



# Federal Register

## highlights

### FEDERAL GRANT PROGRAMS

#### Announcing a New Weekly Feature

To assist readers wishing to keep abreast of federally funded grant programs, the FEDERAL REGISTER is adding a new listing to the weekly Reminders section published every Wednesday. Beginning with the issue of August 2, 1978, the Wednesday Reminders section will include a listing of grants related documents published in the FEDERAL REGISTER during the previous week.

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

| Monday          | Tuesday    | Wednesday | Thursday        | Friday     |
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|                 | HEW/FDA    |           |                 | HEW/FDA    |

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

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

**NOTE:** As of July 3, 1978, documents from the following agencies in the Department of Health, Education, and Welfare are no longer being assigned to the Tuesday/Friday schedule: Alcohol, Drug Abuse and Mental Health Administration (ADAMHA); Center for Disease Control (CDC); Health Resources Administration (HRA); Health Services Administration (HSA); National Institutes of Health (NIH); and Public Health Service (PHS).

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**List of Public Laws**

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: July 14, 1978]

- H.R. 2176 .....Pub. L. 95-320  
Federal Banking Agency Audit Act. (Jul 21, 1978; 92 Stat. 391) Price; \$.50.
- H.R. 9757 .....Pub. L. 95-321  
To impose a moratorium on any increase in the public lands grazing fee for the 1978 grazing year, and for other purposes. (Jul 21, 1978; 92 Stat. 394) Price: \$.50.
- H.R. 11232 .....Pub. L. 95-322  
To authorize appropriations to carry out the Standard Reference Data Act, and to authorize appropriations for the National Bureau of Standards. (Jul 21, 1978; 92 Stat. 395) Price \$.50.



# rules and regulations

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

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

[6351-01]

## Title 17—Commodity and Securities Exchanges

### CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

#### PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

##### Exemption of Certain Commodity Trading Advisors From Provisions of the Commodity Exchange Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

**SUMMARY:** The rule basically exempts from registration as a commodity trading advisor persons engaged in the buying or selling of cash commodities, and associations of such persons, whose commodity advice is directed solely to the cash commodity market (as distinguished from the commodity futures, commodity options or leverage contract markets) and whose advice is incidental to the conduct of the person's business or profession. The rule also exempts these persons from reporting their futures market positions to their clients and subscribers. The exemption is being granted because the burdens imposed by registration and commodity position reporting upon the persons covered by the rule would significantly outweigh the benefits obtained by subjecting them to these provisions.

The persons exempted by the rule will, however, remain subject to the antifraud provision in the Commodity Exchange Act ("act") for commodity trading advisors, section 40, and to suit in reparations.

EFFECTIVE DATE: July 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Lawrence Eisner, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, 202-632-5124.

**SUPPLEMENTARY INFORMATION:** Section 4m of the act, 7 U.S.C. 6m, states that "it shall be unlawful for

any commodity trading advisor \* \* \* unless registered under this act, to make use of the mails or any means or instrumentality of interstate commerce in connection with his business as such commodity trading adviser," unless, during the course of the preceding 12 months, the commodity trading adviser ("CTA") did not furnish commodity trading advice to more than 15 persons and hold himself out generally to the public as a CTA. Section 2(a)(1) of the act, 7 U.S.C. 2(a), defines a CTA as:

any person who, for compensation or profit, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities \* \* \*.

Section 2(a)(1) excluded from the definition, however:

1. "Any bank or trust company",
2. "Any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant or teacher",
3. "Any floor broker or futures commission merchant",
4. "The publisher of any bona fide newspaper, newsmagazine, or business or financial publication of general or regular circulation, including their employees",
5. "Any contract market", and
6. "Such other persons not within the intent of this definition [the CTA definition] as the Commission may specify by rule, regulation or order \* \* \*."

In order to qualify for the exclusion, the person's commodity advice must be "solely incidental" to the conduct of its business or profession. Id.

The act and the Commission's rules impose a variety of affirmative duties upon persons who are required to register as CTA's. They must file a registration application with the Commission (section 4n(1) of the act, 7 U.S.C. 6n(1), and CFTC rule 1.10c); pay a registration fee (CFTC rule 1.11); report changes that make the information in the application inaccurate or no longer current (CFTC rule 1.14(a)(4)); renew their registration yearly to remain registered (section 4n(3)); maintain a record of the names and addresses of all clients and subscribers

and keep copies of all literature or advice distributed to clients and subscribers (section 4n(4)(A)); and maintain such other books and records, and file such reports, as the Commission prescribes (id.). And, unless otherwise authorized by the Commission, all CTA's (whether or not registered under the act) must report their futures market positions to their clients and subscribers (section 4n(4)(B)). In addition, the Commission has proposed a comprehensive series of rules for CTA's (42 FR 9278, Feb. 15, 1977).

The Commission has requested and received comment from the public on three separate occasions regarding which types of CTA's, if any, should be excluded from the CTA definition. 40 FR 20663 and 29090 (May 12 and July 10, 1975); and 42 FR 9278 (Feb. 15, 1977). And, in order to obtain further information on CTA's the Commission has analyzed the information contained in the CTA registration applications and the responses to a detailed questionnaire distributed in 1977 to all registered CTA's.

After considering the comments and the information contained in the registration applications and questionnaire responses, the Commission has decided to exempt from registration—but not to exclude from the CTA definition, for the reasons stated below—any cash market dealer, producer, processor, or broker (or any other person similarly engaged in the business of buying or selling a cash commodity or a product or byproduct thereof), and any nonprofit, voluntary membership, farm or trade association, whose commodity advice is (a) directed solely to cash commodity transactions (as distinguished from commodity futures, commodity option or leverage transactions) and (b) incidental to the person's business. The rule also exempts these persons from the position reporting requirement of section 4n(4)(B), which, as noted above, applies to all CTA's whether or not registered. The exemption from registration will of course exempt the persons covered by the rule from section 4n(1) (filing of registration application); section 4n(3) (renewal of registration application); section 4n(4)(A) (recordkeeping and reporting requirements); and CFTC rules 1.10c, 1.11 and 1.14(a)(4).<sup>1</sup> The comments received by

<sup>1</sup>In addition, the Commission expects that any substantive rules it adopts for CTA's  
Footnotes continued on next page

the Commission were generally in support of the results that would be achieved by the rule.

The exemption is being granted because the Commission is presently of the view that the burdens imposed by the above-listed provisions upon the persons covered by the rule significantly outweigh any benefits that can be obtained by subjecting them to these provisions; the exemption will also reduce the burden and cost to the Commission of processing CTA registration applications and monitoring compliance with the above provisions.

A principal reason for the regulation of CTA's is that their advisory activities cause a substantial volume of commodity futures trading. Section 41 of the act, 7 U.S.C. 61. The commodity advice rendered by the CTA's covered by the rule, however, is not directed toward commodity futures (or commodity options or leverage contracts) but rather toward cash commodities. The commodity advice of these CTA's is thus not likely to affect the futures (or option or leverage) markets significantly.

The Commission is adopting an exemption rule rather than an exclusion because it believes that the persons covered by the rule should remain subject to section 40, the principal antifraud provision of the act applicable to CTA's.<sup>2</sup> Whereas an exclusion from the statutory definition would make section 40 inapplicable to the persons covered by the rule, the exemption approach will not. Section 40 should remain applicable to the persons covered by the rule because (1) their clients and subscribers are entitled to the protections of the antifraud provisions whether or not these persons remain obligated to be registered and (2) the section will impose no affirmative regulatory burdens on these persons.

The Commission recognizes that section 40 expressly applies only to CTA's "registered under this act [the Com-

modity Exchange Act]." However, in view of the remedial purposes to be served by bringing CTA's under regulation for the first time in 1974, the Commission does not believe that Congress intended at the same time to shelter from the provisions of section 40 CTA's who violate the law by not registering under the Act.<sup>3</sup> In the Commission's view, all CTA's whether registered or required to register, must refrain from fraudulent conduct.<sup>4</sup> Similarly, the Commission believes that those CTA's whom the Commission exempts from registration should remain subject to the section 40 antifraud provisions. In order to make this clear, the Commission has expressly required, as a condition to the exemption of rule 1.71, that the provisions of section 40 apply to persons exempted from registration and that it will continue to be unlawful for these CTA's to violate the provisions of that section.

Since alleged violators of section 40 are now subject to reparation proceedings, the Commission believes that the CTA's exempted from registration by the rule should remain subject to suit in reparations (section 14 of the act) and, in order to make this clear, the rule expressly states that as a condition of exemption the CTA's covered by the rule are subject to suit in reparations. These CTA's would not, however, be suable in reparations for a future violation of those provisions of the act from which they are exempted by rule 1.71.

In order to qualify for the exemption, the person's commodity trading advice must be "solely directed to cash commodity transactions \* \* \*." The Commission recognizes that commodity advice addresses only to cash commodity situations—for example, advice issued by a farm bureau to farmers regarding crop conditions—could sometimes be used in futures market decisionmaking. It is not the Commission's intention to make the exemption unavailable whenever this occurs. Nor is the exemption meant to be unavailable where a person or association engaged in a cash commodity business and giving cash commodity advice refers to the price of a relevant futures contract in a manner solely incidental to those activities. The exemp-

tion is clearly inapplicable, however, to person whose commodity advice is in fact intended for use by futures, options or leverage traders, notwithstanding the fact that the advice is presented in the form of a discussion as to the value of the underlying cash commodity.

Commodity advice that relates to the producing, handling, or processing of cash commodities (for example, advice as to when to plant a commodity) will generally be viewed as relating to cash commodity "transactions" even though the advice is perhaps not directly transaction-related.

Rule 1.71 is being adopted pursuant to, inter alia, section 8a(5) of the act, 7 U.S.C. 12a(5), which authorizes the Commission to adopt such rules as, in its judgment, are reasonably necessary to effectuate any of the act's provisions or accomplish any of its purposes. Rule 1.71 meets this standard because it does not appear to the Commission at this time that a significant public interest would be served by requiring the persons covered by the rule to comply with the affirmative obligations imposed upon CTA's by the act and the Commission's rules, whereas the costs of compliance could be substantial. In addition, the exemption will reduce the number of CTA applications to process, thereby enabling the Commission to devote more resources to other applicants.

In specifying certain exclusions from the broad CTA definition and in empowering the Commission to specify other persons as not within the intent of the definition, Congress recognized that no substantial public interest would be served by having all persons within the definition subject to registration and other regulatory requirements. The Commission's discretionary authority to exclude persons was intended to be exercised "to exempt from registration those persons who otherwise meet the criteria for registration \* \* \* if, in the opinion of the Commission, there is no substantial public interest to be served by such registration." H.R. Rep. No. 93-975, 93d Cong., 2d Sess. (1974), p. 29.

Other categories of CTA's may be excluded from the section 2(a)(1) definition, or exempted from provisions of the act, after the Commission has reached a decision regarding the proposed CTA rules, which would establish disclosure, recordkeeping, reporting, and other requirements for CTA's. See 42 FR 9287, supra. For the present, the Commission will, however, adhere to the position expressed in 40 FR 29009, supra, that it will take no enforcement action, for failure to reg-

Footnotes continued from last page

will not apply to CTA's who are exempt from registration.

<sup>2</sup>Section 40 basically makes it unlawful, among other things, for any CTA to defraud an existing or prospective client or subscriber. The text of section 40(1) is as follows:

"It shall be unlawful for any commodity trading adviser or commodity pool operator registered under this act, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—

(A) To employ any device, scheme, or artifice to defraud any client or participant or prospective client or participant; or

(B) To engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or participant or prospective client or participant.

<sup>3</sup>Cf. *Stucki v. American Options Corp.*, C.F.T.C., No. R77-59 (Feb. 13, 1978) (consolidated with *Tejeda v. Knight*, C.F.T.C., No. R77-78).

<sup>4</sup>Bills presently pending before Congress would amend section 40 to make clear that CTA's are subject to this section when they are registered or are required to be registered. S. 2391 (passed by the Senate on July 12, 1978), H.R. 10285, 95th Cong., 2d Sess. (1978).

ister, against the CTA's who qualify for the exclusions proposed therein.

Since the rule relieves a restriction, its effective date may be less than 30 days after its publication, 5 U.S.C. 553(d)(1). And, since the rule will relieve various persons of a substantial burden, the Commission deems it appropriate to make the rule effective upon publication.

In consideration of the foregoing and pursuant to sections (2)(a)(1), 4c, 4l, 4m, 4n, 4o, and 8a of the act, 7 U.S.C. 2 (a), 6c, 6l, 6m, 6n, 6o, and 12a (1976), and section 217 of the Commodity Futures Trading Commission Act of 1974, 88 Stat. 1405, 7 U.S.C. 15a, the Commission hereby amends Part 1 of Title 17 of the Code of Federal Regulations by adding a new § 1.71 which provides as follows:

§ 1.71 Exemption of certain commodity trading advisors; continued applicability of antifraud and reparations sections.

(a) The following persons are not required to register with the Commission as commodity trading advisors or comply with the requirements of section 4n(4)(B) of the act—

(1) Any cash market dealer, producer, processor or broker, or other person similarly engaged in the business of buying or selling a cash commodity or a product or byproduct thereof, and

(2) Any nonprofit, voluntary membership, farm or trade association, whose commodity trading advice is solely directed to cash commodity transactions and is solely incidental to the conduct of the person's business as such, except that if the person is also a commodity pool operator it shall not be exempt from section 4n(4)(B) in its capacity as a commodity pool operator.

(b) For purposes of this section, cash commodity transactions shall not include transactions involving contracts of sale of a commodity for future delivery or transactions subject to regulation by the Commission under section 4c(b) of the act or under section 217 of the Commodity Futures Trading Commission Act of 1974.

(c) The provisions of sections 4o and 14 of the act shall apply to any person exempted by paragraph (a) of this section and it shall continue to be unlawful for any such exempted person to violate section 4o of the act.

Issued in Washington, D.C., on July 21, 1978, by the Commission.

GARY L. SEEVERS,  
Vice-Chairman, Commodity Futures Trading Commission.

[FR Doc. 78-20779 Filed 7-25-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-251]

PART 153—ANTIDUMPING

Antidumping—Large Power Transformers from Switzerland; Modification or Revocation of Dumping Finding

AGENCY: United States Treasury Department.

ACTION: Revocation of dumping finding.

SUMMARY: This notice is to inform the public that large power transformers from Switzerland are no longer being sold at less than fair value under the Antidumping Act, 1921. In addition, the Swiss seller has given assurances that future sales will not be at less than fair value. As a result of this action, shipments of large power transformers from Switzerland which were entered, or withdrawn from warehouse for consumption, on or after July 16, 1976, will not be liable for special dumping duties.

EFFECTIVE DATE: July 26, 1978.

FOR FURTHER INFORMATION CONTACT:

David P. Mueller, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 14, 1972, a finding of dumping with respect to large power transformers from Switzerland was published in the FEDERAL REGISTER as Treasury Decision 72-163 (37 FR 11773). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise was published in the FEDERAL REGISTER of July 16, 1976 (41 FR 29435).

Reasons for the tentative determination were published in the above-mentioned notice and interested persons were afforded an opportunity to provide written submissions or request the opportunity to present oral views in connection therewith.

Subsequent to publication of the tentative revocation, it was discovered that several large power transformers had been imported from Switzerland during the period between the dumping finding and the tentative revocation. Accordingly, Customs requested and received appropriate information

on those imports and on contemporaneous home market sales. Analysis of that information reveals no sales at less than fair value.

Having considered all submissions, and being satisfied that all importations of transformers prior to July 16, 1976, have been made at not less than fair value, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding," large power transformers from Switzerland are not being, nor are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.), and T.D. 72-163 is hereby revoked.

Accordingly, § 153.46 of the Customs regulations (19 CFR 153.46) is amended by deleting the reference to large power transformers from Switzerland (T.D. 72-163).

This notice is published pursuant to § 153.44(d) of the Customs regulations (19 CFR 153.44(d)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

HENRY C. STOCKELL, JR.,  
Acting General Counsel  
of the Treasury.

[FR Doc. 78-20681 Filed 7-25-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Nonidentical Bulk Rate Third-Class Mailings

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: On July 6, 1978, the Governors of the Postal Service approved a recommended decision of the Postal Rate Commission, issued May 24, 1978 (docket No. MC 76-3) that mail pieces that are not of identical size and weight may be mailed as regular rate bulk third-class mail when specific methods approved by the Postal Service for ascertaining and verifying postage are followed. In order to carry out the Governors' decision, changes were ordered to be made in the Domestic Mail Classification Schedule, and the Board made the decision effective at 12:01 a.m. on August 6, 1978. The purpose of this rulemaking is to adopt changes to the Postal Service Manual consistent with the changes to the Domestic Mail Classification Schedule described above, and to prescribe and approve specific methods for ascertaining and verifying postage on pieces that are not of identical size and weight.

**EFFECTIVE DATE:** August 6, 1978. Written comments should be received on or before August 24, 1978.

**ADDRESS:** Comments on these regulations are solicited and will be considered with a view toward making changes in the regulations in the future. Comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Room 1610, 475 L'Enfant Plaza SW., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 1610, 475 L'Enfant Plaza SW., Washington, D.C. 20260.

**FOR FURTHER INFORMATION CONTACT:**

Clent Crocker, 202-245-4353.

**SUPPLEMENTARY INFORMATION:** Classification schedule provisions on regular rate bulk third-class mail in effect prior to the above mentioned decision of the Governors required that items be identical as to size and weight and be mailed in quantities of at least 200 pieces or 50 pounds. The Governors' decision eliminated the requirement of identical pieces for mailings in which acceptance and verification procedures satisfactory to the Postal Service are available for third-class mailers to follow. This rulemaking adopts acceptance and verification procedures satisfactory to the Postal Service, which must be in effect if nonidentical pieces are to be accepted on the effective date, August 6, 1978, of the changes to the Domestic Mail Classification Schedule, as intended by the Board.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments from the public whenever it proposes a new or amended regulation such as this, which would have or might have a substantial effect on the public. In this case, however, publishing these rules as proposals, with a comment period of 30 days, would delay adoption of final rules beyond the effective date ordered by the Board and thus work to the disadvantage of mailers who may desire to begin mailing nonidentical pieces at the bulk rate as soon as possible.

