative, since it proposed to suspend product import fees under the MOIP, which would have been relected in lower prices to consumers. Commenters representing consumers or importers in PAD Districts II through IV and the western portion of PAD District I favored the first or third alternatives, since those two proposed an extension of the entitlements program for residual fuel oil to those geographic areas.

These was no clear consensus as to any one of the three proposed alternatives, and several comments suggested that FEA should allow the amendments to the entitlements program which had been adopted in March 1976 to remain in place for one full heating season before further amendments were considered. This would allow the agency to gather data on what the impact of the amendments had been and to determine accurately whether or not they had accomplished their intended result. Furthermore, several comments suggested that no changes should be made until the new administration had formulated and expressed its position on the matters which were the subject of the December 1976 notice.

In April 1977, President Carter submitted the proposed National Energy Act to Congress which, if adopted, would have a direct bearing on the regulations proposed in the December 1976 notice. In particular, the President proposed the imposition of a Crude Oil Equalization Tax (COET), which, if enacted, would after a period of two years supercede the role that the entitlements program currently plays in equalizing the crude oil costs of domestic refiners and thus would suggest a general reconsideration of the December 1976 proposals.

Largely due to uncertainty over the outcome of congressional consideration of the President's proposed energy program and its potential effect on the East Coast residual fuel oil market, the FEA (and later DOE) took no action in 1977 on any of the three proposals contained in the December 1976 notice. However, in September of 1977, the FEA adopted guidelines for granting exception relief in order to alleviate the imbalances in import fee-free allocations, as between different marketers of residual fuel oil on the East Coast, which had developed since the fee system was established, The total number of fee-free allocation available for the allocation period May 1, 1977 through April 30, 1978 was in excess of projected import requirements for the period. However, some firms were holding more fee-free licenses than they needed, while other did not have sufficient licenses to meet their contractual obligation. The intention of the Proclamation which is the basis for the MOIP was, however, that the fees would only begin to take effect when demand exceeded exemptions. For this reason, the FEA adopted guidelines for the granting of exception relief through which any firm importing residual fuel oil into PAD District I could obtain sufficient fee-free licenses to meet its contractual obligations or other projected needs. These guidelines, in addition to correcting a dislocation in fee-free licenses among historical importers of residual fuel oil, allowed new entrants into the market, as well was those who expanded their market, to obtain fee-free licenses. In the current MOIP allocation period (May 1, 1978 through April 30, 1979) it appears that there again will not be sufficient fee-free licenses to accommodate all imported residual fuel oil, and the equity problems that surfaced last year may recur. The granting of a blanket exemption again, which would tend to frustrate the purpose of phasing out fee-free licenses, would not be necessary under the adjustments provided in this proposal.

Effective October 1, 1977, all functions previously performed by the FEA were transferred to the Department of Energy pursuant to the Department of Energy Organization Act (DOE Act, Pub. L. 95-91) and Executive Order No. 12009 (42 FR 46267, September 15, 1977). Section 705 (b) (1) of the DOE Act provides in part that:

> The provisions of this Act shall not affect any proceedings • • • pending at the time this Act takes effect before any department, agency, commission, or component thereof, functions of which are transferred by this Act; but such proceedings • • • to the extent that they relate to functions so transferred, shall be continued. • • •

By DOE Delegation Order No. 0204-4 (42 CF 60725, November 29, 1977), the Secretary of Energy delegated to the Administrator of the Economic Regulatory Administration the authority to take such action, including the proposal and adoption of rules, as is necessary and appropriate to administer several functions, among which are the allocation and pricing of crude oil and refined petroleum products, pursuant to the provisions of the Emergency Petroleum Allocation Act of 1973, as amended, Under the authority of this Delegation Order, the ERA has considered all the comments submitted in response to FEA's December 1976 notice as well as all data currently available to it, and has determined that the December 1976 rulemaking proceeding should be continued as described below.