Accordingly, the Postal Service finds that it is impracticable, unnecessary, or contrary to the public interest to follow its customary practice of promulgating these rules as proposed rules and seeking comments thereon as provided by 5 U.S.C. 553 (b) and (c). We do, however, wish to reiterate that

comments are welcomed on the rules published (which we expect may be interim rules), and that any proposed changes will be considered and acted upon, as appropriate.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions of the Postal Service Manual:

**PART 134—THIRD CLASS**

1. In 134.2 revise .222 to read as follows:

**134.2 Classification**

.222 *Bulk rates.* (a) Bulk rates are applied to mailings of not less than 50 pounds or of not less than 200 pieces presorted to ZIP Code destinations in accordance with 134.43. (b) Regular rate mailings may include pieces subject to minimum per piece and pound rates when postage is paid by meter stamp.

(c) All pieces in a permit imprint mailing must be subject to the same rate, i.e., pieces subject to the minimum per piece rate shall not be included in the same permit imprint mailing with pieces subject to the pound rate.

(d) Postage is computed at pound rates, except that in no case shall less than the minimum charge per piece be paid.

(e) All pieces in mailings at the special rates for authorized organizations (134.5) must be of identical size and weight.

(f) Bulk rate mailings of non-identical weight pieces are to be of only one characteristic type: E.g., letter sized, flats, regular parcels, or irregular parcels (formerly called SPR's).

(g) In so far as is practical consistent with these instructions, it is recommended that mailers merge and presort third-class matter presented for mailing during a day.

2. In 134.4 revise .421 and .422 and add new .424c reading as follows:

**134.4 Preparation—Payment of Postage**

.421 *Annual fee.* A fee of \$40 must be paid once each calendar year by or for any person who mails at the bulk third-class rates. Any person who engages a business concern or another individual to mail for him must pay the \$40 fee. This fee is separate from the fee that must be paid for a permit to mail under the permit imprint system (145.1). The annual bulk mailing fee must be paid at or before the first bulk rate mailing of each calendar year. An alphabetical record of customers who have paid the \$40 fee must be kept at the weighing section or any other place where bulk mailings are accepted and cleared. The record must show whether the mailer has been authorized to mail as one of the organizations or associations named in 134.5.

.422 *Payment of postage.* (a) *Identical weight pieces.* Postage may be paid by any of the following methods:

- (1) Meter stamps. See part 144.
- (2) Precanceled stamps or precanceled stamped envelopes. See part 143.
- (3) Permit imprints (cash). See part 145.

B. *Nonidentical weight pieces.* (1) *Pound rates—(a) Permit imprint.* When all pieces in a nonidentical mailing are subject to a pound rate, postage may be paid by permit imprint. Postage for permit imprint mailings of nonidentical weight pieces subject to pound rates is computed on the entire bulk mailed at one time. (b) *Meter stamps.* Postage may be paid by meter stamps on mailings subject to a pound rate. Each piece must have full metered postage affixed. Postage for each piece will be computed by multiplying the weight of the piece by the pound rate. The postage must be rounded up to the nearest tenth of a cent or whole cent depending upon what type of postage meter is used.

(2) *Minimum per piece rates.* Postage may only be paid by meter stamps or precanceled stamps or precanceled stamped envelopes for mailings of nonidentical weight pieces subject to the minimum per piece rate.

.424. *Mailing statement and verification.* (c) The weight of a single piece is to be entered (on form 3602 or form 3602 PC) as "nonidentical" whenever a mailing contains pieces having different weights. The mailer must also enter the number of pieces mailed and the total amount of postage paid. On form 3602 PC enter the total postage in the space which reads "Postage chargeable per piece."

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401(2).)

W. ALLEN SANDERS,  
Assistant General Counsel.

[FR Doc 78-20615 Filed 7-25-78; 8:45 am]

[4110-35]

**Title 42—Public Health**

**CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED**

**PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS**

**Lowest Charge Level for Medical Services, Supplies, and Equipment**

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulations.

SUMMARY: These rules provide that charges allowed under medicare and

medicaid for medical services, supplies, and equipment (including equipment servicing) that, in the judgment of the Secretary, do not generally vary significantly in quality from one supplier to another may not exceed the lowest charge level at which the items and services are widely and consistently available in a locality. The rules implement sections 1842(b)(3) and 1903(i)(1) of the Social Security Act. The purpose is to make sure that payments made under these programs are reasonable.

**EFFECTIVE DATE:** July 1, 1978. Although this is a final rule, we will welcome written comments or suggestions received on or before September 25, 1978, with a view toward possible revisions.

**ADDRESS:** Address comments to: Administrator, Health Care Financing Administration, U.S. Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. In commenting, please refer to file code MAB-13-R. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection in Room 5231 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., telephone: 202-245-0950.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Paul Riesel, Branch Chief, Medicare Bureau, Health Care Financing Administration, East Building, 6401 Security Boulevard, Baltimore, Md. 21235. Telephone No. 301-594-9595.

**SUPPLEMENTARY INFORMATION:** Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) provides that charges allowed under part B of the medicare program shall not exceed charges which are reasonable. The statute states, in pertinent part:

In the case of medical services, supplies, and equipment (including equipment servicing) that, in the judgment of the Secretary, do not generally vary significantly in quality from one supplier to another, the charges incurred after December 31, 1972, determined to be reasonable may not exceed the lowest charge levels at which such services, supplies, and equipment are widely and consistently available in a locality except to the extent and under the circumstances specified by the Secretary.

Similarly, section 1903(i)(1) of the act (42 U.S.C. 1396b(i)(1)) provides that Federal financial participation shall not be made under the medicaid program to the extent that a medicaid payment exceeds the charge which is determined to be reasonable under section 1842(b)(3), quoted above.

The rules implementing these statutory authorities are summarized im-

mediately below. A discussion of the basis and purpose of the major elements of the rules is set forth in the discussion of public comments received on our notice of proposed rulemaking.

**SUMMARY OF THE RULES**

Periodically, the Secretary will select items and services that he believes do not generally vary significantly in quality from one supplier to another and that he proposes to make subject to a lowest charge level. The Secretary will publish a notice of these items and services in the FEDERAL REGISTER and will invite public comments on whether the items or services are properly identified or described and whether they are appropriate items or services for having lowest charge levels set. If the Secretary concludes that lowest charges should be set, the medicare part B carriers will calculate the lowest charge levels, for the localities within their service areas; according to the procedures set forth in § 405.511. These lowest charge levels become another "screen" or upper limit for determining reasonable charges, along with the existing screens—namely, the customary charge of the supplier, the prevailing charge in the locality, and the charge applicable for a comparable service to the policyholders or subscribers of the carrier. The lowest charge level is applicable to payments under both medicare part B and medicaid. If the Secretary determines that an item or service which is furnished under medicaid, but not under medicare, should be subject to a lowest charge level, the lowest charge level will be calculated by the State Medicaid agency, using the same procedures specified in § 405.511.

The lowest charge level for each item or service will be calculated twice a year, in January and July. The calculation is based on the charge data which the carrier (or State Medicaid agency) accumulated during the second calendar quarter preceding the determination. Thus, the January calculation will be based on data from the period July through September of the prior year and the July calculation will be based on data from the period January through March of the same calendar year. (Because this regulation is being published so close to the date for its initial implementation, the set of lowest charges will be set during July 1978, or as soon thereafter as possible.)

The lowest charge level will be set at the 25th percentile of all the charges incurred or submitted for an item or service during the quarter for which data is used. That is to say, the charges for the quarter will be listed in order of amount, beginning with the lowest. The lowest charge level

will then be set at the dollar amount which covered at least 25 percent of the charges for that quarter.

In determining which "locality" should be used for this purpose, the carrier is not required to use the same locality which it has designated for purposes of calculating prevailing charges (see 42 CFR 405.505). Subject to the approval of the Secretary, the carrier may designate its entire service area or other geographic areas which it concludes will best serve the purpose of this section.

**NOTICES OF PROPOSED RULEMAKING**

A notice of proposed rulemaking for the medicare program was published on September 20, 1976 (41 FR 40495) and one for the medicaid program was published on January 11, 1977 (42 FR 2331). At the same time we provided notice of the initial list of items and services to be subject to a lowest charge level. (The medicare notice also contained provisions dealing with payments for injections and negotiated rates for diagnostic laboratory tests. Those portions of the notice are not included in this rule, but will be promulgated separately.)

Interested parties were given 45 days to submit comments or suggestions on each of the notices. We received over 100 comments from a broad spectrum of government agencies, health professionals, and the health care industry. These comments have been carefully reviewed and significant changes were made in the proposed rule based on these comments.

The comments are categorized and summarized below, along with a discussion of our responses. Since many of the comments on the medicaid notice repeated those on the medicare notice, they are included without differentiation in the discussion which follows, except where specifically identified.

**PUBLIC COMMENTS AND RESPONSES**

**1. METHOD TO BE USED IN DETERMINING THE LOWEST CHARGE LEVEL**

The medicare notice of proposed rulemaking did not provide that the lowest charge level would be set at the 25th percentile of charges. Instead, it listed four factors which the medicare carriers were to consider in determining the lowest charge level for an item or service. The factors were: (1) the availability or accessibility of the item or service to users at the lowest charge; (2) the prompt availability of the item or service at that charge in sufficient volume and sufficient consistency to meet needs; (3) the supplier's reputation for integrity and reliability; and (4) the continuing availability of the item or service at the lowest charge level for the foreseeable

future. The notice contained an example of lowest charge level determination based on the foreseeable number of units required in a year and the supply capability of each supplier, with the lowest charge level set at the charge at which 100 percent of the foreseeable need for the item or service would be met. The notice also provided for the redetermination of a lowest charge level when the supplier with the lowest charge raised his charge, but limited such redeterminations to no more than once every 6 months except for special situations.

Many of the comments we received expressed the view that the proposed procedure for determining the lowest charge level, and the four factors, were too vague and general, and left too many decisions to carrier discretion and judgment. The comments suggested that the regulation specify in greater detail the manner for determining lowest charge levels. One commenter, for example, recommended a formula that might involve setting the lowest charge at the 50th percentile of charges or at the weighted average of charges.

After carefully considering all these comments and reviewing how the proposed regulation would be implemented, we concluded that substantial difficulties would arise under the proposed rule. For example, the criteria for determining the availability of an item or service, and the methodology set forth in the proposed regulation at § 405.510(c), had the effect of imposing a requirement that the item or service be available to all potential users at the lowest charge. This established a more stringent standard than the statutory requirement that the item or service be widely and consistently available at the lowest charge level. It also potentially required the carrier to make difficult determinations on individual claims. The proposed rule would have required the carrier to determine the volume of items and services each supplier would be able to furnish, which would have been administratively difficult and burdensome. Consequently, we have revised the final regulation to provide a more objective and administrable method, which can be uniformly applied by all medicare carriers in making lowest charge level determinations. For the reasons discussed below, the final regulation provides that the lowest charge level for an item or service will be determined in July and January of each year, and set at the 25th percentile of actual charges incurred or submitted for that item or service in the second calendar quarter preceding the determination.

There is no indication in the statute or the legislative history that the

words "widely and consistently available" were meant to require that items and services be available at the lowest charge level at all times, to all persons and in all places in the locality. In our view, it is reasonable to conclude that an item or service is widely and consistently available, within the meaning of the statute, if most people needing that item or service could expect to obtain it, at the lowest charge level price, if they did the kind of price-shopping normally done by a prudent consumer. We believe this condition is satisfied when the lowest charge level is based on the most current prices that are administratively available and reflects the prices charged in at least one of every four (and often a much higher proportion) of the transactions involving that service or item.

An examination of charge data obtained from several medicare carriers indicates that the distribution of charges is such that the 25th percentile will often encompass a much higher percentile of the charges. Sometimes the charge at the 25th percentile is the same as the charge at the 40th percentile or higher. Therefore, although we expect that the lowest charge level set at the 25th percentile of charges will normally result in a lower screen than arises under the current regulations, it will not be so severe a restriction that people cannot obtain the item or service at that level.

## 2. GENERAL CONCERNS OVER THE LEVEL TO BE SET

Many comments expressed concern that the proposed regulations would reduce payment for designated items and services to the lowest price that could be found in a given community. (Apparently, the commenters' basic concern was that the item or services would not be available at that price in sufficient quantity to meet the needs of program beneficiaries.) Although we do not believe that the proposed regulation would have had this result, we think we have addressed the expressed concerns in our revised final regulation. The 25th percentile of charges will rarely equal the lowest prices that can be found in the locality. For the reasons noted above, we think the 25th percentile is a valid criterion for the availability of an item or service. If the charge at the 25th percentile happens to be the same as the lowest price, this would mean that the item or service is readily available at that price.

Some comments expressed concern that implementation of the lowest charge level provision would reduce medicare's allowable charges to the level of many suppliers' costs, and that this could seriously affect the profitability and competitive position of many suppliers who have traditionally

furnished these items and services. One purpose of this regulation is to promote competition by encouraging suppliers whose prices are above the lowest charge level to improve their efficiency and to offer their items or services at a lower price. If an item or service is readily available at the 25th percentile, no program purpose is served by paying a higher price in order to maintain current levels of profit.

As a related issue, some comments expressed concern regarding high volume suppliers who use sophisticated analytical methods and mass production techniques and, therefore, can offer items and services at low rates. They suggested that we consider establishing separate lowest charge level limitations to take into account the different modes of providing services and items. We have not adopted this suggestion because the statutory provision authorizing lowest charge levels is specifically designed to assure that the medicare program and its beneficiaries benefit from the competitive forces at work in the marketplace, and from the cost reductions which result from technological innovations and economies of scale.

One commenter on the medicaid notice suggested that setting lowest charge levels for laboratory services will not solve the price inflation problem, because the real problem derives from high markups by physicians. This is not true, however, for payments under the medicaid program. Since payments under medicaid for physician services do not cover services performed for a physician by an independent laboratory, there is no opportunity for a physician markup. (See 42 CFR 449.10(b)(5) and HCFA action transmittal 77-35, issued Mar. 25, 1977.)

Another comment suggested that, in view of the large variation in items, services, and levels of services provided by suppliers, such variations be taken into account in determining if more than one "lowest charge level" should be established for the same type of item or service. To evaluate this comment properly, it is important to distinguish between variations which bear significantly on the quality of the item or service and those which might simply differentiate between one supplier's product and another, without significantly affecting the quality of the health care being provided. If the variation does significantly affect the quality of the item or service, then the concern essentially raises the question whether the item or service should be subject to a lowest charge level. (For a fuller discussion of this issue, see item (3) below.) If, however, the variation does not significantly affect the quality of the item or service, then no pro-

gram purpose is served by paying higher charges for an item or service simply because it can be differentiated from one available at a lower charge. The very purpose of the statutory provision is to avoid paying additional charges for items or services if there is no additional benefit to be gained.

### 3. ISSUES RELATED TO VARIATIONS IN QUALITY

A significant number of comments referred to the statutory language stating that the lowest charge level limitation should be applied only to items and services which, in the judgment of the Secretary, do not vary significantly in quality from one supplier to another.

They expressed concern that items of durable medical equipment and laboratory services do, in fact, vary in quality, and that lowest charge level determinations should take into account the differences among suppliers such as automation, business hours, availability of emergency services, quality controls, and availability of trained staff to advise and train patients in the use of durable medical equipment or to maintain and service the equipment.

It is true that there are variations in quality among items and services and the Congress was clearly aware of this when it passed the statute. Section 1842(b)(3) places responsibility on the Secretary to determine whether variations in the quality of specific services and items are significant. Lowest charge levels apply only to those items or services which he determines do not vary significantly in quality.

We have not attempted to promulgate generally applicable standards or criteria to be used in determining whether an item or service varies significantly in quality. The categories of items and services potentially subject to this provision are too diverse to permit this. Instead, we have adopted a procedure of publishing in the FEDERAL REGISTER a notice of any item or service which we propose to be subject to a lowest charge level. We will attempt to describe or specify the item or service in sufficient detail to assure that all items or services coming within the description or specification will not vary significantly in quality. The public will be invited to comment on whether the item or service, as specified, varies significantly in quality and whether the item or service should be subject to a lowest charge level. Although we will, of course, review any proposed item or service carefully before publishing a notice of our proposed designation, we think that the opportunity for members of the health care profession and the general public to review our proposed designation, and to call to our atten-

tion any information bearing on whether the item or service varies significantly in quality, will be a valuable check on the validity and accuracy of our designation and will assure that any final designation meets the statutory standards.

As we explained in our notice of the items initially proposed for coverage, we are giving priority to items or services which are most frequently reimbursed under the medicare and medicaid programs. Items and services which are utilized in large volume lend themselves most readily to descriptions and specifications that establish that the items and services do not vary significantly in quality.

Several comments were specifically directed at the quality of laboratory testing, suggesting that a laboratory test is not amenable to standardization or to measurement of its quality. Reports of deficiencies in testing by laboratories, including laboratories approved under the medicare program, were cited. While we acknowledge that there are valid concerns about laboratory quality, both the Department and the Congress are addressing this issue. Substantial resources at both the Federal and State levels are already devoted to the regulation and assurance of quality in laboratories. The detailed requirements that laboratories must meet to be certified in the medicare program provide assurance, within the present scope of administrative feasibility, that laboratories which meet these requirements offer a degree of uniformity of services sufficient to meet the statutory test of "no significant variation in quality." (See 45 CFR pt. 405, subpt. M "Conditions for Coverage of Services of Independent Laboratories.") Congress passed the Clinical Laboratory Improvement Act in 1967 (42 U.S.C. 263a) and is currently considering additional legislation regulating the performance of laboratories.

Some comments suggested that the carriers be required to examine each item of durable medical equipment to see if it meets the required standards of quality and service intended. However, from a practical standpoint, such a physical examination would not be possible for every item under consideration.

### 4. APPLICABILITY OF LOWEST CHARGE LEVEL TO LABORATORY SERVICES PERFORMED BY PHYSICIANS

One comment noted that the statutory provision on lowest charge level does not refer to physician services and, therefore, suggested that we not apply the lowest charge level to laboratory services performed by a physician, as proposed. In response, we note that the laboratory tests which will be subject to a lowest charge level will be

tests that can be competently performed by properly trained laboratory personnel and do not require the services of a physician. In our view, therefore, there should be no differentiation in the charges allowed for a designated laboratory service, based on the person performing the service. The fact that a physician performs the service does not change the nature of that service sufficiently to warrant labeling it as a physician service rather than a laboratory service. As the current medicare regulation indicates, for purposes of part B of medicare, the term "physician services" refers to services requiring performance by a physician in person. (See 42 CFR 405.483(a).) Laboratory tests simply do not meet that standard. Consequently, we will apply the lowest charge level provision to laboratory services furnished by an independent laboratory, by a physician in his own office, or by a hospital laboratory functioning as an independent laboratory. (Services furnished by hospital laboratories for hospital patients are generally subject to the provisions of subpt. D of the medicare regulations, "Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians.")

### 5. SCOPE OF THE MEDICAID REVISED REGULATION

Under the current medicaid regulation, each State must establish an upper limit on payments for noninstitutional services (other than physician services). The limit is set at the lower of the reasonable customary charge or the "prevailing charges in the locality for comparable services under comparable circumstances." (See 42 CFR 450.30(b)(4).) The States are also advised that, in setting those upper limits, they should consider the combined payments to medicare suppliers from both the medicare carriers and the beneficiaries.

The medicaid notice of proposed rulemaking would have amended this regulation by setting the upper limit for all noninstitutional medical services, supplies, and equipment at the reasonable charge recognized under part B of medicare. Thus, the proposed rule went beyond merely implementing sections 1903(i)(1) and 1842(b)(3), and attempted to provide as much consistency as possible between medicare and medicaid reimbursement policies.

Several States objected to the proposed amendments on the grounds that locking medicaid upper limits to medicare reasonable charges for noninstitutional services would be unreasonably restrictive on State medicaid programs. They said that medicaid generally provides broader coverage to a broader patient population than

medicare, and that medicare does not develop charge data for many of the services that medicaid provides (for example, maternity care and services for children). These States said that medicare charges are unrealistically low for some services, especially durable medical equipment, and forcing the States to reduce medicaid payments could jeopardize the availability and quality of benefits covered under State medicaid programs. They also pointed out that tying medicaid upper limits to medicare reasonable charges could cause problems due to differences between the two programs in definitions and coding systems for covered services and due to difficulties in exchanging information on reasonable charges.

Suppliers of durable medical equipment (DME), as well as the States, claimed that the proposed regulation would create problems in the availability and quality of DME. Medicaid programs generally pay fair market prices for DME. These payments are typically substantially higher than medicare payments, which are generally set at prevailing charges. Since prevailing charges are based on data that is approximately 18 months old, these commenters argued, they may not have kept pace with normal inflation.

We have revised the proposed amendment in response to these comments. First, the final regulation specifically implements section 1903(i)(1) by requiring the States to adopt a lowest charge level as the upper limit on medicaid payments for items and services that the Secretary judges do not vary significantly in quality from one medicaid provider to another. A lowest charge level established for the medicare program will apply to payments under the medicaid program. Lowest charge levels could also be established for items or services that are furnished under medicaid, but not under medicare. This would be done in the same manner as in medicare: The Secretary would publish a notice of items or services to be subject to lowest charge levels and the State medicaid agency, or its fiscal agent, would calculate the lowest charge level using the methodology set forth in the medicare regulation in § 405.511.

Second, with respect to items and services that are not subject to a lowest charge level, the final regulation deals separately with those items and services which are covered only under medicaid from those which are covered under both medicare and medicaid. For items and services not covered by medicare, the State medicaid agency will calculate upper limits in accord with the current regulation. (We have redrafted the regulation for greater clarity and understanding.) Thus, the upper limit is the customary

charge of the supplier or the prevailing charge for comparable services under comparable circumstances, whichever is lower. In determining prevailing charges, the State medicaid agency is instructed to look at the total payments received from third party insurers and their policyholders or subscribers.

For items and services covered under both medicare and medicaid, but not subject to a lowest charge level, the medicaid upper limit is the reasonable charge established under medicare part B by a carrier whose service area falls within the State. This is essentially the same rule that was set forth in the notice of proposed rulemaking, with clarification as to which carrier's reasonable charge calculation is to be used.

We believe these revisions in the proposed medicaid amendment, in combination with the revised methodology for calculating lowest charge levels, are responsive to the comments summarized above, for the following reasons. Only those items and services which the Secretary judges do not vary significantly in quality will be subject to lowest charge levels. As explained above, the revised procedures and standards for setting a lowest charge level are designed to assure that the item or service is widely and consistently available at that price. Therefore, there should not be any reduction in the availability or quality of medicaid benefits with respect to these items or services. Also, by retaining the reimbursement policy of the current regulation for medicaid-only services which are not subject to a lowest charge level, we are satisfying the concerns of those who were worried about the absence of medicare charge data for such items. Although we have essentially retained the proposed rule for the remaining items and services provided under both medicare and medicaid, we have done so in order to provide consistency in the reimbursement practices of the two programs. In our experience, the procedure for calculating medicare reasonable charge levels has not resulted in severe constraints on the availability or quality of items or services furnished under medicare part B. There does not appear to be any reliable evidence that such constraints will arise under medicaid because of our final rule. If such evidence begins to develop, we will examine carefully any reasonable, alternative reimbursement policy. Finally, we have not seen any evidence that there is likely to be a significant problem in exchanging information between medicare carriers and State medicaid agencies or in translating from one set of definitions or codes to another. HCFA and the medicare carriers can provide assist-

ance to the State agencies in making whatever adaptations are necessary.

The particular concern raised about durable medical equipment is addressed in two ways. First, only certain specified items will be subject to lowest cost levels and, for those items, the specification and level of payment will be adequate to assure their availability and quality. Second, the data used for setting lowest charge levels will be more current than the data used to set prevailing charges and, therefore, will better reflect current market conditions.

#### 6. DESIGNATION OF LOCALITIES

Section 1842(b)(3) requires that the lowest charge level be set at a figure at which the item or service is widely and consistently available "in a locality." The term "locality" is not defined in the statute. The notices of proposed rulemaking did not address this issue, thereby implicitly adopting for purposes of this regulation the same localities that are presently designated by the medicare carriers for use in setting prevailing charges. (See 42 CFR 405.505.)

After reviewing this matter during the comment period, we concluded that there may be advantages, when calculating and implementing lowest charge levels, in using localities other than those designated for prevailing charges. A prevailing charge locality may be too small to yield sufficient data on prior charges for a particular item or service to permit a valid calculation of the lowest charge level. Moreover, the distribution of suppliers may be such that the locality in which an item or service is widely and consistently available at a given price level does not coincide with the prevailing charge locality. For both durable medical equipment and laboratory services, it is reasonable to expect a prudent purchaser to obtain an item or service from beyond the boundaries of a prevailing charge locality, if he can do so without being substantially inconvenienced.

For these reasons, we think the carriers should have discretion to designate new localities for use in implementing this regulation. These designations are subject to our approval. Normally, we would expect the carrier to designate its entire service area or geographic areas that are larger than the prevailing charge localities.

The carrier could designate separate localities for each item or service subject to a lowest charge level, if it found that to be administratively feasible and to serve the needs of the programs. If the carrier does designate an area different from the current prevailing charge locality, it would then use the newly designated area in calcu-

lating prevailing charges for the item or service involved.

#### 7. COMMENTS ON THE SPECIFIC ITEMS AND SERVICES PROPOSED FOR INITIAL DETERMINATIONS

We received several comments on the notice listing the items and services which we proposed would first become subject to lowest charge levels. Several comments noted that the definition of a standard hospital bed did not include the variable height feature or bedside rails. They expressed the view that the definition therefore fails to meet a generalized need of patients. We purposefully adopted specifications for the hospital bed which are consistent with medicare coverage rules. These rules provide that a variable height feature serves only a convenience function and should be considered in paying for a hospital bed only when a bed is not available without this feature. Medicare coverage of side rails is contingent on there being a medical necessity for this feature in a given case.

Another comment suggested that we should adopt one definition for the standard hospital bed and another one for the mattress. Since the mattress should properly be considered an integral part of a hospital bed, we do not believe a separate definition for a mattress is necessary, even though some suppliers bill separate charges for the hospital bed and the mattress.

Two State medicaid agencies suggested that the codes used for identifying laboratory services are obsolete and inappropriate. The codes used are from the 1964 edition of the California relative value studies (CRVS). We reviewed the possibility of using other codes and systems, including the current procedural terminology developed by the American Medical Association, but decided to use the CRVS at this time because it is used by a majority of the carriers in making medicare payments. The Health Care Financing Administration is currently reviewing the feasibility of developing a new, uniform system of terminology and coding for use in all Federal programs. Meanwhile, as new laboratory services are added to the list, we will continue to review whether the CRVS is the best available code.

While it is true that the 1964 CRVS has been updated, it does not follow that the 1964 edition is obsolete for our immediate purpose. To some extent, the updates have merely added new services and, therefore, are irrelevant for the 12 services on our list. Other aspects of the revisions to CRVS have redefined the earlier specifications and codes in recognition of new procedures and technology. These changes have the effect of raising the cost of the services. In our view, the

more recent terminology and coding do not result in higher quality services to a sufficient degree to warrant paying the higher charges that would be entailed if we used the revised CRVS. Therefore, we have retained the 1964 CRVS Codes.

Our experience in administering the medicare program suggests that it should not be difficult for State medicaid agencies or their fiscal agents to equate the CRVS terminology and codes to equivalent services under the terminology and codes which the States are now using. Should any State agency have a problem in this regard, HCFA or the medicare carriers are available to provide technical advice.

#### 8. APPLICABILITY OF THE MEDICAID AMENDMENT TO HOME HEALTH SERVICES

Some home health agencies, and commenters writing on their behalf, supported the proposed medicaid regulation, believing it would require medicaid programs to pay for home health services at the medicare reasonable charge level, which in some areas is higher than medicaid payments. These commenters misconstrued the effect of the regulation, which sets an upper limit on medicaid payments but does not set a floor below which medicaid payments may not be made. As discussed above, the revised medicaid regulation adopts the medicare lowest charge level only for items and services which the Secretary determines do not vary significantly in quality. If the Secretary does not make that determination for home health services, these services remain subject to the current reimbursement practices adopted in each State.

#### 9. DISSEMINATION OF INFORMATION ON LOWEST CHARGE LEVELS

One comment suggested that the proposed regulation should contain language enabling beneficiaries and others to find out what the lowest charge level will be for an item or service in a given locality and where it can be obtained. We plan to instruct carriers to disseminate such information to the public and suppliers and to assist in making such information widely available. However, this does not require a regulation in order to be implemented, so we have not added such a provision.

Another comment suggested that suppliers be given written notice and opportunity to comment at least 60 days before any proposed lowest charge level becomes effective. This suggestion was more relevant to the proposed regulation, for which the methodology gave the carrier more discretion and required more subjective judgments, than it is for the final regulation. Since the final regulation

provides for routine, semiannual updates of lowest charge levels based on a specified percentile of prior charges, it does not appear that a 60-day comment period would serve a useful purpose.

#### 10. REQUESTS FOR HEARINGS AND EXTENDED COMMENT PERIOD

Several comments asked for an extension of the 45-day comment period on the medicare notice of proposed rulemaking, citing the complexity of the regulation. Although we took no formal action to extend the comment period, in preparing the final regulation we have carefully considered all comments that were received, even if they were submitted after the 45-day period. In addition to written comments, we have fully considered the recommendations and views expressed orally to us by various commenters.

One commenter requested that we conduct public hearings on the proposed regulations. As noted above, the number of comments received has been exceptionally high and the comments were representative of a very broad range of interested groups. The request for a hearing did not indicate what additional information or suggestions might be furnished that was not available through written comments. For these reasons, we concluded that a public hearing on the proposed regulations was not likely to add materially to the information already available or the evaluation of the issues.

#### EVALUATING THE IMPLEMENTATION OF THIS REGULATION

This regulation is a significant innovation to the reasonable charge criteria currently being used under the medicare program. We will, therefore, carefully review our experience under this regulation during the first year of implementation. At the end of that period, we will thoroughly evaluate possible alternatives to the methods used to determine lowest charge levels and to identify the items and services to which they should apply. For example, we will explore the use of market survey techniques to determine lowest charge levels, in lieu of setting charges at the 25th percentile. We will also review feasible alternatives to updating the lowest charge levels every 6 months. We welcome comments on the implementation of this regulation and suggested alternatives. Any subsequent revisions in the methods for determining lowest charges will be published as notices of proposed rulemaking.

A. 42 CFR part 405 is amended as follows:

1. Paragraph (a) of §405.502 is amended by redesignating paragraph (a)(4) as (a)(7), reserving paragraphs

(a)(4) and (a)(5), and by adding paragraph (a)(6) to read as follows:

**§ 405.502 Criteria for determining reasonable charges.**

(a) *Criteria.* The law allows for flexibility in the determination of reasonable charges to accommodate reimbursement to the various ways in which health services are rendered and charged for. The criteria for determining what charges are reasonable include:

\* \* \* \* \*

(4) [Reserved]

(5) [Reserved]

(6) In the case of medical services, supplies, and equipment (including equipment servicing) that the Secretary judges do not generally vary significantly in quality from one supplier to another, the lowest charge levels at which such services, supplies, and equipment are widely and consistently available in a locality.

(7) Other factors that may be found necessary and appropriate with respect to a specific item or service to use in judging whether the charge is inherently reasonable.

2. Section 405.506 is amended to read as follows:

**§ 405.506 Charges higher than customary or prevailing charges or lowest charge levels.**

A charge which exceeds the customary charge of the physician or other person who rendered the medical or other health service, or the prevailing charge in the locality, or an applicable lowest charge level may be found to be reasonable, but only where there are unusual circumstances, or medical complications requiring additional time, effort or expense which support an additional charge, and only if it is acceptable medical or medical service practice in the locality to make an extra charge in such cases. The mere fact that the physician's or other person's customary charge is higher than prevailing would not justify a determination that it is reasonable.

§ 405.509 [Reserved]

§ 405.510 [Reserved]

3. Sections 405.509 and 405.510 are reserved.

4. Section 405.511 is added and reads as follows:

**§ 405.511 Reasonable charges for medical services, supplies, and equipment.**

(a) *General rule.* A charge for any medical service, supply, or equipment (including equipment servicing) which in the judgment of the Secretary generally does not vary significantly in quality from one supplier to another

(and which is identified by a notice published in the FEDERAL REGISTER) may not be considered reasonable if it exceeds:

(1) The customary charge of the supplier (see § 405.503), or

(2) The prevailing charge in the locality (see § 405.504), or

(3) The charge applicable for a comparable service and under comparable circumstances to the policyholders or subscribers of the carrier (see § 405.508), or

(4) The lowest charge level at which the item or service is widely and consistently available in the locality. (See paragraph (c) of this section.)

In the case of laboratory services, this provision is applicable to services furnished by physicians in their offices, by independent laboratories (see § 405.1310(a)) and to services furnished by a hospital laboratory for individuals who are neither inpatients nor outpatients of a hospital. Allowance of additional charges exceeding the lowest charge level can be approved by the carrier on the basis of unusual circumstances or medical complications in accordance with § 405.506.

(b) *Public notice of items and services subject to the lowest charge level rule.* Before the Secretary determines that lowest charge levels should be established for an item or service, notice of the proposed determination will be published with an opportunity for public comment. The descriptions or specifications of items or services in the notice will be in sufficient detail to permit a determination that items or services conforming to the descriptions will not vary significantly in quality.

(c) *Calculating the lowest charge level.* The lowest charge level at which an item or service is widely and consistently available in a locality will be calculated by the carrier in accordance with instructions from the Secretary as follows:

(1) A lowest charge level will be calculated for each identified item or service in January and July of each year.

(2) The lowest charge level for each identified item or service will be set at the 25th percentile of the charges (incurred or submitted on claims processed by the carrier) for that item or service, in the locality designated by the carrier for this purpose, during the second calendar quarter preceding the determination date. Accordingly, the January calculations will be based on charges for the July through September quarter of the previous calendar year, and the July calculations will be based on charges for the January through March quarter of the same calendar year.

(3) In setting lowest charge levels for laboratory services, the carrier will

only consider charges made for laboratory services performed by physicians in their offices, by independent laboratories which meet coverage requirements, and for services furnished by a hospital laboratory for individuals who are neither inpatients nor outpatients of a hospital.

(d) *Locality.* Subject to the approval of the Secretary, the carrier may designate its entire service area as the locality for purposes of this section, or may otherwise modify the localities used for calculating prevailing charges. (The modified locality for an item or service will also be used for calculating the prevailing charge for that item or service.)

B. 42 CFR part 450 is amended as follows:

**§ 450.30 Reasonable charges.**

\* \* \* \* \*

(b) *Upper limits.* \* \* \*

(4) *Other noninstitutional services, including laboratory services.* (i) For selected medical services, supplies, and equipment (including equipment servicing) which in the judgment of the Secretary generally do not vary significantly in quality from one provider to another, the upper limits for payments shall be the lowest charges at which such services are widely and consistently available in a locality. For those selected services and items furnished under both part B of medicare and medicaid, the upper limits shall be the lowest charge levels recognized under medicare. For those selected services and items furnished only under medicaid, the upper limits shall be the lowest charge levels determined by the State agency according to the medicare reimbursement method set forth in § 405.511 of this chapter.

(ii) For any noninstitutional item or service furnished under both medicare and medicaid, the State agency must not pay more than the reasonable charge established for that item or service by a medicare carrier serving part or all of the State.

(iii) For all other noninstitutional items or services furnished only under medicaid, the State agency must not pay an amount which exceeds the customary charge for a provider or the prevailing charge in the locality for comparable items or services under comparable circumstances, whichever is lower. For this purpose, the State agency must set prevailing charges on the basis of the combined payments that providers receive from other third party insurers and their subscribers and policyholders.

(Secs. 1102, 1842(b) and 1871, 1903(i)(1) of the Social Security Act; 49 Stat. 647, 79

Stat. 302, 310, 331, 86 Stat. 1395, 1454; (42 U.S.C. 1302, 1395u(b), 1395hh, 1396b(1)(1)).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program, No. 13.774, Medicare Supplementary Medical Insurance.)

Dated: June 15, 1978.

WILLIAM D. FULLERTON,  
Acting Administrator, Health  
Care Financing Administration.

Dated: July 19, 1978.

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

[FR Doc. 78-20617 Filed 7-25-78; 8:45 am]

[4310-84]

Title 43—Public Lands: Interior

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

PART 3300—OUTER CONTINENTAL  
SHELF LEASING; GENERAL

Extension of Time To File Statement  
of Production

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to 43 CFR 3302.3-2(a).

SUMMARY: The purpose of this action is to amend the above regulation so as to extend the time for oil and gas companies to file statements of production in order to bid jointly at OCS oil and gas lease sales held during the present bidding period. Many of the smaller companies have overlooked the need to file before the deadline of March 17, 1978, and have requested more time. The basic purpose of the regulation has been to encourage competition and the entrance of smaller companies into the competition.