II. Proposed Amendments

A. General Objectives

The principal purpose of this proposal is to correct the fundamental inequity resulting from the fact that some regions of the country are heavily dependent on certain imported refined products, particularly residual fuel oil, and therefore do not receive the full benefits of domestic crude oil price controls through the entitlements program that other regions not dependent on product imports receive. The proposed rule would in effect give consumers dependent on imported residual fuel oil approximately the same benefits of domestic price controls as are received by consumers of products refined domestically from imported crude oil. In general, the proposal would eliminate the current entitlement penalty for domestic residual fuel oil sold in the East Coast ("reverse entitlements"), increase the entitlement benefit for imported residual fuel oil, adjust the treatment of the Amerada Hess Virgin Islands refinery to create, insofar as is possible and appropriate, a position of equity between the refinery located in that U.S. territory and other refiners affected by this proposal, and extend the coverage of the import entitlement benefits to all historic import-dependent areas.

Based on current entitlement values, this proposal would result in an increase in entitlement benefits for imported residual fuel oil of approximately 65 cents per barrel (or about 1.5 cent per gallon). These increased benefits are estimated to be sufficient to bring East and Gulf Coast residual fuel oil prices into parity, and thus correct an inequity between consumers in these regions that arose as a result of the current entitlement adjustments. For example, according to the latest published prices, 1 percent sulfur residual fuel oil sold at the following per barel prices for the month of April:

Boston—$13.55; N.Y. Harbor—$12.88; Gulf Coast—$11.70; West Coast—$7.50-$9.00.

Under this proposal, the effective level of protection for domestic refiners (taking into account the 21¢ per barrel crude oil import fee) would increase from about 20¢ to 42¢ per barrel.

While we are generally of the view, as FEA was in 1976, that any amendments to the entitlements program should be coordinated with revisions of the MOIP, such revisions require Presidential findings and assessments by other Executive departments and are thus beyond the scope of a proposed rulemaking by DOE to amend its petroleum allocation regulations. Consequently, this proposal will not specifically address appropriate levels of protection for domestic refiners; rather, it will adopt the levels of protection built into the current MOIP. However, rather than phasing such protection in between the present and 1980, as the MOIP would do, it would make it fully effective upon adoption of the proposal. The proposal would also be sufficiently flexible to be adaptable to any future changes in that program. At such time as revisions to the MOIP may be adopted, we shall promulgate conforming regulatory amendments as necessary so that the entitlements treatment of residual fuel oil imports will continue to be consistent with the objectives of the MOIP.

B. SPECIFIC PROPOSALS

1. *Elimination of "reverse" entitlements.* The first action proposed is elimination of the 50% entitlement loss applicable to domestic residual fuel oil sold in the East Coast in excess of the first 5,000 B/D of a refiner's production of that product for sale in that market. This provision has proved to be difficult to administer and appears to have encouraged market distortions which might not otherwise have arisen. The current reverse entitlement penalty has not operated as originally envisioned due to the readily accessible alternative markets into which domestic refiners are able to sell their residual fuel oil output, the increasing number of firms utilizing the 5,000 B/D exemption and thus frustrating the competitive balance sought to be achieved by the present program, and the inherent difficulties associated with a regulatory system that provides for competitive penalties for sales within a defined geographic area. These unintended results are not consistent with the original objectives of the March 1976 amendments.

2. *Increase of entitlements for imported residual fuel oil.* The second action proposed is an increase in the entitlement benefits allocated to eligible imports of residual fuel oil to a full equivalent of the crude oil entitlement value ($1.95 per barrel for February 1978).

In order to provide equity between importers who will be subject to the fee and those who are not, this full "product" entitlement would be applicable only to eligible products *not* imported pursuant to a fee-free license granted under the MOIP, i.e., only residual fuel oil imports subject to the fee on imported refined products (currently 63¢ per barrel) would be eligible for the full crude oil entitlement benefit. Residual fuel oil imported on a fee-free basis would be eligible for a reduced entitlement benefit, which would be equal to the full crude oil entitlement value less the product import fee provided by the MOIP. Eligible importers currently report those volumes of eligible product imported pursuant to an import license and certify as to which volumes are fee-paid and which are fee-free. Entitlements would be allocated to such products upon determination by the ERA that the volumes reported coincide with the licenses issued. This proposal would put all importers on an equal competitive basis, whether or not they pay import fees, namely the full entitlement benefits accorded to imported crude oil processed in a domestic refinery, less 63¢ per barrel.