DATE: The effective date of this amendment will be July 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Dale Zimmerman, Chief, Division of Minerals Resources, Bureau of Land Management, Department of the Interior, 202-343-2721.

SUPPLEMENTARY INFORMATION: According to the regulations 43 CFR 3302.3-2(a), any person who wishes to submit a joint bid for an oil and gas lease under the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1343) during the 6-month bidding period which began on May 1, 1978, must have filed no later than 45 days before that date a sworn statement of

production concerning the prior production period of July 1, 1977, through December 31, 1977. In order to bid jointly without restriction, his statement should attest to an average daily production during that time of no more than 1.6 million barrels a day of crude oil, natural gas, and liquefied petroleum products.

Since March 17, 1978, a number of companies who had not timely filed their statement of production have inquired as to whether an extension of time might be granted. It has now been determined that acceptance of statements of production until October 31, 1978, would be in the national interest and not incompatible with the purposes of the regulations. Therefore, the first sentence of 43 CFR 3302.3-2(a) is hereby amended by striking the language next following the comma in the 11th line:

“\* \* \* except that for the initial bidding period commencing November 1, 1975, all statements of production should be filed no later than February 9, 1976, and except that for the bidding period commencing May 1, 1976, all statements of production must be filed no later than August 13, 1976, and except that for the bidding period commencing November 1, 1976, all statements of production must be filed no later than November 12, 1976.”

and substitute therefor:

“except that for the bidding period of May 1, 1978, through October 31, 1978, no joint bid may be considered at any sale unless statements of production from all parties to that bid have been received in the office of the Director, Bureau of Land Management (Attention 722), Washington, D.C. 20240, by close of business on Friday before the sale.”

GUY R. MARTIN,  
Assistant Secretary  
of the Interior.

JULY 20, 1978.

[FR Doc. 78-20652 Filed 7-25-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL  
COMMUNICATIONS COMMISSION

[Docket No. BC 78-122]

PART 73—RADIO BROADCAST  
SERVICES

FM Channel Assignment to Spring  
Grove, Minn.

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first class A FM channel to Spring Grove, Minn. The proposed FM station could render a first local aural broadcast service to the community.

EFFECTIVE DATE: August 30, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING  
TERMINATED

Adopted: July 17, 1978.

Released: July 19, 1978.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Spring Grove, Minn.), BC Docket No. 78-122, RM-3036.

1. The Commission here considers the notice of proposed rulemaking, 43 FR 14977, in the above-captioned proceeding, instituted in response to a petition filed by John H. White (“petitioner”). The petitioner proposed the assignment of FM channel 252A to Spring Grove, Minn. Petitioner filed supporting comments in which he reaffirmed his intention to apply for the channel, if assigned.

2. Spring Grove (pop. 1,297), in Houston County (pop. 17,390),<sup>1</sup> is located approximately 249 kilometers (155 miles) southeast of Minneapolis/St. Paul. Channel 252A could be assigned to Spring Grove in conformity with the minimum distance separation requirements if the transmitter site were to be located approximately 3 kilometers (2 miles) west of the community.

3. In support of his proposal, petitioner submitted information with respect to Spring Grove’s need for a first local aural broadcast service.

4. We have given careful consideration to the proposal and believe that channel 252A should be assigned to Spring Grove, Minn. Since a demand has been shown for its use, it would be in the public interest to make the assignment as an FM station would provide Spring Grove and Houston County with a first local aural broadcast service.

5. Authority for the adoption of the amendment is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission’s rules.

6. Accordingly, it is ordered, That effective August 30, 1978, § 73.202(b) of the Commission’s rules and regulations, the FM Table of Assignments, is amended as it pertains to the community listed below.

City and Channel No.

Spring Grove, Minn., 252A.

<sup>1</sup>Population figures are taken from the 1970 U.S. census.

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

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

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

[FR Doc. 78-20654 Filed 7-25-78; 8:45 am]

[6712-01]

[RM-3029; BC Docket No. 78-125]

**PART 73—RADIO BROADCAST  
SERVICES**

**FM Channel Assignment to Princeton,  
Ill.**

AGENCY: Federal Communications  
Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first class A FM channel to Princeton, Ill., as that community's first FM assignment. The channel will provide for a station which can render a second local aural broadcast service to Princeton.

EFFECTIVE DATE: August 30, 1978.

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

FOR FURTHER INFORMATION  
CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: July 17, 1978.

Released: July 19, 1978.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Princeton, Ill.), (BC Docket No. 78-125, RM-3029), proceeding terminated.

By the Chief, Broadcast Bureau:

1. On March 31, 1978, at the request of WZOE, Inc. ("petitioner"), the Commission adopted a notice of proposed rulemaking, 43 FR 15341, proposing the assignment of FM channel 252A to Princeton, Ill., as that community's first FM assignment. Petitioner filed supporting comments reaffirming its intention to apply for the channel, if assigned, and if authorized, to build a station promptly. No oppositions to the proposal were received.

2. Princeton (pop. 6,959), seat of Bureau County (pop. 38,541),<sup>1</sup> is located in north central Illinois, approximately 77 kilometers (48 miles) north of Peoria, Ill. Princeton is served by one full-time AM station (WZOE), licensed to petitioner.

3. Petitioner states that Princeton is the governmental, retail and industrial hub of Bureau County. In support of its proposal, petitioner has submitted information with respect to Princeton

<sup>1</sup>Population figures are taken from the 1970 U.S. census.

and its need for a first FM channel assignment. Therefore, the Commission believes it would be in the public interest to assign channel 252A to Princeton, Ill. An FM station there would provide the community with a first local FM broadcast service as well as a second local aural broadcast service. The channel assignment can be made without affecting any of the existing assignments and is consistent with the applicable minimum distance separation requirements if the station were to be located 6.4 kilometers (4 miles) east of the community.

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

§ 73.202 [Amended]

5. In view of the foregoing, it is ordered, that effective August 30, 1978, § 73.202(b) of the Commission's rules and regulations, the FM table of assignments, is amended with respect to the city listed below:

*City and Channel No.*

Princeton, Ill., 252A.

6. It is further ordered, that this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

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

[FR Doc. 78-20649 Filed 7-25-78; 8:45 am]

[6712-01]

[FCC 78-484]

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

**Clarifying Classes of Stations, Subject  
to Part IV, Which May Charge for  
Service**

AGENCY: Federal Communications  
Commission.

ACTION: Rule amended.

SUMMARY: This action was necessary to make it clear that Alaska public fixed stations may charge for the services they provide. An ambiguity existed prior to this action which permitted an inference that such charges were not permitted.

EFFECTIVE DATE: July 31, 1978.

ADDRESSES: Federal Communica-  
tions Commission, Washington, D.C.  
20554.

FOR FURTHER INFORMATION  
CONTACT:

Robert P. DeYoung, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: July 12, 1978.

Released: July 20, 1978.

Amendment of § 81.179(a)(2) of the rules to clarify the classes of stations, subject to part IV, which may charge for service. *Order.*

By the Commission:

1. The purpose of this order, amending the rules, is to clarify the fact that Alaska public fixed stations may charge for the services they provide, provided they do so in accordance with other applicable requirements.

2. Section 81.179(a)(2) of the Commission's rules provides:

No charge shall be made for the service of any station subject to this part, other than a public coast station, except as provided by and in accordance with § 81.352.

For purposes of this order, § 81.352 is not relevant because it deals with the cooperative use of limited coast or marine utility stations. A strict interpretation of the language of this rule subparagraph would preclude Alaska public fixed stations from charging a fee. Such a development was never the Commission's intent, nor does it comport with past and present practice.

3. The fact that the Commission intended to permit charges by Alaska public fixed stations is evidenced by § 81.9(d) of the rules which clearly provides that stations of this class are "open to public correspondence" and § 81.66(c), which provides for public notice of applications for such stations indicating that charges will be made for the radiocommunication services to be furnished. Charges by these stations are filed with the Commission by use of applicable tariffs.

4. Accordingly, it is ordered, That § 81.179(a)(2) of the rules is amended, as set forth below, effective July 31, 1978.

5. Because this amendment clarifies § 81.179(a)(2) to reflect the general intent of the Commission's rules, compliance with the notice requirements of 5 U.S.C. 553 (1970) is unnecessary. Authority for this action is contained in § 1.412(c) of the Commission's rules.

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

FEDERAL COMMUNICATIONS  
COMMISSION,  
WILLIAM J. TRICARICO,  
Secretary.

Part 81 of chapter I of title 47 of the Code of Federal Regulations is amended as follows: In § 81.179, subparagraph (a)(2) is amended to read, as follows:

§ 81.179 Message charges.

(a) \* \* \*  
 (2) No charge shall be made for the service of any station subject to this part, other than a public coast or Alaska public fixed station, except as provided by and in accordance with § 81.352.

[FR Doc. 78-20680 Filed 7-25-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-19 (Sub-No. 9(a))]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Transportation of Household Goods<sup>1</sup> (Agency Relationships)

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has modified its regulations governing agency relationships of household goods carriers. As modified, these regulations specify exactly the types of information which a principal carrier must give to a prospective agent prior to the signing of an agency contract; simplify the process of reporting the signing of an agency agreement to the Commission; exempt certain agency relationships from the reporting and disclosure requirements; and continue the requirement that principal carriers are responsible for all acts or omissions of all of their agents. The new rules were adopted to simplify and clarify responsibilities between household goods agents and principals.

DATE: Effective October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, 202-275-7292.

<sup>1</sup>Formerly entitled Practices of Motor Common Carriers of Household Goods (Agency Relationships).

SUPPLEMENTARY INFORMATION: The Commission has modified its regulations governing agency relationships of motor common carriers of household goods, 49 CFR 1056.19 and 1056.20. As modified, these regulations specify the information which a principal carrier must disclose to a prospective agent prior to the signing of an agency contract. This information must only be reported to what are defined as prime and military agents. In recognition of the fact that certain agency relationships are of such short duration and such limited scope that the agent faces minimal financial risks as a result of the agency agreement, certain agency relationships have been exempted from the disclosure requirements. The agents exempted from the disclosure requirements are identified as temporary agents, who are defined essentially as agents who perform nonbooking origin or destination services for a principal carrier only on an emergency or temporary basis.

In addition, the regulations adopted specify exactly the information which a principal carrier must report to the Commission concerning an agency relationship. Temporary agents are exempted from the reporting requirement.

The regulations continue the requirement, imposed in the Commission's present agency regulations, that principal carriers be fully responsible for all acts or omissions of their agents, whether those agents are defined as prime, military, or temporary agents. Principal carriers must also continue to use due diligence in selecting and maintaining agents that are able to provide adequate household goods transportation services (including accessorial and terminal services).

A copy of the Commission report, which contain a discussion of the issues considered in the development of the final regulations and a list of the participants, is available upon request. Requests should be sent to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

These rules are issued under the authority of part II of the Interstate Commerce Act and 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act).

Issued in Washington, D.C., on July 7, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp, Com-

missioner Stafford absent and not participating.

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

RULE CHANGE

49 CFR part 1056 is amended by deleting present sections 1056.19 and 1056.20 and by substituting for those sections the following:

§ 1056.19 Reporting and disclosure requirements.

(a) For the purposes of § 1056.19, agents employed by or providing transportation services for any principal carrier shall be defined as follows:

(1) Prime agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide any transportation service for or on behalf of the principal carrier, including the selling of or arranging for any transportation service, and who perform such services on other than an emergency or temporary basis.

(2) Military agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide origin and/or destination services only on shipments transported on Government bills or lading issued by the Department of Defense, and who perform such services on other than an emergency or temporary basis.

(3) Temporary agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide origin and/or destination services on behalf of the principal carrier, excluding the selling of or arranging for any transportation service, and who perform such services on an emergency or temporary basis.

(b) Each principal carrier must disclose the following information to each prospective prime agent and to each prospective military agent:

(1) The names under which the principal will do business.

(2) Official names and addresses and principal places of business of the principal carrier and any affiliated carrier (including prime and military agents that are carriers) that will engage in business with the prospective agent.

(3) A copy of schedule 10 (organization) to the principal carrier's most recent motor carrier annual report form M-1 or M-2 (as appropriate).

(4) A balance sheet and a profit and loss statement for each year of the most recent 3-year period of the principal carrier's operations.

(5) A statement of the standards (if any) by which the principal carrier determines whether the agency should

be terminated. If no such standards are generally applicable, the principal carrier must state either that the agency may be terminated at will or that standards governing termination are subject to negotiation between the principal carrier and the prospective retained agent.

(6) A complete statement of the rights and obligations of the principal and the agent, including rights and obligations with respect to training, advertising, claims handling, and frequency and method of payment. The principal carrier also must furnish a copy of its most recent performance report (as described in 49 CFR 1056.7(b)); state the number of vehicles in its vehicle fleet; and list the tariffs under which it operates.

(7) The names, addresses, and telephone numbers of the five agencies whose principal offices are in the closest geographic proximity to the prospective agent. If the principal maintains fewer than five agencies, it shall furnish a statement that it maintains fewer than five agencies.

(8) A statement of the territorial protection offered by the principal carrier or a statement that no such territorial protection is offered.

(9) A statement of the training required of the agent and its employees and the rules and regulations with which the agent and its employees must be familiar and for which they must be responsible.

(10) A statement concerning the methods (if any) by which disputes between the principal and its agents are settled.

(c) The information required by § 1056.19(b) must be received in writing by a prospective prime or military agent prior to the signing of an agency agreement, and the principal must obtain a receipt for that written information, signed by the prospective agent on the date of its receipt.

(d) Agreements between principal carriers and their prime or military agents must be reduced to writing and signed by the principal and the retained agent, and copies of any such agreements must be retained in the files of the principal carrier.

(e) Each principal carrier must report to the Commission within 20 days of the making of any agreement between itself and a prime or military agent the information specified in paragraph (e) (1) through (7) below. Any change in the information described in paragraph (e) (1), (2), and (3) of this section must be reported to the Commission within 20 days of such change. Each principal carrier must maintain a record of all changes in the information described in paragraphs (e) (1) through (7) of this section.

(1) Name, address, and MC number of principal carrier.

(2) Name, including trade names, if any, address, telephone number, and MC number, if any, of agent.

(3) Date of agency agreement and identification of the agreements as being either prime or military.

(4) A list of all addresses at which agent proposes to conduct operations under the agency agreement with the carrier listed under paragraph (e)(1) of this section and the name under which the agent operates at each listed address.

(5) A definite statement that the agent, or any other business owned or controlled by the agent, does or does not represent any motor carrier other than the carrier listed under paragraph (e)(1) of this section as a prime agent. If the agent, or any other business owned or controlled, by the agent, does represent any carrier other than the carrier listed under paragraph (e)(1) of this section under a prime agency agreement, the name, including trade name(s), address(es) of the agency, and the name of all carriers represented must be listed.

(6) If the agent, or a business owned or controlled by the agent, represents another carrier not listed in paragraph (e)(1) of this section under a prime agency agreement, the carrier must file a statement describing the conditions prevailing within the agreements which preclude the agent from operating as a broker of household goods in contravention of section 211 of the Interstate Commerce Act.

(7) A statement of the means by which the principal carrier will police the operations of the agent or a statement that the carrier has previously filed a statement or description of its agent policing or supervision program with the Commission.

The report must be signed by the person responsible for completing it, and shall contain the following statement above that person's signature:

I certify in signing the foregoing statement that I am aware that anyone who in any matter within the jurisdiction of any agency of the United States makes or uses any false, fictitious, or fraudulent writing may be subject to prosecution and fined up to \$10,000 and imprisoned for up to 5 years. 18 U.S.C. 1001.

When the prime or military agent holds operating authority from this Commission in its own right, the principal carrier need not report information which the prime or military agent has already listed in a report filed under this subsection.

(f) Each principal carrier must report termination of any retained agent to the Commission within 20 days of that termination.

§ 1056.20 Responsibility of principal carriers for acts of agents.

(a) Each principal carrier shall be absolutely responsible for all acts or omissions of any of its agents which relate to the performance of household goods transportation services (including accessorial or terminal services) in interstate or foreign commerce when those services are held out or performed for the principal carrier or when the shipper is led to believe that those transportation services would be performed by the principal carrier.

(b) Each principal carrier shall use due diligence and reasonable care in selecting and maintaining agents who are sufficiently knowledgeable, fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services), and to fulfill the obligations imposed upon them by the Commission and by their principal.

[FR Doc. 78-20614 Filed 7-25-78; 8:45 am]

[4310-55]

#### Title 50—Wildlife and Fisheries

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

#### PART 32—HUNTING

##### Certain National Wildlife Refuges in Nevada

AGENCY: U.S. Fish and Wildlife Service, Sacramento Area Office.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges in Nevada is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for migratory birds, upland game, and big game.

EFFECTIVE DATES: August 26, 1978 through June 30, 1979.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address or telephone number listed below in the body of Special Regulations.

#### GENERAL CONDITIONS

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to

hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters. No vehicle travel is permitted except on designated roads and trails.

**§ 32.12 Special regulations: Migratory game birds; for individual wildlife refuge areas.**

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, P.O. Box 592, Fallon, Nev. 89406, telephone number 702-423-5128.

Pahranagat National Wildlife Refuge, P.O. Box 445, Alamo, Nev. 89001, telephone number 702-725-3417.

Special conditions: (1) The use of boats or other floating devices is not permitted, (2) refuge closed to goose and snipe hunting, and (3) special dove hunting regulations are in effect opening day through the following Monday. All dove hunters, 14 years or older, must have a refuge permit during this period.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nev. 89833, telephone number 702-779-2237.

Special conditions: Migratory birds, except doves and pigeons, may be hunted.

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, P.O. Box 592, Fallon, Nev. 89406, telephone number 702-423-5128.

Pahranagat National Wildlife Refuge, P.O. Box 232, Alamo, Nev. 89001, telephone number 702-725-3417.

Special condition: Quail and cottontail rabbit only may be hunted.

Charles Sheldon Antelope Range, Nev., headquarters: P.O. Box 111, Lakeview, Oreg. 97630, telephone number 503-947-3315.

Special conditions: Trapping is prohibited.

Stillwater Wildlife Management Area, P.O. Box 592, Fallon, Nev. 89406, telephone number 702-423-5128.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nev. 89108, telephone number 702-878-9617.

Special condition: Desert bighorn sheep only may be hunted.

Charles Sheldon Antelope Range, Nev., headquarters: P.O. Box 111, Lakeview, Oreg. 97630, telephone number 503-947-3315.

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

The primary author of this document is Patrick L. O'Halloran, Sacramento Area Office; telephone FTS 468-4771, com'l 916-484-4771.

Dated: July 17, 1978.

RICHARD J. NAVARRE,  
*Acting Area Manager—California-Nevada, U.S. Fish and Wildlife Service.*

[FR Doc. 78-20621 Filed 7-25-78; 8:45 am]

[4310-55]

**PART 32—HUNTING**

**Clear Lake National Wildlife Refuge, Calif.**

AGENCY: U.S. Fish and Wildlife Service, Sacramento Area Office.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of Clear Lake National Wildlife Refuge in California is compatible with the objectives for which this area was established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for big game.

EFFECTIVE DATES: August 27, 1979 through September 5, 1978.

**FOR FURTHER INFORMATION CONTACT:**

The Refuge Manager at Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tule Lake, Calif. 96134, telephone number 916-667-2231.

**GENERAL CONDITIONS**

Hunting on portions of the Clear Lake Refuge shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to the refuge are listed on the reverse side of maps available at refuge headquarters at Tule Lake. No vehicle travel is permitted except on designated roads and trails.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

**CLEAR LAKE NATIONAL WILDLIFE REFUGE**

**SPECIAL CONDITIONS**

1. Antelope only may be hunted and only during the period specified by California State Hunting Regulations.

2. Only five hunters shall be allowed on the Peninsula "U" section at any one time, on a first-come first-served basis. Entrance will be granted only at the gate located on the Clear Lake Road. This gate will be closed when the kill quota is reached even though the season may still be open.

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

The primary author of this document is Patrick L. O'Halloran, Sacramento Area Office; telephone FTS 468-4771, com'l 916-484-4771.

Dated: July 17, 1978.

RICHARD J. NAVARRE,  
*Acting Area Manager—California-Nevada U.S. Fish and Wildlife Service.*

[FR Doc. 78-20620 Filed 7-25-78; 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.

[1505-01]

## DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1933]

### LOAN AND GRANT PROGRAMS (GROUP)

Community Facility Loans; Correction

Correction

In FR Doc. 78-19924 appearing at page 31022 in the issue for Wednesday, July 19, 1978, the signature now reading "Gordon Kavanaugh" should have read "Gordon Cavanaugh".

[4410-10]

## DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

### ADMISSION OF NONIMMIGRANT STUDENTS FOR DURATION OF STATUS

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of proposed rulemaking proposes amendments to the regulations of the Immigration and Naturalization Service. The proposed amendments will permit nonimmigrant students to be admitted for the duration of their status as students; will permit students to accept employment upon appropriate certification by an authorized school official evidenced by endorsement by the Service on the student's Form I-94; will provide that where students are granted permission to work under this regulation they may work full time when school is not in session, including the summer, when they are registered for the next succeeding school term; and will require schools to notify the Service when a student is no longer in need of the employment authorized under the regulation or is not keeping his/her passport valid for a period of 6 months. The proposed amendments will eliminate the need for nonimmigrant students to apply for extensions of stay and summer employment, and will eliminate the need for the Service to adjudicate the large numbers of applications now required under existing regulations.

Under the proposed rule, immigration controls on students will be similar to those for foreign diplomats. The Department of State now informs the Service when a diplomat is no longer accredited, and the proposed rule will require Foreign Student Advisors to advise the Service when students are no longer enrolled in school, or when significant changes in their status occur.

These amendments are needed to facilitate the admission of nonimmigrant students and intended to reduce the Service adjudications workload, while providing adequate immigration controls on persons here on student visas.

DATE: Comments must be received on or before August 25, 1978.

ADDRESS: Please submit written comments only to the Commissioner of Immigration and Naturalization, 425 Eye Street NW., Room 7100, Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, telephone 202-376-8373.

SUPPLEMENTARY INFORMATION: This Notice of proposed rulemaking proposes to amend Immigration and Naturalization Service regulations pertaining to (a) the period of time for which a nonimmigrant student may be admitted to the United States; (b) the conditions under which a student may accept employment and (c) the reporting requirements of schools which are authorized to admit nonimmigrant students.

(1) It is proposed to amend 8 CFR 214.2(f)(2) to permit a nonimmigrant student to be admitted to the United States for the duration of his/her status as a student if the information on the Form I-20 indicates he/she will remain in the United States as a student for more than 1 year and if the student agrees to keep his/her passport valid at all times for at least 6 months. (This requirement will not apply where the alien is by regulation exempt from presentation of a passport.) The Foreign Student Advisor will be responsible for insuring that the passport is kept valid as required by this regulation. If the Form I-20 indicates that the student will remain

for 1 year or less he/she may be admitted for the time necessary to complete his/her period of study. A nonimmigrant student presently in the United States who is applying for extension of stay will be permitted to stay in the United States for the duration of his/her student status if it is indicated that he/she requires more than 1 year to complete his/her studies.

(2) It is proposed to amend 8 CFR 214.2(f)(6) to restate the criteria to be considered in determining whether student employment should be authorized in separate subparagraphs for purposes of clarity; provide that the student may accept the employment applied for upon certification by an authorized school official evidenced by the Service endorsement on the student's Form I-94; and provide that a student granted permission to work under this paragraph is permitted to work full time when school is not in session, including the summer, if the student has been registered for the next following term. This latter provision places in the regulations Service policy now contained in the operations instructions which permits a student authorized to accept part-time employment because of economic necessity to work full time in the summer if the summer months are included in the period of time for which the student's employment has been authorized (OI 214.2(f)(3)). It is also proposed to place the regulations in subparagraph (6) pertaining to practical training in a separate subparagraph (6a). No substantive change is being made to those regulations.

(3) It is proposed to amend 8 CFR 214.3(g) respecting reporting requirements of approved schools to require the school to make an immediate report to the Service if a student is failing to keep his/her passport valid for a period of 6 months or if the school finds that a student granted permission to work under § 214.2(f)(6) is no longer in need of authorized employment.

(4) Correlative and conforming amendments are proposed to be made to 8 CFR 214.2(f)(3) and 8 CFR 214.2(f)(5) to make those sections consistent with the proposed rules.

These proposed amendments are designed to facilitate the admission of nonimmigrant students into the United States, and to provide more efficient service to them after they have

entered this country. The proposal eliminates the need for the student to apply every year for an extension of stay, and accept employment, and the paperwork associated with these applications. This will result in dollar and manpower savings to the Government and the Service, and permit more efficient use of Service manpower and resources.

In the light of the foregoing, the following amendments are proposed to chapter I of title 3 of the Code of Federal Regulations:

#### PART 214—NONIMMIGRANT CLASSES

1. In part 214, it is proposed to revise § 214.2(f) (2), (3), (5), and (6) and to add a new paragraph (f)(6a) to place in one subparagraph the Service student practical training regulations to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

##### (f) Students.

(2) *Admission.* A nonimmigrant who has a classification under section 101(a)(15)(F) of the act shall not be eligible for admission unless he/she establishes that he/she is destined to and intends to attend the school specified in his/her visa. In all cases, the name of the school a student is authorized to attend shall be endorsed by the examining immigration officer on the student's Form I-94. The period of admission of a nonimmigrant student shall be for the duration of status in the United States as a student if the information on his/her Form I-20 indicates that he/she will remain in the United States as a student for more than 1 year, and if he/she agrees to keep his/her passport valid at all times for at least 6 months. (This requirement does not apply to aliens who are by regulation exempt from presentation of a passport.) The foreign student advisor shall advise the Service when an alien student is failing to keep his passport valid as required by this regulation. If the information on form I-20 indicates the student will remain in the United States for 1 year or less, he/she shall be admitted for the time necessary to complete his/her period of study. A nonimmigrant student presently in the United States shall upon his/her next application for extension of stay be granted duration of status if it is indicated that he/she requires more than 1 year to complete his/her studies.

(3) *Temporary absence.* Form I-20 presented by a student returning from

a temporary absence may be retained by him/her and used for any number of reentries within 1 year of the date of its issuance. However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his/her nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(F) of the act, shall, if otherwise admissible, be readmitted, without presentation of form I-20, if the form I-94 in his/her possession indicates that he/she has been admitted to the United States for duration of status as a student under section 101(a)(15)(F) of the act.

(5) *Extension.* A nonimmigrant who was admitted as a student under section 101(a)(15)(F) of the act, who was not admitted for duration of status when first admitted to the United States may be granted duration of status upon application for extension of stay if he/she establishes that he/she is currently maintaining student status and is able and in good faith intends to continue to maintain such status for the period during which he/she will remain in the United States. The Application may be made on Form I-538. The student's spouse and children may be included in the application. The student's spouse and children shall not be eligible for duration of status unless the student is eligible. A student who has been compelled by illness to interrupt his/her schooling may be permitted to remain in the United States in duration of status for any additional time necessary to complete his/her studies provided the student establishes that he/she will assume a full course of study after treatment.

(6) *Employment.* A nonimmigrant who has a classification under section 101(a)(15)(F) of the act is permitted to engage in off-campus employment in the United States, either for an employer or independently, if the following conditions are met: (i) He/she is in good standing as a student who is carrying a full course of studies as defined in subparagraph (1a) of this section; (ii) has demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry, or subsequent to change to student classification; (iii) has demonstrated that acceptance of employment will not interfere with his/her carrying a full course of study; (iv) has agreed that employment while school is in session

will not exceed 20 hours per week; (v) has submitted to an authorized official of a school approved by the Attorney General a Form I-538; and this form has been certified by that official that all the aforementioned requirements have been met; and (vi) the authorized official of the school has submitted the certified Form I-538 together with the student's Form I-94 to the Immigration office which has jurisdiction over the place where the school is located. Evidence that the student has been given permission to accept employment will be the Form I-94 endorsed by the Service to that effect. Permission granted under this paragraph permits a student to work full time when the school is not in session, including the summer if the student has been registered for the next following term. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a United States resident, does not require Service permission to be engaged in such employment. Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of the authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed.

(6a) *Practical training.* If a student requests permission to accept or continue employment in order to obtain practical training, permission may be granted in increments of not more than 6 months for a maximum of not more than 12 months in the aggregate. However, when the course of study was of less than 12 months' duration, the alien graduate of a college, university, or seminary as defined by subparagraph (1a) of this section, may be granted permission to engage in employment for practical training for an aggregate number of months not exceeding the length of that course of study, unless the district director and the recommending school agree that the maximum 12 months is warranted. After completion of a course or courses of study at a school which devotes itself exclusively or primarily to vocational, business, or language instruction, an alien graduate of such school may be granted permission to engage in employment for practical training for a period or periods of time equal to 3 months for each 12 months during which such an alien carried a

full course of study at such school in the United States. Permission to accept employment for practical training may not be granted if the training applied for cannot be completed within the maximum period of time for which the applicant is eligible. In such case, the alien graduate may apply for change to another nonimmigrant classification that would permit his/her accepting employment. If application is granted for permission to engage in employment to obtain practical training, the initial authorized period shall be deemed to commence either on the date the student enters upon such employment or 60 days after the student's completion of his/her course of study whichever is earlier. An application for permission to accept or continue employment to obtain practical training must be submitted prior to the expiration of an alien student's authorized stay and, in the case of an initial application, not more than 60 days before graduation or completion of a course or courses of study nor more than 30 days after graduation or completion of such study. Such application may be made earlier only if the alien is attending a college, university, or seminary which certified that practical training is required of all degree candidates in a specified professional field, and that the alien student is a candidate for a degree in that field. The application for the first period of practical training shall be submitted to the office of the Service having jurisdiction over the school recommending practical training. An application to continue employment for practical training must contain the recommendation of the school in sufficient detail to enable the Service to determine whether the position is related to the applicant's major field of study. It shall be submitted to the office of the Service having jurisdiction over the actual place of employment, and shall be supported by a letter from the applicant's employer stating the occupation in which the applicant is employed and describing the duties he/she is performing. A student enrolled in a college, university, or seminary having alternate work/study courses as a part of its regular prescribed curriculum may participate in such courses without obtaining a change of status and without filing an application for permission to accept employment; however, such periods of actual employment if off-campus shall be considered as periods of practical training. An applicant for practical training who has previously participated in an alternate work/study program must submit with his/her application a letter from the school stating the number of hours the applicant has participated in off-campus employ-

ment under the work/study program, a description of the applicant's duties while employed and the name and address of the employer. A student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period if he/she presents Form I-20 endorsed by the school to indicate the date to which such training was authorized by the district director.

2. It is proposed to amend 8 CFR 214.3(g) by adding a new sentence between the existing second and third sentences to read as follows:

§ 214.3 Petitions for approval of schools.

(g) *Reporting requirements.* \* \* \* An immediate report shall also be made if a student is failing to keep his/her passport valid for a period of six months or the school finds that a student granted permission to work under § 214.2(f)(6) no longer is in need of authorized employment. \* \* \*

(Sec. 103 and 214; 8 U.S.C. 1103 and 1184)

In accordance with section 553 of Title 5 of the United States Code, interested parties are invited to participate in this rulemaking proceeding by the written submission of relevant data, views and arguments. Representations should be submitted, in duplicate, to the Commissioner of Immigration and Naturalization, 425 I Street NW., Room 7100, Washington, D.C. 20536. All relevant comments received on or before August 25, 1978, will be considered.

It is necessary for this Notice of Proposed Rule Making to be published with a common period of less than 60 days because the Service desires to make the proposed rules effective no later than September 1, 1978 so the students entering school for the fall, 1978 term may be admitted for duration of status. Otherwise, under the current regulation they can only be admitted for up to one year, and will have to apply for an extension of stay or duration of status, as appropriate, at the end of the 1978-79 school year.

Therefore, the proposed rule is being published with a comment period of less than 60 days in order to expedite its implementation which is necessary for efficiency of Service operations.

Dated: July 24, 1978.

LEONEL J. CASTILLO,  
Commissioner of  
Immigration and Naturalization.  
[FR Doc. 78-20778 Filed 7-25-78; 8:45 am]

[6320-01]

## CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[EDR-347C, PDR-49C; Docket No. 32219;  
Dated: July 19, 1978]

### U.S. CORPORATIONS WHICH DO NOT QUALIFY AS A "CITIZEN OF THE UNITED STATES"

Supplemental Advance Notice of Proposed Rulemaking Regarding Tentative Legal Ruling

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental advance notice of proposed rulemaking.

**SUMMARY:** This notice extends until September 18, 1978, the date for filing comments in a rulemaking proceeding involving: (1) The correctness of the Board's tentative legal ruling that U.S. corporations are citizens of the United States for the purposes of section 408(a)(4) of the Federal Aviation Act, (2) to determine the extent and nature of the effect of such a ruling, and (3) to formulate possible regulatory solutions through rulemaking procedures for problems which may arise. The extension was requested by British Airways.

DATE: Comments by September 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald H. Horn, Routes Division, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5206.

**SUPPLEMENTAL INFORMATION:** By advance notice of proposed rulemaking EDR-347/PDR-49, March 9, 1978 (43 FR 10938, Mar. 16, 1978), the Civil Aeronautics Board gave notice of its tentative legal conclusion that U.S. corporations are citizens of the United States for purposes of section 408(a)(4) of the Federal Aviation Act and requested comments on that tentative legal conclusion, including the nature and extent of the problems which may be created by finalizing that tentative conclusion, and what regulatory action might be taken to minimize those problems consistent with statutory objectives. Comments were requested to be filed by May 1, 1978. By EDR-347A/PDR-49A (43 FR 18196, Apr. 28, 1978), the comment date was extended until June 30, 1978. By EDR-347B/PRR-49B (43 FR 29011, July 5, 1978) the comment date was extended until July 31, 1978.

On June 26, 1978, British Airways filed a motion for clarification of EDR-347/PDR-49 and requested that the due date for comments in this rulemaking be extended pending action on that motion. As it does not appear that British Airways' motion will be acted upon before the current comment date (July 31, 1978), the undersigned finds good cause to grant the requested extension of time for filing comments. Accordingly, under authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments is extended to September 18, 1978.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324).)

SIMON J. EILENBERG,  
Associate General Counsel,  
Rules Division.

[FR Doc. 78-20696 Filed 7-25-78; 8:45 am]

[8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Release No. 34-14971; File No. S7-7461]

### MUNICIPAL SECURITIES DEALER REGISTRATION BY BANKS AND SEPARATELY IDENTIFIABLE DEPARTMENTS OR DIVISIONS OF BANKS

#### Proposed Amendments to Form MSD

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendment of form.

SUMMARY: The Commission is publishing for comment proposed amendments to form MSD, which is used for municipal securities dealer registration by banks and separately identifiable departments or divisions of banks. The proposed amendments have been drafted in light of the Commission's experience in monitoring use of the form and are designed to clarify in several respects the scope of information solicited by the form. Under the proposed amendments, banks and separately identifiable departments or divisions of banks whose municipal securities dealer registration is currently effective or pending would be required to file amendments to their registration statements on form MSD if their current registration or applications on form MSD do not already contain the new information. The Commission therefore is proposing to delay the effective date of the proposed amendments as applied to such persons.

DATE: Comments must be received by August 31, 1978.

ADDRESSES: Interested persons should submit six copies of their views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C., and should refer to file No. S7-746.

#### FOR FURTHER INFORMATION CONTACT:

John M. McNally, Esq., Office of Self-Regulatory Oversight, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1368.

#### SUPPLEMENTARY INFORMATION:

##### DEFINITION OF "MUNICIPAL SECURITIES DEALER ACTIVITIES"

The instructions to form MSD, in defining "municipal securities dealer activities," incorporated verbatim the definition of such activities contained in MSRB rule G-1(b) on the date form MSD was adopted by the Commission. On November 3, 1976, however, the Commission approved amendments to MSRB rule G-1(b) expanding the definition of "municipal securities dealer activities" to include: (i) Financial advisory and consultant services for issuers in connection with the issuance of municipal securities, and (ii) activities involving communication, directly or indirectly, with public investors in municipal securities.<sup>1</sup> In order that the form MSD instruction may continue to parallel MSRB rule G-1(b), a similar amendment to the instruction is required. In amending the instruction, the Commission proposes to have it

<sup>1</sup>Securities Exchange Act Release No. 12949 (Nov. 3, 1976), 41 FR 49685 (Nov. 10, 1976). MSRB rule G-1(b) currently provides:

(b) For purposes of this rule, the activities of the bank which shall constitute municipal securities dealer activities are as follows:

- (1) Underwriting, trading and sales of municipal securities;
- (2) Financial advisory and consultant services for issuers in connection with the issuance of municipal securities;
- (3) Processing and clearance activities with respect to municipal securities;
- (4) Research and investment advice with respect to municipal securities;
- (5) Any activities other than those specifically enumerated above which involve communication, directly or indirectly, with public investors in municipal securities; and
- (6) Maintenance of records pertaining to the activities described in pars. (1) through (5) above;

Provided, however, That the activities enumerated in pars. (4) and (5) above shall be limited to such activities as they relate to the activities enumerated in pars. (1) and (2) above.

refer directly to MSRB rule G-1(b) in order to eliminate the need for any future conforming amendments. The instruction, as amended, would read as follows:

The term "municipal securities dealer activities" has the meaning set forth in Municipal Securities Rulemaking Board rule G-1(b), which defines the term "separately identifiable department or division of a bank" for purposes of section 3(a)(30) of the Securities Exchange Act of 1934.