3. *Extension of entitlements to other import-dependent areas.* The third action proposed is to expand the definition of eligible products to include volumes of residual fuel oil that are intended to be consumed, or sold for ultimate consumption, into all areas which have historically been dependent on imported residual fuel oil. The December 1976 proposed rulemaking, for purposes of equity and simplicity, suggested an expansion of the definition to include residual fuel oil imports in PAD Districts I throught IV. Comments received in those hearings and made in the course of deliberations concerning the National Energy Act suggest that such a broad extension might well result in reduced incentives for the development of new domestic residual fuel oil refining capacity in those areas and affect the competitive position of existing capacity. Consequently, the extension of the eligible product definitions proposed to be restricted to areas of the country which have historically been import-dependent; it is not our intent to encourage additional amounts of residual fuel oil to be imported into areas of the country which have not historically been significant importers. On the basis of available information, the only area of the country outside of the East Coast Refining District that appears to have been heavily dependent on imported residual fuel oil is the State of Michigan, which has regularly imported Canadian residual fuel oil.

It is our tentative view, based on the available data, that no other areas of the country have been dependent on supplies of imported residual fuel oil to the same extent as these areas. West Coast consumers of low sulfur fuel oil have suggested in other hearings on the subject of imported product entitlements that they are importers of higher cost, low sulfur residual fuel oil and are in need of relief from the high cost of such imports. However, we have no information which would suggest that there is not adequate domestic refining capacity to produce all of the residual fuel oil needs of the West Coast. Import entitlements for PAD District V would substantially reduce incentives for West Coast refiners to make the investments necessary to produce additional quantities of low sulfur residual fuel oil to meet area demand, and in the process to refine additional volumes of California and Alaskan crude oil that are currently in surplus supply on the West Coast. West Coast consumers and refiners are invited to comment on our tentative determination in this regard and provide any relevant data that would assist us in our analysis of this matter.

Consumers and marketers of residual fuel oil in other areas of the country are specifically invited to comment on the appropriateness of restricting eligible products to historic import-dependent areas provided for in this notice, as contrasted with the broader provision for PAD Districts II through IV, as was originally proposed in the December 1976 rulemaking.

More generally, you are invited to comment on the potential effects of the proposal on the competitive viability of existing domestic residual fuel oil refining capacity and the incentives for the development of new capacity.

4. *Entitlement treatment for Virgin Islands imports.* The fourth action proposed is to provide for a special entitlement adjustment to place the Amerada Hess refinery located in the Virgin Islands, which participates in the program on the same basis as onshore domestic refiners, in an approximately equal competitive position as compared to other refiners that market residual fuel oil on the East Coast. This would be done by adjusting the advantage this refiner now has due to MOIP fee-free licenses and its ability to utilize foreign flag vessels to ship product to the mainland.

Specifically, the entitlement value for residual fuel oil production in the Virgin Islands which is imported under any fee-free license would be reduced by 63¢ per barrel. Under this adjustment, Amerada Hess would receive the same treatment as other refiners or marketers that import residual fuel oil, i.e., a full crude oil entitlement less the current MOIP product fee. As to this adjustment, comments are requested as to whether it would be appropriate to provide for a penalty of

21¢ per barrel, where the residual fuel oil imported under a fee-free license is shipped in U.S. flag vessels. This further adjustment would be consistent with the current MOIP fee differential for Hess as between imports in U.S. flag and foreign vessels. Comments are also requested on whether the 63¢ per barrel penalty should more appropriately be 42¢ per barrel where Hess utilizes fee-free product licenses that are issued in lieu of crude oil licenses.

As for imports from the Virgin Islands in foreign flag vessels under fee-paid product licenses (issued in lieu of crude licenses), there would be no reduction in entitlement value issuable with respect to Hess's crude oil runs, since Hess would then receive entitlement value on the same basis as other importers that pay the product fee. Further, there would be no such adjustment when residual fuel oil is imported from the Virgin Islands under a fee-paid product license (issued in lieu of crude license) in U.S. flag vessels. This entitlement treatment would place Hess in the same competitive position as other domestic refiners that also pay the crude oil import fee, but must ship their product to the East Coast in U.S. flag vessels.

Residual fuel oil imported by Amerada Hess from other than Virgin Island sources would be treated on the same basis as residual fuel oil imports by other refiners and marketers.