Any amendments to MSRB rule G-1(b) would be subject to Commission approval as proposed rule changes which would be required to be filed pursuant to section 19(b) of the act.

#### CONTROLLING PERSONS

In addition, the Commission proposes to clarify other form MSD items. Item 6 of form MSD solicits information concerning any person who "directly or indirectly controll[s] any of the applicant's municipal securities dealer activities." The instruction to the item currently states, in part:

Generally a person will be deemed to be in direct or indirect control of applicant's municipal securities dealer activities if such person exercises or has the ability to exercise a controlling influence over management or policies of applicant with respect to any of applicant's municipal securities dealer activities. Depending on the facts of a particular situation, senior officers or directors of the applicant or of the bank of which applicant is a part, or of a parent bank holding company may be deemed to be in direct or indirect control of such activities.

Although the instruction broadly defines control, it recognizes the possibility that senior officers or directors may not possess control. In response to that instruction, a large number of applicants omitted information on schedule B of form MSD as to directors, and in some cases senior officers, who have general responsibility for the applicant's municipal securities dealer activities. While an individual member of an applicant's board of directors, or of a parent bank holding company, may or may not individually possess control over the municipal securities dealer activities of the applicant, control of the business activities of a bank or bank holding company controlling an applicant generally is vested in its board of directors as a group. Thus, any member of the board may appropriately be considered to control, directly or indirectly, the applicant's municipal securities dealer activities within the meaning of section 3(a)(32) of the act<sup>2</sup> and item 6 of

<sup>2</sup>Sec. 3(a)(32) of the act provides: The term "person associated with a municipal securities dealer" when used with respect to a municipal securities dealer which is a bank or a division or department of a bank means any person directly engaged in the management, direction, supervision, or per-

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form MSD. Accordingly, the Commission proposes to amend the instruction to item 6 in order to require applicants to list on schedule B such board members regardless of whether they each possess the power to exercise control otherwise that in concert with the board as a group. The instruction for item 6, as proposed to be amended, would read:

Item 6—This item calls for information concerning persons not named in item 5 who may nevertheless directly or indirectly control any of the applicant's municipal securities dealer activities. Such control may be exercised through stock ownership, agreement, or otherwise. Whether a person is in direct or indirect control of municipal securities dealer activities will depend on the facts of the particular situation. Generally, a person will be deemed to be in direct or indirect control of such activities if the person exercises or has the ability to exercise a controlling influence over the management or policies of the applicant with respect to any of the applicant's municipal securities dealer activities. For example, senior officers or directors of the applicant or of the bank of which applicant is a part, or of a parent bank holding company, may be deemed to be in direct or indirect control of such activities. In addition, the applicant's board of directors or the board of directors of the bank of which applicant is a part and the board of directors of a parent bank holding company have vested in them, as a group, the direct or indirect control of applicant's municipal securities dealer activities. Accordingly, all members of the boards of directors of the applicant or of the bank of which applicant is a part and of a parent bank holding company will be required to be named in response to item 6. The listing of board members in response to item 6 shall not be deemed to represent that each member possesses the power to exercise control otherwise that in concert with the board as a group, and those persons named in response to item 6 solely on the basis of being members of a board of directors which directly or indirectly controls the applicant may so indicate on schedule B when stating the "basis for control."

#### SCHEDULE A OF FORM MSD

Schedule A of form MSD must be completed for each person named in item 5 and each person subject to any action reported under item 7 of that form. The bank regulatory agencies<sup>3</sup> have adopted form MSD-4, to be completed by municipal securities principals and municipal securities representatives associated with bank municipal

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formance of any of the municipal securities dealer's activities with respect to municipal securities, and any person directly or indirectly controlling such activities or controlled by the municipal securities dealer in connection with such activities.

<sup>3</sup>Sec. 3(a)(34) of the act defines "appropriate regulatory agency" with respect to bank municipal securities dealers to include the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

securities dealers.<sup>4</sup> With respect to those persons named in item 5, form MSD-4 is more comprehensive than schedule A. Accordingly, the Commission is proposing that those persons named in item 5 who are requiring to complete form MSD-4 be permitted to submit that form in place of schedule A when filing form MSD. That change would be accomplished by amending the instruction for item 5 of form MSD as follows.<sup>5</sup>

Item 5—This item calls for information concerning persons directly engaged in the supervision of any of the applicant's municipal securities dealer activities. A separate schedule A or form MSD-4 must be completed for each person named in response to item 5.

#### TECHNICAL AMENDMENT

The Commission is proposing a technical amendment to item 10 of form MSD. Items 10(c) and 12(h) both relate to collateral municipal securities activities and are identical, except that item 12(h) need only be answered if the applicant is a separately identifiable department or division of a bank. In order to simplify the requirements applicable to such departments and divisions, the Commission proposes to amend item 10(c) by introducing such item with the phrase "If applicant is a bank \* \* \*."

In order to facilitate the processing of applications for registration filed by municipal securities dealers which intend to succeed to and continue the business of another registered municipal securities dealer, the Commission proposes to amend item 1 of form MSD and to add an instruction corresponding to that item. As amended, item 1 would require an indication of whether the form MSD is filed as: (i) a new application, (ii) an amendment, or (iii) a successor application. The instruction to item 1 would read as follows:

Item 1(a)—If the applicant is not registered currently with the Commission and is not succeeding to and continuing the business of another registered municipal securities dealer, the box marked "new application" should be checked. If a registered municipal securities dealer is amending items on a currently effective form MSD, the box marked "amendment" should be checked. If the applicant is succeeding to and continuing the business of another registered municipal securities dealer, the box marked "successor application" should be checked.

<sup>4</sup>42 FR 40891 (Aug. 12, 1977); 42 FR 45289 (Sept. 9, 1977); 42 FR 45509 (Sept. 9, 1977).

<sup>5</sup>Item 7 of form MSD currently requires the filing of a schedule A if the applicant or any of its associated persons (including supervisory personnel) have been the subject of any action, or have committed any of the acts, described therein. Schedule A requires more comprehensive information than does form MSD-4 with respect to disciplined personnel, and, accordingly, such persons would not be relieved of the requirement to file schedule A.

If a bank registered as a municipal securities dealer determines it would prefer to register as a separately identifiable department or division, or the converse, it is necessary that: (i) the applicant file a form MSD, indicating in item 1 that it is a "successor application" and (ii) the currently registered entity file a form MSDW to withdraw its registration. Pursuant to Securities Exchange Act rule 15Ba2-4, 17 CFR 240.15Ba2-4, if a municipal securities dealer succeeds to and continues the business of another registered municipal securities dealer the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of 75 days after such succession: *Provided*, That a form MSD is filed by such successor within 30 days after such succession.

#### PROCEDURES

The proposed amendments to form MSD, if adopted, would require existing registrants and applicants for registration to make any necessary amendments to their registration statements on form MSD in order to bring them into compliance with the new requirements. At the same time, the Commission recognizes that an appropriate period should be allowed for registrants and applicants to make such amendments. The Commission proposes, therefore, with respect to registrants or applicants whose registration is pending on the date of Commission approval of the proposed amendments, to defer until 4 months subsequent to that date, the effective date of the new proposed instructions to form MSD. That relief would not extend, however, to a registrant or an applicant whose effective or pending registration became inaccurate for other reasons during the intervening period and was, accordingly, independently required to amend its registration statement "promptly" in accordance with Securities Exchange Act rule 15Ba2-1(b) (17 CFR 240.15Ba2-1(b)). With respect to new applicants, the effective date of the proposed amendments would, in accordance with 5 U.S.C. 553(d), be 30 days from their date of publication in the FEDERAL REGISTER.

Accordingly, it is proposed to amend part 249 of title 17 of the Code of Federal Regulations by revising the instructions to § 249.1100, as well as two items of § 249.1100, as follows:

§ 249.1100 Form MSD, application for registration as a municipal securities dealer pursuant to rule 15Ba2-1 under the Securities Exchange Act of 1934 or amended to such application.

\* \* \* \* \*

#### G. General definitions

\* \* \* \* \*

d. Municipal securities dealer activities—the term "municipal securities dealer activi-

ties" has the meaning set forth in Municipal Securities Rulemaking Board rule G-1(b), which defines the term "separately identifiable department or division of a bank" for purposes of section 3(a)(30) of the Securities Exchange Act of 1934.

*L. Instructions to specific items*

a. Item 1(a)—If the applicant is not registered currently with the Commission and is not succeeding to and continuing the business of another registered municipal securities dealer, the box marked "a new application" should be checked. If a registered municipal securities dealer is amending items on a currently effective form MSD, the box marked "an amendment" should be checked. If the applicant is succeeding to and continuing the business of another registered municipal securities dealer, the box marked "a successor application" should be checked. If a bank registered as a municipal securities dealer determines it would prefer to register as a separately identifiable department or division, or the converse, it is necessary that: (i) the applicant file a form MSD, indicating in item 1 that it is a "successor application," and (ii) the currently registered entity file a form MSDW to withdraw its registration. Pursuant to Securities Exchange Act rule 15Ba2-4, 17 CFR 240.15Ba2-4, if a municipal securities dealer succeeds to and continues the business of another registered municipal securities dealer the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of 75 days after such succession, provided that a form MSD is filed by such successor within 30 days after such succession.

c. Item 5—This item calls for information concerning persons directly engaged in the supervision of any of the applicant's municipal securities dealer activities. A separate schedule A or form MSD-4 must be completed for each person named in response to item 5.

d. Item 6—This item calls for information concerning persons not named in item 5 who may nevertheless directly or indirectly control any of the applicant's municipal securities dealer activities. Such control may be exercised through stock ownership, agreement, or otherwise. Whether a person is in direct or indirect control of municipal securities dealer activities will depend on the facts of the particular situation. Generally, a person will be deemed to be in direct or indirect control of such activities if the person exercises or has the ability to exercise a controlling influence over the management or policies of the applicant with respect to any of the applicant's municipal securities dealer activities. For example, senior officers or directors of the applicant or of the bank of which applicant is a part, or of a parent bank holding company, may be deemed to be in direct or indirect control of such activities. In addition, the applicant's board of directors or the board of directors of the bank of which applicant is a part and the board of directors of a parent bank holding company have vested in them, as a group, the direct or indirect control of applicant's municipal securities dealer activities. Accordingly, all members of the boards of directors of the applicant or of the bank

of which applicant is a part and of a parent bank holding company will be required to be named in response to item 6. The listing of board members in response to item 6 shall not be deemed to represent that each member possesses the power to exercise control otherwise than in concert with the board as a group, and those persons named in response to item 6 solely on the basis of being members of a board of directors which directly or indirectly controls the applicant may so indicate on Schedule B when stating the "basis for control."

1. (a) This form is filed with the Securities and Exchange Commission as: A new application, an amendment, a successor application.

10. (c) If applicant is a bank, \* \* \*

(Secs. 2, 3, 7, 23, 48 Stat. 881, 882, 897, 901, as amended by secs. 2, 3, 14, 18, 89 Stat. 97, 97-104, 137-141, 155-156; sec. 13, 89 Stat. 131-137 (15 U.S.C. 78b, 78c, 78g, and 78w, as amended by Pub. L. No. 94-29; 15 U.S.C. 780-4, as added by Pub. L. No. 94-29).)

By the Commission.

GEORGE A. FITZSIMMONS,  
*Secretary.*

JULY 17, 1978.

[FR Doc. 78-20644 Filed 7-25-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 120a]

LAND ACQUISITIONS

Proposed Rulemaking

JULY 19, 1978.

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Bureau of Indian Affairs is proposing to add new regulations dealing with the acquisition of land for Indians in a trust or restricted status. The regulations cite the authorities and enunciate the policies and procedures which are to be followed in such land acquisitions. These regulations are being proposed because of the need for a clearly stated uniform policy in the acquisition of land for Indians. Several laws enacted in recent years add authorities for such acquisitions and contain differing requirements and conditions for the exercise of such authority.

DATE: Comments and suggestions on the proposed regulations should be submitted on or before October 24, 1978.

ADDRESSES: Comments should be sent to the Area Realty Officer, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Ariz. 85011.

FOR FURTHER INFORMATION CONTACT:

Raymond W. Jackson, Area Realty Officer, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Ariz. 85011, telephone 602-261-4195.

SUPPLEMENTARY INFORMATION:

The primary author of this document is: Raymond W. Jackson, Area Realty Officer, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Ariz. 85011, telephone 602-261-4195. The proposed rules are the result of designation as one of the Bureau of Indian Affairs 10 major management improvement projects. A subtask force for preparation of part 120a appointed by the Commissioner of Indian Affairs met in Portland, Oreg., on July 13-15, 1976. This proposal would add a new part 120a to title 25 of the Code of Federal Regulations to set forth the authorities, policy, and procedures to be followed in the acquisition of land in a trust or restricted status for Indians. At the present time, there are no regulations dealing with land acquisition even though it has become an increasingly important activity of Indians and Indian tribes and the Bureau of Indian Affairs.

The following is a list of proposed rules and the reasons for each:

Section 120a.2 contains definitions of terms used in the proposal, the most significant of which are the definitions of a tribe and an individual Indian. The definition of a tribe is essentially the same as the definition of that term used in the Indian Self-Determination Act (Pub. L. 93-638; 88 Stat. 2204). The definition of an individual Indian is that being used by the Bureau of Indian Affairs for Indian preference purposes except that persons of Alaska Indian, Eskimo, or Alutic blood must have at least a quarter blood quantum and must be citizens of the United States. Also, persons whose Indian blood is derived from an ancestor who was a member of a currently federally recognized tribe whose rolls have been closed by act of Congress must be at least half Indian. This is because specific laws remove the trust or restricted status from lands of those members of such tribes who are less than half Indian.

Section 120a.3 enunciates the land acquisition policy. It states that land will not be taken in trust or restricted status unless there is statutory authorization for such acquisition. Furthermore, such acquisition must either be approved by the Secretary or the

trust or restricted status must be imposed by operation of law. Subject to these limitations, lands can be acquired for a tribe in a trust or restricted status when it is located within the exterior boundaries of the tribe's reservation, when it is within an approved tribal consolidation area, when the tribe already owns an interest in the land, or when the acquisition of the land is necessary to facilitate tribal self-determination or economic development. These provisions reflect the policy expressed in recent acts of Congress authorizing acquisition of land for tribes.

Lands may be acquired for individual Indians in a trust or restricted status when the land is within the exterior boundaries of an Indian reservation or when the land is already in a trust or restricted status. This compares with recent acts of Congress covering such acquisitions and with the longstanding practice of the Interior Department.

Section 120a.4 provides that all lands owned by tribes are restricted by section 2116 of the Revised Statutes (25 U.S.C. 177) except where the restrictions have been specifically removed by some other statute.

Section 120a.5 provides that an Indian may convert fee owned land to trust land if the acquisition otherwise comes within the stated policy. Furthermore, this section states that land may be acquired in a trust status for an Indian in Oklahoma under section 5 of the Indian Reorganization Act in addition to other statutory authorities.

The purpose of § 120a.6 is to give some flexibility in the transfer of property when it is already held in a trust status.

Section 120a.7 deals with the acquisition of land in a trust status by exchange.

Section 120a.8 which deals with acquisition by gift or donations, indicates that the act of February 14, 1931, as amended, may be used as authority for the acceptance of a donation of lands in a trust status.

Section 120a.9 concerns the acquisition of fractional interests in trust or restricted land by a tribe. It provides that a tribe may only acquire fractional interests if it already owns a fractional interest, if it is prepared to purchase all of the remaining undivided interests, or if it has a special statutory authority for such an acquisition. These limitations are a formalization of the longstanding policy of the Interior Department. They are necessary because once an Indian tribe acquires an undivided interest in a parcel of trust land, the rights of the individual fractional interest owners to use and dispose of the property are substantially impaired or eliminated. Approv-

al of such an impairment or elimination, where discretion to approve or disapprove exists, constitutes a breach of the trust obligations owed to the individual owners.

Section 120a.10 spells out the procedures to be used by an Indian in requesting the approval by the Secretary of an acquisition in trust or restricted status.

Section 120a.11 indicates the action which will be taken by the Secretary on requests and requires that the applicant be advised of his appeal rights if a request is denied.

Section 120a.12 provides for the examination of title evidence and correction of title defects.

Section 120a.13 specifies how approval of an acquisition will be formalized.

These proposed regulations are published under the authority contained in 5 U.S.C. 301; 25 U.S.C. 1 and 2; 25 U.S.C. 450K, 464, 456, 501, 1466, and 1495; and the authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs in 230 DM 2.

It is proposed to revise the title of subchapter K, chapter I, of title 25 of the Code of Federal Regulations, and to add a new part 120a as follows:

**SUBCHAPTER K—LANDS: SURFACE AND SUBSURFACE ESTATES AND RESOURCES (RECORDS AND TITLE DOCUMENTS; ACQUISITIONS; PATENTS, ALLOTMENTS AND SALES)**

**PART 120a—LAND ACQUISITIONS**

**Sec.**

- 102a.1 Purpose and scope.
- 102a.2 Definitions.
- 102a.3 Land acquisition policy.
- 102a.4 Statutory restrictions on tribal property.
- 102a.5 Fee to trust or restricted acquisition.
- 102a.6 Trust or restricted status to trust or restricted status.
- 102a.7 Exchanges.
- 102a.8 Acquisition by gift or donation.
- 102a.9 Tribal acquisition of fractional interests.
- 102a.10 Requests for approval of acquisitions.
- 102a.11 Action on requests.
- 102a.12 Title examination.
- 102a.13 Formalization of approval.