C. POTENTIAL ADVANTAGES OF THE PROPOSALS

The above proposals are intended to place all residual fuel oil consumed in import-dependent areas on an equivalent entitlement basis with domestically-refined product, with the exception that imported volumes would either pay the product fee or be allocated an entitlement amount reduced by the equivalent of the product fee. This approach accomplishes the objectives stated in the December 1976 proposal without requiring revisions to the MOIP. This proposal differs from the second alternative set fourth in the earlier proposed rulemaking, which was criticized because of its administrative complexity, in that the entitlements treatment will be uniform throughout the period when the fee-free licenses are being phased out. The December 1976 proposal would have altered the entitlements treatment at the time substantial volumes began to be imported on a fee-paid basis. Thus, under the earlier proposal, the regulatory adjustments for the transition period would have caused confusion and created inequities as between various importers. Under this revision to the proposal, as importers exhaust their fee-free licenses their competitive position would be unchanged.

In the event of revisions to the MOIP, the proposed amendments would continue to accomplish their basic objectives. A suspension of fee-free licenses would result in all eligible product imports receiving the full crude oil entitlement, while any MOIP fee adjustment in the level of protection to domestic refiners would automatically be reflected in a corresponding adjustment to the amount subtracted from the full crude oil entitlement for all eligible product imported on a fee-free basis.

The proposed rule would create no new reporting requirements, since importers must currently submit monthly reports of fee-free and fee-paid imports under the MOIP. If the MOIP should in the future be simplified to eliminate these distinctions, the reporting requirements applicable to both programs would also be rendered less complex.

III. EFFECTIVE DATE

If adopted, we proposed to make this rulemaking effective for residual fuel oil sales in historic import-dependent regions beginning July 1, 1978. The information available to us indicates that there is a "summer fill" program involving relatively significant inventory increases for marketers of residual oil used as industrial fuel, which program normally commences in the month of July. Therefore, the proposed rule would have to be made effective July 1, so that the regulation would not have a serious impact on the competitive positions of marketers that build up their inventories over the summer months.

IV. ADDITIONAL COMMENTS REQUESTED

The current oversupply of residual fuel oil on the West Coast and the East Coast dependency on imported residual fuel leads to the question whether it would be economically and logistically feasible to facilitate the movement of quantities of residual fuel oil from West to East. In an unregulated market situation, it would seem that such product movements would only occur when the prevailing East Coast market prices exceed West Coast levels by an amount sufficient to compensate for the costs of transportation. This may actually be the case at times of significant oversupply on the West Coast, (e.g., the experience of the past winter), but is unlikely to be normal occurrence. Furthermore, shipping costs appear to be subject to considerable fluctuation over time, in part reflecting seasonal variations in demand.

Under the current regulations, shipments of residual fuel from West Coast refineries to the East Coast are subject to the reverse entitlement penalty applicable to sales above 5,000 B/D. This is an additional economic disincentive for West to East shipments, as was pointed out in many comments at the recent hearing on entitlements and pricing measures concerning heavy California crude oil (March 30 and 31, 1978, in Huntington Beach, California, on a Notice published at 43 FR 8150, February 28, 1978). Since one of the proposals in this rulemaking would eliminate the domestic refiners' entitlement penalty, this barrier would no longer exist with respect to West Coast residual fuel oil shipped to regions in the East historically depend on imported residual oil. While this change would not alter the competitive position of West Coast refiners vis-a-vis East and Gulf Coast refiners, it would improve their competitive position relative to importers into the East Coast by about 22¢ per barrel. This might make such transactions marginally profitable, under certain market conditions on the West Coast, although it will fall far short of offsetting West Coast refiners' current competive disadvantage because of high shipping costs to the East.

West Coast refiners and others are requested to comment as to whether and under what market conditions such refiners could establish a regular trade of residual fuel oil sales to East Coast marketers and consumers if the amendments proposed in this notice were adopted. Likewise, consumers and marketers on the East Coast are encouraged to comment on the changes which would have to occur to establish a regular trade for West Coast residual fuel oils. Finally, historical suppliers of residual fuel oil to the East Coast, and in particular domestic suppliers, are invited to comment on the effects which this new source of supply would have on their competitive viability. Assuming that U.S. flag vessels would be required for this trade, the basic questions are:

(a) What barriers would exist to the sale of West Coast residual fuel oil to historic import-dependent regions in the East following adoption of the proposed amendment;

(b) What further regulatory changes whould be required to overcome those barriers (such as, for example, by providing addtional entitlements benefits to West Coast refiners to offset all or a portions of their transportation disadvantage compared to Gulf Coast refiners); and

(c) What would the costs be, and how would they affect the rest of the country and the competitive position of other domestic refiners, particularly those located in the Gulf Coast?

Additionally, you are requested to comment on any other alternative approaches which would simplify the imported residual fuel oil entitlements program while maintaining a competitive balance domestic refiners and marketers that are reliant on foreign refiners for their supplies.

V. Comment Procedures

A. Written Comments

You are invited to participate in this rulemaking by submitting written views, data or arguments with respect to the proposal set forth in this notice. Comments should be submitted to the address indicated in the "Addresses" section of this notice and should be identified on the outside envelope with the designation "Proposed Amendments to the entitlements Program with Respect to Imported Residual Fuel Oil." Fifteen copies should be submitted. All comments received by DOE will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information and to treat it according to our determination.

B. Public Hearing

1. *Request Procedure.* The time and place for the hearing are indicated in the "Dates" and "Addresses" sections of this notice. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the first business day following the dates of the hearing shown above.

Any person may make a written request for an opportunity to make an oral presentation at the hearing. You should be prepared to describe the interest concerned; if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation. You should also provide us with a phone number where you may be contacted through the day before the hearing.

Each person selected to be heard will be so notified before 4:30 p.m., e.d.t., July 19, 1978 and must submit 100 copies of his or her statement to Public Hearing Management, Room 2214, 2000 M Street, NW., Washington, D.C., before 4:30 p.m., e.d.t., on July 25, 1978.

2. *Conduct of the Hearing.* We reserve the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Only those conducting the hearing may ask questions and persons presenting statements will not be cross-examined. 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 so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to the Office of Public Hearing Management at the above address before 4:30 p.m., e.d.t., July 17, 1978. You may also submit any questions, in writing, to the presiding officer at the time of the hearing. The ERA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(a)(1) of the Federal Energy Administration Act of 1974, as amended, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. By a letter dated May 3, 1978, the EPA stated that:

> "We do not forsee these actions having unfavorable impact on the quality of the environment as related to the duties and responsibilities of EPA, and we have no comments to offer."

Pursuant to the requirements of Section 404 of the DOE Act, upon issuance this proposed rule will be referred to the Federal Energy Regulatory Commission to determine whether this proposed rule may significantly affect any function within the Commission's jurisdiction pursuant to Section 402(a)(1), (b) and (c)(1) of that Act. The Commission will have until August 25, 1978, the date the public comment period closes, to make this determination.

A regulatory analysis of the proposed amendments, as contemplated by Executive Order No. 12044, may be obtained from the ERA, 2000 M Street, Room 6308E, Washington, D.C. 20461, 202-254-8690.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., June 15, 1978.

David J. Bardin,
Administrator, Economic Regulatory Administration.

1. Section 211.62 is amended to delete the definition of "East Coast market" and to revise the definitions of "eligible firm," "eligible product," and "national domestic crude oil supply ratio," and to add the definition of "import-dependent area" to read as follows:

§ 211.62 Definitions.

* * * * *

"Eligible firm" means any firm that (a) imports an eligible product into an import-dependent area for sale or use in that area, (b) is the importer of record under a license issued pursuant to Part 213 of this chapter, and (c) owns the eligible product at the time of importation. "Importation" for purposes of this subpart shall be as defined in paragraph (j) of § 213.27 of Part 213 of this chapter.

"Eligible product" means residual fuel oil imported into an import-dependent area, except that an import of residual fuel oil into United States customs territory from the U.S. Virgin Islands shall not be considered an eligible product.

* * * * *

"Import-dependent area" means the geographical areas coextensive with Bureau of Mines East Coast Petroleum Refining District and the State of Michigan.

* * * * *

"National domestic crude oil supply ratio" means, for a particular month, the volume of deemed old oil (as defined in § 211.67(b)) included in the aggregate adjusted crude oil receipts of all refiners, decreased by a number of barrels of deemed old oil equal to the number of entitlements issuable to small refiners under § 211.67(e) and the number of entitlements issuable under § 211.67(a)(5), divided by the sum of the total volume of the crude

oil runs to stills for all refiners for that month and the total volume of imports of eligible products by eligible firms for that month. The calculation of the national domestic crude oil supply ratio for each month shall take into account entitlement purchase or sale requirements resulting from the correction of reporting errors pursuant to paragraph (j) of § 211.67.