**AUTHORITY:** R. S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1967, as amended; 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 626; 70 Stat. 954; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended; 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, and 1495, and other authorizing acts.

**CROSS REFERENCE:** For regulations pertaining to: The inheritance of interests in trust or restricted land, see parts 15, 16, and 17 of

this title and 43 CFR Part 4; the purchase of lands under the BIA Loan Guaranty, Insurance and Interest Subsidy program, see part 93 of this title; the exchange and partition of trust or restricted lands, see part 121 of this title; land acquisitions authorized by the Indian Self-Determination and Education Assistance Act, see parts 272 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR part 2530; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR 2561 and 2564; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR 1821.401, et seq., and 1890f; the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§ 108.8 and 127.54 of this title.

**§ 120a.1 Purpose and scope.**

These regulations set forth the authorities, policy and procedures governing the acquisition of "land" by the United States in a "trust status" for an "Indian" and the acquisition of "land" in a "restricted status" by an "Indian."

**§ 120a.2 Definitions.**

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Tribe" means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other sovereign group of Indians, including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601), which is currently recognized by the U.S. Government as eligible for the special programs and services provided to Indian organizations by the United States because of their status as Indian organizations.

(c) "Individual Indian" means:

(1) Any person who is an enrolled member of a "tribe";

(2) Any person who is a descendant of such a member and said descendant was, on June 1, 1934, physically residing on a federally recognized Indian Reservation;

(3) All other persons possessing a total of one-half or more degree Indian blood of a "tribe"; and

(4) All persons of one-fourth or more Alaska Indian, Eskimo, or Aleut blood, or a combination thereof, who are citizens of the United States.

(d) "Indian" means "tribes" and/or "individual Indians." The pronouns "he" or "himself" used with reference to the term "Indian" means: he, she, they, or it, or himself, herself, themselves, or itself, as is appropriate in the context of such use.

(e) "Trust land" or "land in a trust status" means "land," the title to

which is held in trust by the United States for an "Indian."

(f) "Restricted land" or "land in a restricted status" means "land," title to which is held by an "Indian" and which can only be alienated or encumbered by the owner with the approval of the "Secretary" because of limitations contained in the conveyance instrument pursuant to which the owner acquired title or because of a Federal law imposing such limitations.

(g) "Indian Reservation" means that area of "land" over which the "tribe" is recognized by the United States as having governmental jurisdiction, except that, in the State of Oklahoma or elsewhere, when the "tribe" does not have a specific reservation because the former reservation has been disestablished or totally allotted, "Indian Reservation" means that area of "land" constituting the former reservation of the "Indian" as defined by the "Secretary."

(h) "Land" means real property or any interest or interests therein.

(i) "Tribal consolidation area" means a specific area of "land" within, or in close proximity to, the "tribes'" "Indian Reservation" with respect to which the "tribe" has prepared, and the "Secretary" has approved, a plan for the acquisition of "land" ownership in the "tribe."

#### § 120a.3 Land acquisition policy.

"Land" not held in a "trust or restricted status" may only be acquired by or for an "Indian" in a "trust or restricted status" when such acquisition is authorized or required by an act of Congress. No acquisition of "land" in a "trust or restricted status," including an intervivos transfer of "land" already held in a "trust or restricted status," shall be valid unless the acquisition is approved by the "Secretary" or unless a "trust or restricted status" is imposed by operation of law.

(a) Subject to the provisions contained in the acts of Congress which authorize "land" acquisitions, "land" may be acquired by or for a "tribe" in a "trust or restricted status" when the property is located: (1) Within the exterior boundaries of the "Tribe's Reservation" or adjacent thereto, or within a "tribal consolidation area"; (2) when the "tribe" already owns an interest in the "land"; or (3) when the "Secretary" determines that the acquisition of the "land" is necessary to facilitate tribal self-determination or economic development.

(b) Subject to the provisions contained in the acts of Congress which authorize land acquisitions, "land" may be acquired by or for an "individual Indian" in a "trust or restricted status" when the "land" is located within the exterior boundaries of an "Indian Reservation," or adjacent

thereto, or when the "land" is already in a "trust or restricted status."

#### § 120a.4 Statutory restrictions on tribal property.

Section 2116 of the Revised Statutes (sec. 12 of the act of June 30, 1834; 4 Stat. 730; 25 U.S.C. 177) restricts the title to all "land" owned by a "tribe" regardless of how title may have been acquired, except where restrictions are, or have been, removed by Federal treaty or statute. This has been interpreted to mean that even if a "tribe" acquires "land" in a fee status using nontrust funds, the "land" may not be conveyed, leased, or otherwise encumbered except pursuant to an act of Congress.

#### § 120a.5 Fee to trust or restricted acquisition.

"Land" held in an unrestricted fee status may be acquired in a "trust or restricted status" by or for an "Indian" if the acquisition comes within the terms of § 120a.3 of this part, unless acquisition in a "trust or restricted status" is otherwise prohibited by law. Where the unrestricted "land" is owned by an "Indian," he may convey it into a trust or restricted status, including a conveyance to trust for himself, subject to the provisions of § 120a.3 and unless otherwise prohibited by law.

In addition to acquisitions for "Indians" who did not reject the provisions of the Indian Reorganization Act, land may be acquired in a trust status by or for an "Indian" in the State of Oklahoma under section 5 of the act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465), if such acquisition comes within the terms of section 120a.3 of this part. This authority is in addition to all other statutory authority for such an acquisition.

#### 120a.6 Trust or restricted status to trust or restricted status.

The acquisition by an "Indian" of "land" in a "trust or restricted status" when the land is already held by or for an "individual Indian" in a "trust or restricted status" may be accomplished by an instrument issued or approved by the "Secretary."

#### § 120a.7 Exchanges.

An exchange of "land" includes both an acquisition and a disposal. An "Indian" may acquire "land" in a "trust or restricted status" by exchange if the acquisition comes within the terms of § 120a.3 of this part. The disposal aspects of an exchange are governed by part 121 of this title.

#### § 120a.8 Acquisition by gift or donation.

"Land" may be acquired by or for an "Indian" in a "trust or restricted status" by gift or donation if the ac-

quisition falls within the provisions of § 120a.3 of this part. The gift or donation of "land" may be accepted by the "Secretary" in trust for an "Indian" under the authority of the act of February 14, 1931 (46 Stat. 1106), as amended by the act of June 8, 1968 (Pub. L. 90-333; 82 Stat. 171; 25 U.S.C. 451).

#### § 120a.9 Tribal acquisition of fractional interests.

Acquisition of a fractional interest in "trust or restricted land" by a "tribe" can be approved by the "secretary" only if:

(a) The "tribe" already owns a fractional interest in the same parcel of "land"; or

(b) The "tribe" offers to purchase the remaining undivided "trust or restricted" interests in the parcel at not less than their fair market value; or

(c) There is a specific law which grants to the particular "tribe" the right to purchase an undivided interest or interests in "trust or restricted land" without offering to purchase all of such interests.

#### § 120a.10 Requests for approval of acquisitions.

An "Indian" desiring to acquire "land" in a "trust or restricted status" shall file a written request for approval of such acquisition with the "secretary." The request need not be in any special form but shall set out the identity of the "Indian," a description of the "land" to be acquired, the purposes for which the "land" is to be used, and other information which would support and justify approval of the request.

#### § 120a.11 Action on requests.

The "secretary" shall review all requests and shall notify the "Indian" applicant in writing of his decision. The "secretary" may request any additional information or justification he considers necessary to enable him to reach a decision. If the "secretary" determines that the request should be denied, he shall advise the applicant of that fact and notify him of the right to appeal pursuant to part 2 of this title.

#### § 120a.12 Title examination.

If the "secretary" determines that he will approve a request for the acquisition of "land" in a "trust or restricted status", he shall acquire or require the applicant to furnish title evidence meeting the "standards for the preparation of title evidence in land acquisitions by the United States," issued by the U.S. Department of Justice. After having the title evidence examined, the "secretary" shall notify the applicant of any liens, encumbrances or infirmities which may exist.

The "secretary" may require the elimination of any such liens, encumbrances or infirmities prior to taking final approval action on the acquisition.

#### 120a.13 Formalization of acceptance.

Formal acceptance of "land" in a "trust or restricted status" shall be accomplished by the issuance or approval of an instrument of conveyance by the "secretary" as appropriate in the circumstances.

**NOTE.**—The Department of the Interior 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.

FORREST J. GERARD,  
Assistant Secretary,  
Indian Affairs.

[FR Doc. 78-20650 Filed 7-25-78; 8:45 am]

#### [7035-01]

### INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1052]

[Ex Parte No. MC-42 Sub No. 1]

#### MOTOR COMMON CARRIERS Handling of c.o.d. Shipments

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Interstate Commerce Commission is initiating this rulemaking proceeding to make changes in the present regulations governing the handling of c.o.d. funds by motor common carriers. The purposes of the proposed rules are: (1) To protect the shipping public from losses occurring when motor common carriers declare bankruptcy and therefore fail to remit those c.o.d. collections entrusted to them in the period immediately prior to the bankruptcy, and (2) to establish simplified procedures for the forwarding of c.o.d. collections to the designated payee.

**DATE:** Comments are due on or before September 25, 1978.

**ADDRESS:** Send comments to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

#### FOR FURTHER INFORMATION CONTACT:

Richard K. Shullaw, Assistant to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, phone: 202-275-7849.

**SUPPLEMENTARY INFORMATION:** The present regulations were promulgated in Ex Parte No. MC-42, "Handling of c.o.d. Shipments," 51 M.C.C. 5 (1949). Since that time, no changes

have been made, except a republication and redesignation of the regulations in 1967 (32 FR 20050), as a result of the establishment of the Department of Transportation.

In recent years, the Commission has received a number of complaints from the shipping public concerning c.o.d. funds unpaid as the result of motor common carrier bankruptcies, and regarding the failure of carriers to forward c.o.d. remittance in a timely manner. Prior to the initiation of this proceeding, the Bureau of Operations solicited the views of its regional operations directors, and reviewed the complaints received from the public. Suggestions made for change in the present regulations primarily involved bonding carriers who handle c.o.d. shipments, in addition to the suggestion embodied in the proposed rule. Comments on the issue of bonding are invited, in addition to the practicality of the proposed rule.

The Commission is also concerned about the proper handling of cash entrusted to carriers by some c.o.d. shippers. Tariffs generally limit the amount of cash payments on c.o.d. shipments to \$250. Comments are invited on whether this limit should be lowered or whether cash collections should be prohibited altogether. Comments are also sought on whether carriers should be required to maintain separate accounts for cash c.o.d. collections, or to deposit those funds in escrow accounts held by a third person, to prevent their being commingled with other carrier funds.

The proposed rule involves a revision to § 1052.3, as set forth in appendix A. The revision closely parallels item 430 of national motor freight classification tariff 100-E, effective May 5, 1978. The only difference from item 430 is that all checks and money orders must be made payable to the consignor, or to the party designated by the consignor as the payee on the bill of lading.

The proposed revision should have minimal effect on carrier operations and should assist carriers in the timely forwarding of c.o.d. collections to the designated payee. Therefore, this proceeding does not represent a major Federal action significantly affecting the quality of the human environment.

Anyone wishing to present views and evidence, either in support of or in opposition to the action proposed in this notice, may do so by submitting written comments. An original (and six copies whenever possible) of this material should be filed with the Commission on or before September 25, 1978.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission,

12th and Constitution Avenue NW., Washington, D.C. 20423.

This notice of proposed rulemaking is issued under the authority contained in 49 U.S.C. 304, 311, 315, 316, 319, and 320, and 5 U.S.C. 553 and 559.

Dated at Washington, D.C., on July 6, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp, Commissioner Stafford absent and not participating.

NANCY L. WILSON,  
Acting Secretary.

Revise 49 CFR 1052.3 to read as follows:

#### § 1052.3 Collection and remittance.

(a) Payment of c.o.d.'s will be made in one of the following forms: (1) Cash, up to a maximum of \$250; (2) bank cashier's check; (3) bank certified check; (4) money order; or (5) personal check of the consignee when authorized in writing or endorsed on the bill of lading or shipping order by the consignor.

(b) All checks and money orders must be made payable to the consignor, or to the party indicated on the bill of lading or shipping order as the payee.

(c) Every common carrier of property subject to Part II of the Interstate Commerce Act, except those exempted in § 1052.1, shall remit each c.o.d. collection directly to the consignor or other party designated by the consignor as payee promptly and within ten (10) days after delivery of the c.o.d. shipment to the consignee. If the c.o.d. shipment moved in interline service, the delivering carrier shall, at the time of remittance of the c.o.d. collection to the consignor or payee, notify the originating carrier of such remittance.

[FR Doc. 78-20619 Filed 7-25-78; 8:45 am]

#### [7035-01]

[49 CFR Part 1062]

[Ex Parte No. MC-107]

### MOTOR CARRIER LICENSING OF ECONOMICALLY DISADVANTAGED PERSONS FOR TRANSPORTATION OF GOVERNMENT TRAFFIC

#### Proposed Rulemaking

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice is to inform the public that the Interstate Commerce Commission, upon consideration of representations of the parties

concerning a proposal for the motor carrier licensing of economically disadvantaged persons for the transportation of Government traffic, reached certain tentative conclusions as to the major issues presented and provisionally determined the resolution of these issues through a comprehensive plan of motor carrier licensing of all qualified applicants for the transportation of Government traffic. The proposal would establish simplified and expedited application procedures similar in scope to recommendation No. 17 of the staff task force report, "Improving Motor-Carrier Entry Regulation," dated July 6, 1977, with the exception that this Commission would maintain the monitoring of fitness standards and the Government traffic included within the scope of the proposal would not be limited to traffic moving on Government bills of lading; instead eased access to Government bidding procedures would be extended to that Government traffic subject to section 22 of the Interstate Commerce Act and Government traffic which is subject to a competitive bidding process and covered under provisions of an appropriate Government procurement regulation. Under the proposed rulemaking a general finding of public convenience and necessity for the motor carrier licensing of all qualified applicants for the transportation of Government traffic would be made, and under the simplified and expedited licensing procedure subsequent to such finding, opposition by parties protesting applications for operating authority would be limited to the sole remaining issue of an applicant's fitness.

**DATE:** Written comments should be filed with the commission on or before September 25, 1978.

**ADDRESSES:** Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT.**

Michael Erenberg, phone 202-275-7292.

**SUPPLEMENTARY INFORMATION:** This proceeding was initiated on May 26, 1977, by petition filed by the Monority Trucking-Transportation Development Corporation (MTTDC), seeking institution by this Commission of a rulemaking proceeding for the purpose of remedying the problems occasioned by the lack of proportional representation by disadvantaged persons, including minorities in the transportation field, particularly with respect to the difficulties in obtaining contracts to transport Government traffic. In its petition MTTDC requested the Commission (1) to make a

general finding that the public convenience and necessity require operation by fit and capable economically disadvantaged persons to transport shipments of Government freight, and (2) to establish simplified and expedited application procedures for such requests for operating authority. In sum, the petition sought to ease Commission entry requirements for economically disadvantaged persons seeking to compete effectively for the Government sector of the transportation market. The notice of petition for proposed rulemaking which was published in the *FEDERAL REGISTER* on June 3, 1977, stated that basically the proposal seeks to ease Commission entry requirements for economically disadvantaged persons seeking to participate in the transportation of U.S. Government freight only. That notice requested that all parties participating in this proceeding, as part of their representations, address the question of how "economically disadvantaged persons" would be defined. Further, the notice stated that oral hearings did not appear necessary at the time and none was contemplated; and that persons desiring to participate in the proceeding were invited to file views and evidence, either in support of, or in opposition to the relief sought.

After comments had been received, this commission determined that it would be more worthwhile to expand the scope of the simplified and expedited procedures proposed so as to include all persons desiring to transport the involved Government freight, rather than limiting the procedures solely to those fitting into an undetermined definition of "disadvantaged persons." The Commission's consideration was predicated upon the view that an expanded approach was warranted in regard to transportation covered by contract with a Government agency, which agency controls the traffic through its bid procedures and should be capable of effectively monitoring its needs for service. It was felt that this approach is a proper expansion of the scope of the initial proposal, especially in view of the fact that it automatically encompasses the solution of the problems faced by those "disadvantaged persons" seeking operating authority from this Commission.

As a consequence, we provisionally concluded in the interim report in this proceeding (which report is available upon request from the Secretary of the Commission) that a comprehensive plan of motor carrier licensing of all qualified applicants for the transportation of Government traffic would be in accord with the public convenience and necessity and the national transportation policy. Recognizing that before a general finding of public

convenience and necessity can be sustained in a rulemaking proceeding, the proposed rules must be examined in light of the three part test described in *Pan-American Bus Lines Operation*, 1 MCC 190 (1936), we provisionally found that based on the existing record, the proposal will serve a useful public purpose responsive to an unmet public need for greater competition and increased participation of small and disadvantaged carriers in the transportation of Government traffic, without seriously affecting the ability of existing carriers to maintain their operations. Accordingly, we proposed regulations designed to meet the stated public need in the Government transportation area, offering the best promise of solving the problems of enhancing competition in this area while also aiding the development of carrier operations of small businessmen, minorities, and other socially or economically disadvantaged persons in our Nation. We will accept and consider further submissions from any interested person whether or not such person has previously participated in this proceeding. We believe that these steps taken by us will allow appropriate opportunity for interested persons to submit further views and comments prior to a final decision, and therefore, full and fair notice shall be provided to the public as to the extent of the actions under consideration in this proceeding.

This proposal entails a master licensing format allowing qualified applicants to compete for the traffic of government agencies. Five essential questions are presented in regard to the appropriate scope of the proposal:

(1) *Should the proposed rulemaking be limited solely to traffic moving for or on behalf of the Federal Government or should it include all levels of government traffic (including State and local as well)?* Although section 22 of the Interstate Commerce Act applies, inter alia, to Federal, State, or municipal governments, at this stage we envision limiting the scope of the proposal to Federal traffic only.

(2) *What constitutes a "Government" agency?* In any provision generally applicable to government, the question arises as to whether quasigovernmental bodies are included within the scope of the provision. We contemplate applicability of these proposed rules to all agencies which previously have been determined to be included within the term government for contract or procurement purposes or which may in the future be determined by legislation or court action to be government bodies for these purposes.

(3) *What should be the standards for determining an "appropriate Government procurement regulation?"* We

have included within the scope of these rules not only that traffic moving pursuant to section 22 of the act but also other Government traffic which is subject to a competitive bidding process and covered under "appropriate Government procurement regulation." However, at this point we have not established standards or guidelines for defining these procurement regulations.