* * * * *

2. Section 211.66 is revised in paragraph (j) to read as follows:

§ 211.66 Reporting requirements.

* * * * *

(j) *Monthly report by eligible firms.* On or prior to the fifth day of each month, commencing with the month of September 1978, each eligible firm that has imported an eligible product in the second month preceding that month shall file with the ERA a report certifying the following:

(1) The identity, volumes, ports of origin and entry and registry of vessels used in transportation of any eligible products imported by that eligible firm in that preceding month.

(2) That the eligible product was imported for sale in an import-dependent area.

(3) Such other information as the ERA may request.

* * * * *

3. Section 211.67 is revised in subparagraph (3) of paragraph (a) and in subparagraph (4) of paragraph (d) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.*

* * * * *

(3) For each month, commencing with the month of July 1979, each eligible firm that has imported an eligible product in that month (i) on which it has paid the fees set forth in § 213.35(c)(1) of Part 213 of this chapter shall be issued a number of entitlements equivalent to the number of entitlements that would be received by a refiner (without giving effect to the provisions of § 211.67(e)) in that month with respect to inclusion of a number of barrels of crude oil in that refiner's crude oil runs to stills equal to the number of barrels of that eligible product imported by that eligible firm; or (ii) pursuant to an allocation not subject to license fees as set forth in § 213.15 of Part 213 of this chapter shall be issued a number of entitlements so as to result in the receipt of a per barrel entitlement value for its eligible product imports that is less by the amount of the product fee set forth in § 213.35(c)(1) of this chapter than would be received by a refiner (without giving effect to the provisions of § 211.67(e)) in that month with respect to inclusion of a barrel of crude oil in that refiner's crude oil runs to stills. An eligible product is imported for purposes of this paragraph (a)(3) in the month, as specified on Customs Forms 7501 or 7505, as appropriate, in which importation takes place.

* * * * *

(d) *Adjustments to volume of crude oil runs to stills.*

* * * * *

(4) For purposes of the calculations in subparagraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio (but not for purposes of paragraph (e) of this section), the volume of crude oil runs to stills of any refinery located in the United States Virgin Islands attributable to production of residual fuel oil for sale or use in an import-dependent area which is imported pursuant to an allocation not subject to license fees as set forth in §§ 213.12, 213.15 and 213.29 of this chapter shall be adjusted so that the per barrel entitlement value issued with respect to said volume of crude oil runs is reduced by the product fee set forth in § 213.35(c)(1) of this chapter.

[FR Doc. 78-17061 Filed 6-16-78; 11:25 am]

[3128-01]

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

EXCEPTION APPLICATIONS RELATING TO THE USE OF CALIFORNIA CRUDE OIL

Public Hearing

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Public Hearing and Solicitation of Written Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) hereby solicits written comments and gives notice of a public hearing to be held to receive comments regarding a series of exception applications from the crude oil entitlements program which it anticipates receiving involving California crude oil. This notice is issued in conjunction with a final rule of the DOE's Economic Regulatory Administration that provides for increased entitlements benefits for certain California crude oil. The hearing will be held in Los Angeles, California and is designed to solicit suggestions with respect to the analysis of those exception applications.

DATES: Hearing: July 6, 1978. Written Comments by: July 25, 1978.

ADDRESSES: Hearing Location: Los Angeles Convention Center, Room 207, 1201 Figeroa Street, Los Angeles, California 90015. Written Comments to: Debra Kidwell, Office of Public Hearing Management, Box U E, 2000 M Street NW., Room 2313, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Debra Kidwell, Office of Public Hearing Management, 2000 M Street NW., Room 2313, Washington, D.C. 20461, 202-254-8846.

Thomas L. Wieker, Deputy Director, Office of Hearings and Appeals, 2000 M Street NW., Room 8014, Washington, D.C. 20461, 202-252-9681.

SUPPLEMENTARY INFORMATION: The Department of Energy has recognized that certain producers of low-gravity California crude oil are disproportionately affected by the operation of the Old Oil Entitlements Program (10 CFR 211.67). (Preamble, Amendments to Entitlements Program to Reduce Entitlement Obligations for Lower Tier Crude Oil Produced in California, 42 FR 62897, 62898 (December 14, 1977).) According to the DOE's determinations, those producers are encountering difficulties in selling low-gravity crude oil at applicable ceiling prices because of the entitlement obligations that are incurred by any refiner that purchases the crude oil involved. *Id.* As a result, refiners have been reluctant to purchase the crude oil at ceiling prices, and a number of California producers have stated that they are faced with the imminent prospect of shutting-in domestic crude oil production. *Id.*

In an effort to remove the economic disincentives that inhibit refiners from purchasing low-gravity California crude oil, the DOE today issued amendments to the Entitlements Program. The purpose of those amendments, as set forth in the preamble to the rulemaking proceeding, is to better equalize the after-entitlement cost of controlled and uncontrolled crude oil and to provide greater incentives for refiners to purchase price-controlled crude oil. The regulatory amendments to Section 211.67 are constructed so as to accomplish this objective in three ways. First, a refiner that purchases low-gravity California crude oil at upper tier as well as lower tier prices is eligible to receive certain additional entitlement benefits. Second, the level of benefits is based on a graduated scale, rather than on a uniform amount, and will vary according to the extent to which the weighted average gravity of California upper tier and lower tier crude oil in the refiner's crude oil receipts in a given month falls below certain specified gravity levels. Finally, the increased entitlement benefits accorded refiners that purchase California crude oil would be offset by spreading the resulting costs among all crude oil runs to stills in all domestic refineries. The amendments adopted today are effective for crude oil receipts and crude oil runs to stills for refiners purchasing low-gravity California crude oil commencing on June 1, 1978 and will be reflected in entitlements notices published in August 1978 and subsequent months.

Although the DOE anticipates that these generally-applicable regulatory amendments will to a substantial degree alleviate the obstacles encountered by producers of low-gravity California crude oil in locating markets for their production, the DOE recognizes that excessive supplies of domestic crude oil might well continue to exist in California. One possible solution to this situation is to remove the economic obstacles that currently inhibit non-California refineries in processing that crude oil. As the preamble to today's amendments indicates, in order to provide an effective administrative method of removing these disincentives on a case-by-case basis, the DOE Office of Hearings and Appeals will entertain requests for exception relief filed by firms where economic disincentives inhibit the purchase of California crude oil. It is our view that exception relief from the Entitlements Program would be appropriate under the gross inequity standard where a showing is made that relief is necessary to offset high transportation and other costs and where there is the danger that continued production of crude oil involved would be uneconomic unless relief were approved. It is the DOE's hope that firms will submit such applications at the earliest possible date.

To facilitate its review of exception requests in which non-Californian refiners seek to remove the economic disincentives that would otherwise prevent them from processing California crude oil, the Office of Hearings and Appeals is interested in soliciting views from affected parties. The Office of Hearings and Appeals is particularly interested in receiving the views of affected parties as to the specific adjudicative criteria that might be applied in considering exception applications of that nature and the data that applicants should be required to furnish. Consequently, it will hold a public hearing in Los Angeles, California on July 6, 1978, in order to receive oral testimony with respect to these issues.

In order to enable the participants at that hearing to focus their attention on the matters which are of particular concern to the Office of Hearings and Appeals, it would be useful to indicate our preliminary views at this time.

A producer or refiner might be able to demonstrate that certain California crude oil will not readily be purchased by California refineries at the applicable ceiling prices and that the inability of the producer to sell the crude oil at that price will require a well to be shut-in. Exception relief would normally be granted to the producers to alleviate that situation under our current procedures; however, if a further showing is made that the exception requested would lead to the use of California crude oil in a domestic refinery located outside of California in place of imported crude oil, relief could be granted to the refiner to enable it to purchase and process the California crude oil on an economic basis.

It would appear that a refiner which anticipates purchasing domestic crude oil that has in the past been processed in California refineries and physically transporting the crude oil to a refinery located outside of California should be able to provide rather specific information with respect to the foreign crude oil that would be replaced. The data regarding the replaced foreign crude oil could include: the characteristics of the crude oil such as type, quantity and quality; identification of the foreign source; the landed cost; contractual purchase arrangements; a listing of products produced from the crude oil and their current market value; and the cost of refining the crude oil. In addition, it would appear that the refiner should be able to

readily indicate the cost of transporting the domestic crude oil to the refinery which will process the crude oil, the cost of refining the crude oil, the products to be produced from the crude oil, and the market value of those products.

It is of course possible that the California crude oil which a non-Californian refiner acquires might also be used to increase its runs to stills by augmenting its current feedstock with California crude oil. Under these circumstances data similar to the information discussed above could be provided as to the relative costs of acquiring California crude oil as contrasted with other available feedstocks. Another factor that would be taken into account in making the judgment as to whether an exception should be granted under these circumstances is the extent to which approval of the exception would result in a shut-in of non-Californian crude oil production that is currently being recovered.

In analyzing exception applications to accord additional entitlements to California crude oil it would also appear to be useful to receive specific data regarding the refinery which proposes to process the crude oil. That data could include, for each of the last 12 months, the source, quantity, quality, and cost of each type of crude oil processed at the refinery, the volume of each product produced, and refining costs. The Office of Hearings and Appeals would find it very useful to receive the comments of interested persons as to the feasibility of providing data of that type in exception applications relating to California crude oil.

A further issue which will be present in exception submissions involving California crude oil is the appropriate level of relief from the Entitlements Program. We presently anticipate that the level of relief to be accorded would be calculated by comparing the costs and revenues associated with processing the displaced foreign crude oil with similar data for processing the domestic crude oil. However, after that comparison is made, it would still appear to be necessary to provide an additional benefit to lead a refiner to the conclusion that it would be worthwhile for the firm to abandon an established arrangement for obtaining crude oil and to purchase California crude oil instead. One possibility is to provide additional entitlement exception relief equal to the 21-cent per barrel incentive for refining domestic crude oil provided in § 211.67(i)(4). In this regard, we request comments as to whether it would be sufficient to establish criteria under which relief granted would be based solely on the refiner's transportation costs and any reduced revenue expectation due to changed product yield.

We are hopeful that the type of specific standards that might be developed for evaluating exception applications will enable firms to submit relatively simple economic, financial and operating data. It is our further expectation that the type of date submitted will enable the Office of Hearings and Appeals to resolve the cases before it within several weeks after all necessary material has been provided by the applicant. Consequently, we are interested in receiving suggestions as to techniques that would facilitate the expeditious processing of applications for exception by non-Californian refiners. Suggestions regarding a simplified date submission format, as well as calculation methods to be used in determining the level of relief, would be very useful. Since any exceptions granted would be reviewed periodically, we are also interested in comments on the appropriate time period for conducting such reviews. The Office of Hearings and Appeals is aware of the need for contractual certainty between refiners and producers, but believes that it is nevertheless necessary to review the exceptions periodically in order to determine whether the basis for exception relief continues to exist. Comments should focus on whether a three, six, or twelve month review period would achieve the most desirous balance of these objectives.

Public Hearing and Comment Procedure

Written Comments

It would be useful for the Office of Hearings and Appeals to receive written comments prior to the date on which the public hearing is being conducted. Accordingly, those comments are requested to be submitted no later than June 30, 1978.

Any person that wishes to do so may, however, submit additional written views or comments with respect to the matters discussed in this Notice. Those comments should be submitted no later than July 25, 1978. Any person that did not previously do so may also submit written comments by July 25, 1978. All comments should be addressed to the Office of Public Hearing Management at the address indicated above and should be identified on the outside envelope and on the document with the designation: "Exception Applications Relating to the Use of California Crude Oil." Fifteen copies should be submitted.

Any information or data submitted which a person considers to be confidential must be so identified. Two copies of the confidential material should be provided. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

Public Hearing

As stated above, the Office of Hearings and Appeals has scheduled a public hearing in order to receive oral comments on the standards for exception relief. The hearing will be held in Los Angeles, California, on July 6, 1978, at the Los Angeles Convention Center, 1201 Figeroa Street, Room 207, Los Angeles, California 90015, at 9:30 a.m. Any person who wishes to make an oral presentation at this hearing should contact Ms. Debra Kidwell at the address provided at the beginning of this notice by June 27, 1978. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those selected to make oral presentations will be notified by telephone on June 30, 1978. The Director of the Office of Hearings and Appeals will preside at the hearing.

If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The DOE will retain the entire record of the hearing and will make it available for inspection at the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., June 15, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

[FR Doc. 78-17182 Filed 6-19-78; 9:48 am]

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(Revised as of October 1, 1977)

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[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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