(4) *What will be the economic impact of the proposal on the transportation industry, the public, and the Commission?* As a result of this proposal a large portion of traffic now transported by regulated carriers may be subjected to diversion by newcomers to the field. For the reasons discussed in the decision in *Transportation of Government Traffic*, we have tentatively concluded that the benefits of the proposal outweigh any potentially adverse effect upon existing carriers. Before a final decision we will focus more fully on the economic impact of the proposal.

(5) *What traffic, if any, should be excluded from the scope of this proceeding?* We have phrased this proposal in terms of "general commodities" and have not excluded the specific traffic typically excepted from most grants of general commodities authority. Thus far arguments have not been presented to an extent sufficient to aid us in this determination.

We specifically request comments on these issues. We especially solicit the views of officials representing Federal, State, and local government agencies.

It is proposed that the following regulations be adopted and that subchapter A of chapter X of title 49 of the Code of Federal regulations be amended by amending part 1062 as set forth below:

Part 1062. *Special licensing procedures for/hire motor common carriers seeking participation in competitive contracting procedures for the transportation of Government traffic.*

(a) *Scope of special rules.*—These special rules govern the filing and handling of applications seeking the right to operate in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities, restricted to the transportation of government traffic moving pursuant to section 22 of the Interstate Commerce Act or such Government traffic which is subject to a competitive bidding process and covered under provisions of an appropriate Government procurement regulation, pursuant to a general finding made in ex parte No. MC 107, *Transportation of Government Traffic*, 129 MCC 623 (1978), and the master certificate issued as a result (embraced in paragraph (f) below), authorizing such operations by

qualified applicants, between all points in the United States (including Alaska and Hawaii), subject to the terms, definitions and conditions set forth in *Transportation of Government Traffic*, supra, and the master certificate in (f) below.

(b) *Requests for authority.*—Motor carriers desiring to perform motor carrier operations pursuant to the master certificate set forth in paragraph (f) below must file with this Commission, at its offices in Washington, D.C., a sworn and notarized request (which may be in letter form); the face of the request shall contain in bold type the words GOVERNMENT TRAFFIC SPECIAL LICENSING PROCEDURES and such request further containing the following information:

(1) The name and address of the carrier's representative (which may include the individual in a self-representing role) to whom inquiries may be made.

(2) The designation of the carrier's statutory agent for service of process within each of the States in or through which operations are proposed to be conducted (form BOC-3).

(3) Evidence of the carrier's insurance coverage (forms BMC-90 and BMC-91) or a statement that such evidence is currently on file at this Commission.

(4) A statement describing the operations to be initiated under the master certificate. The statement will include the commodities to be transported and the territorial scope of the operations, which information will be used only for purposes of providing public notice and for a determination of operational fitness.

(5) A statement demonstrating applicant's fitness to operate under the master certificate. Such statement should include evidence of operational and financial ability and of a willingness to comply with the necessary regulatory requirements. Applicant should also divulge information of any affiliation between it and any carrier subject to this Commission's regulations.

(6) A sworn and notarized statement (which may also be in letter form) from the government agency supporting the application must be filed and it must contain the following information: (i) the identity of the government shipper, (ii) the nature of the traffic it intends to tender to application, and (iii) whether the involved traffic is subject to section 22 rates or otherwise covered by competitive bidding procedures, and whether effective procurement regulations are in force which are adequate to monitor such traffic program.

(c) *Incomplete applications.*—Incomplete applications will be rejected, and returned to the applicant's representa-

tive, with a designation as to the reason for the rejection. Applicant may refile a complete application at any time.

(d) *Waiver of certain filing requirement.*—Section 220(a) of the act respecting the filing of annual reports is suspended as to the operations authorized in the special certificate set forth in paragraph (f) below.

(e) *Procedures.*—Once a complete and properly submitted request for authority has been filed, this Commission will publish a notice in the FEDERAL REGISTER identifying the applicant, the agency of Government supporting the application and the extent of the operations anticipated under the master certificate. Any interested person may file a verified statement in opposition within 20 days from the date of publication at the offices of this Commission in Washington, D.C. Inasmuch as a prospective finding has been made that the operation is or will be required by the public convenience and necessity, any consideration of a protest will be limited to the only relevant outstanding matter—applicant's fitness. A copy of the opposing verified statement must be served upon the applicant's representative. If an applicant is not otherwise informed by this Commission, it may commence operations under the master certificate within 30 days of the original publication in the FEDERAL REGISTER. In the event a protest is submitted in behalf of an interested person, the application will be processed for a determination of applicant's fitness on the basis of the then current record.

(f) *Certification.*—No individual certificates will be issued. Appropriate acknowledgement letters will be issued to notify motor carriers that they have been found eligible to operate under the master certificate. Operations under the master certificate may commence only after an eligible applicant has submitted to the Commission a copy of its tariff. The tariff must specify the rates to be charged for the transportation service. A carrier has the option of filing its tariff concurrently with the application or after it has been found eligible to operate. The master certificate reads as follows:

INTERSTATE COMMERCE COMMISSION

Master Certificate of Public  
Convenience and Necessity

EX PARTE NO. MC 107

Qualified motor carrier applicants  
participating in the Government  
traffic special licensing procedure

The described carriers have complied with all applicable provisions of the Interstate Commerce Act, and the Commission's regulations, and, having

complied with the requirements established by the Commission in its decision in Ex parte No. MC 107, entered, June 20, 1978 are, therefore, entitled to receive authority from this Commission to the extent specified below.

This master certificate of public convenience and necessity is evidence of the described carriers' authority to engage in transportation in interstate or foreign commerce, to the extent specified below, as common carriers by motor vehicle.

This authority is subject to any terms, conditions, and limitations as are now, or will be attached to this privilege.

The described carriers agree, as an underlying condition of this authority, to provide reasonably continuous and adequate service to the public. Failure to do so will constitute sufficient grounds for the suspension, change, or revocation of this authority.

The transportation service to be performed is as follows:

Between all points sought to be served by qualified applicants, in interstate or foreign commerce, as common carriers by motor vehicle, over irregular routes, of general commodities, restricted to the transportation of Government traffic moving pursuant to section 22 of the Interstate Commerce Act or Government traffic subject to a competitive bidding process and covered under provisions of an appropriate Government procurement regulation.

#### Terms, conditions, and limitations

If the authority granted duplicates any present authority of a participating carrier, then to the extent of the duplication, this authority shall not be construed as conferring more than one operating right.

Any dual operations resulting from the holding of authority granted under the terms of this master certificate and of presently authorized permits will be consistent with the public interest and the national transportation policy. However, we expressly reserve the right to impose any terms, conditions, or limitations in the future as may be necessary to insure that any participating carrier's operations conform to the provisions of section 210 of the act.

The authority granted shall not be transferable by sale or otherwise.

The notice of proposed rulemaking is promulgated under the authority in 49 U.S.C. 304 and 5 U.S.C. 553 and 559, and was adopted formally at a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 20th day of June 1978.

NANCY L. WILSON,  
Acting Secretary.

Commissioner Murphy, dissenting:

The majority proposes to deregulate a substantial portion of the Nation's traffic in the name of easing entry requirements for a specified class of persons, to promote the transportation needs of the Federal Government, and to enhance competition. Although this decision is of a tentative nature, I cannot, in good conscience, join the majority's proposal for a number of reasons.

The proposed regulations would envision the use of a master certificate in the format devised in Ex parte No. MC 85, *Transportation of "Waste" Products for Reuse*, 124 MCC 583 (1976), wherein a general finding of public convenience and necessity is made with the applicant only required to meet certain fitness criteria. My objections to the use of such an approach generally was fully stated in the first decision in Ex parte No. MC 85, 114 MCC 92, 112-8 (1971), and repetition of those views is unnecessary. However, this traffic is not waste or discarded material but traffic of considerable value. Moreover, the volume of Federal Government shipments is of such a magnitude that diversion of that traffic from existing carriers will, without question, have a deleterious effect on the operation of existing carriers.<sup>13</sup> Thus, contrary to the majority pronouncements, the decision is fatally defective because of its failure to fully assess, among others, the third criteria in *Pan-American Bus Lines Operation*, 1MCC 190, 203 (1936): "[W]hether it (a useful public purpose) can be served by applicant with the new operation or service proposed without endangering or impairing the operations of existing carriers contrary to the public interest."

It is of significant interest to note that the principle cited above was preceded by a quotation from *Texas & N.O.R. Co. v. Northside Belt Ry. Co.*, 276 U.S. 475 pertaining to the dangers of unneeded service.

The majority's decision while allegedly following the dictates of *Pan-American Bus Lines Operation*, *supra*, effectively nullifies that decision. Thus, it establishes, as a matter of principle, an un rebuttable presumption that there is a public need for nationwide service. This is in contradiction to the provisions of section 207 of the Interstate Commerce Act.

The Commission has frequently granted additional authority notwithstanding the existence of apparent adequate services of certificated carriers. But such grant of additional authority is based upon a detailed examination of the factual situation in each specific case. See, *Gateway Transp. Co., Inc., Exl.—St. Marys, Ga.*, 114 MCC 484 (1971). A wholesale finding of a public need as proposed herein does violence to the regulatory scheme devised by the Congress.

One of the major theses underlying the majority's proposal is the undefined concept of "competition," or "Big C." The majority's decision is literally peppered with references to "Big C." This concept or dogma apparently represents not only the salvation of the motor carrier industry but the continued existence of the superb motor transportation system of this Nation. However, a contrary view is more appropriate. It has been aptly stated that "The Past is

<sup>13</sup>The effect of the proposal on the operations of railroads, many of whom are in dire need of additional revenues and presently depend on Government traffic to sustain their operations, is completely ignored. *CF., Transportation of "Waste" Products for Reuse*, 114 MCC 92, 114-117 (1971).

Prolgue." One needs but to review the history leading to the enactment of the Motor Carrier Act of 1935 to discover the appropriate place of competition in the transportation scheme. Unrestrained, cutthroat competition, "Big C," in its most virulent form, was the order of the day and its excesses were a major factor leading to the Federal regulation of motor carriers, particularly entry controls. However, some present day prophets with deep and theoretical insights, no practical experience, and ready to lead the unsophisticated out of the wilderness, argue that the experiences preceding the passage of the Motor Carrier Act of 1935 were not clearly understood or that, in any event, those unstable circumstances cannot occur again. The conclusions of a well known authority on this subject area bears repetition:

"[T]here appears to be no chance of unregulated competition operating in the national interest until the Golden Rule becomes the universally accepted law of business relations."<sup>14</sup>

More recent events testify to the enduring quality of that statement. These include the persistent suggestions that the transportation of livestock be regulated and the experiences of other countries or subdivisions thereof, with unrestrained, unregulated motor carriage.

Realistically, "Big C" should be recognized for its potential dangers and appropriate safeguards or quarantines should be erected. Section 207 of the Interstate Commerce Act, properly enforced, is such a vehicle. See my separate expression, No. MC 119968 (Sub-No. 6), *A. J. Weigand, Inc., Extension—14 States*, served June 6, 1978.

The majority proposes to restrict the grant of authority to the transportation of general commodities, specifically Government traffic, moving pursuant to section 22 of the act or such similar traffic which is subject to a competitive bidding practice. Successful applicants would be required to file a tariff under section 217 of the act before commencing operations. It is readily apparent that no traffic would move under the tariff and that the only purpose of the tariff filing is a subterfuge to comply with the act. But the Commission's obligations under the statute are to enforce its requirements, not to encourage subversion thereof. If there is a need for modification of the act, the Congress is the appropriate body to whom petitions should be addressed.

The statutory scheme erected by the Congress in 1935, as amended, contemplates a harmonious relationship to other statutes or goals. For example, section 203(b)(5) provides that a genuine agricultural cooperative may, upon the filing of a notice with the Commission,<sup>15</sup> provide transportation services for the Federal Government, among others, within specified limits. Many such notices have been filed with the Commission. The transportation of Government traffic under such notices may be substantial. *Cl., AG Carriers, Inc.—Investigation of Operations*, 124 MCC 250 (1975). The proposed master licensing scheme would deprive many genuine agriculture cooperatives of their present ability to participate in the transportation of Government traffic.

<sup>14</sup>"National Transportation Policy," Preliminary draft of a report prepared for the Committee on Interstate and Foreign Commerce, U.S. Senate, January 3, 1961, commonly referred to as the "Doyle" report.

<sup>15</sup>Bureau of Operations, Form BOP 102.

Clearly, this course of action would be in contravention of the act and congressional policies. Arguments to the effect that an agricultural cooperative could also apply for the master license herein are of little moment. Such an approach would, in fact, be a tacit admission that the purpose of the proposal herein is an amendment of the act by administrative fiat.<sup>16</sup>

The proposed regulations would eliminate the filing fees normally imposed in an application proceeding. Ex parte No. 246, *Regulations Governing Fees for Services*, 339 ICC 555 (1971). The establishment of those fees is predicated on section 140 of the Independent Offices Appropriations Act of 1952. That section emphasizes the congressional policy that activities performed by the Commission shall of self-sustaining to the fullest extent feasible. I am unaware of the repeal of that provision. Moreover, the Interstate Commerce Act and the national transportation policy both support a fair and impartial regulation of the carriers, including the processing of new applications. The requirement that applicants for other types of authority must pay the full filing fee, while exempting applicants for the master license herein, surely does not connote an evenhanded approach. If those applicants for the master license herein are to be exempted from the payment of the nominal filing fees, then it should be at the behest of the Congress, not through administrative fiat.

In summary, the National Transportation Policy, 49 U.S.C. preceding section 301, complements the Interstate Commerce Act in fostering a national transportation system based on a network of motor carriers. This arrangement, developed through private initiative, has resulted in a superb transportation network without peer. Implicit in that plan is the recognition that the regulated motor common carriers are obligated to provide adequate service. Section 216(b) of the act. But as an incident of that undertaking, the carriers are assured of some measure of stability by means of realistic entry controls. Contrary to the allegations of some, the entry controls are not unreasonable. The public records of this Commission attest to the successful acquisition of authority by a substantial number of new applicants which previously had no authority.

The majority's proposal would, however, negate and undermine that compact by diluting the entry controls in the name of expediency. Moreover, success of the proposal is largely predicated on the unlawful redelegation by the Commission of its authority to other persons. Cf., *Schechter Corp. v. United States*, 295 U.S. 495; *United States v. Scrap*, 412 U.S. 669; and *Aberdeen & Rockfish R. Co. v. Scrap*, 422 U.S. 289. Because of the importance of these issues, at a minimum, the matter should be set for oral hearing and/or oral argument.

In these circumstances, I respectfully dissent from the majority's decision.

Commissioner Stafford, dissenting:

I do not support this proposal to deregulate all Government traffic. The Motor Carrier Act of 1935 was motivated by the unstable economic condition in the transportation industry. The field was overcrowded with small economic units, many

unable to satisfy the most minimal standards of safety or financial responsibility. Congress responded by requiring authorization for all interstate operations.

This proposal ignores our congressional mandate under the Interstate Commerce Act. It will result in a multiplicity of new entrants into a complex field of transportation, despite the adequacy of existing services. This in turn will have a devastating effect upon carriers which now rely upon Government traffic in order to sustain substantial investments in equipment, terminal facilities and personnel. Free entry will divert traffic and revenue from these carriers, bringing about a diminution of the level of service presently available not only with respect to Government traffic, but all other traffic as well.

In addition, the proposed rule does not exclude the specific traffic, such as household goods and explosives, typically excepted from most grants of general-commodities authority. This ignores our own past recognition of the special problems associated with the transportation of these items. Finally, the proposal will have an adverse effect on the environment by increasing the number of partial loads, empty backhauls, and waste of energy. For all of these reasons, I find the proposed regulation to be directly contrary to the aims of the national transportation policy.

[FR Doc. 78-20697 Filed 7-25-78; 8:45 am]

### [3510-22]

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[50 CFR Part 266]

#### FROZEN FRIED SCALLOPS

##### Proposed U.S. Standards for Grades

**AGENCY:** National Oceanic and Atmospheric Administration, National Marine Fisheries Service, U.S. Department of Commerce.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The National Oceanic and Atmospheric Administration proposes to amend the U.S. Standards for Grades of Frozen Fried Scallops to include breaded scallops and to more accurately reflect current industry practices.

**DATE:** Comments must be received on or before September 25, 1978.

**ADDRESS:** Persons wishing to submit comments on the proposed rules are invited to do so by writing to: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

#### FOR FURTHER INFORMATION CONTACT:

James R. Brooker, Seafood Quality and Inspection Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7458.

**SUPPLEMENTARY INFORMATION:** The U.S. Standards for Grades of Frozen Fried Scallops were recodified in the September 30, 1977, issue of the FEDERAL REGISTER (42 FR 52750) as part 266, subpart B. These standards previously were codified as part 270, of title 50 CFR.

The objectives of the proposed amendments to part 266, subpart B are:

(1) To provide for the grading of frozen raw breaded scallops as well as frozen fried scallops.

(2) To include all commercial species within the scope of these standards rather than limiting them to one species of sea scallops (*Placopecten magellanicus*).

(3) To offer an option of two types of breaded and/or fried scallop meat.

(4) To establish the same tolerance limit for extraneous material in frozen raw breaded scallops as apply to frozen raw scallop meats.

The proposed amendments to part 266, subpart B follow:

#### Subpart B—U.S. Standards for Grades of Frozen Raw Breaded Scallops and Frozen Fried Scallops

1. Change title to read "U.S. Standards for Grades of Frozen Raw Breaded Scallops and Frozen Fried Scallops."

§§ 266.152, 266.153, 266.161, 266.164, 266.165 and 266.167 [Amended]

2. In the following sections, insert the words "frozen raw breaded scallops and" immediately preceding the words "frozen fried scallops" wherever the words "frozen fried scallops" appear.

- (a) 266.152 Styles.
- (b) 266.153 Grades.
- (c) 266.161 Ascertaining the Grade.
- (d) 266.164 Appearance.
- (e) 266.165 Uniformity.
- (f) 266.167 Character.

3. Amend § 266.151 to read:

#### § 266.151 Product description

(a) Frozen raw breaded scallops—Frozen raw breaded scallops are: (1) Prepared from wholesome, clean, adequately drained, whole or cut adductor muscles of the scallop of the regular commercial species, or scallop units cut from a block of frozen scallops that are coated with wholesome batter and breading; (2) packaged and frozen according to good commercial practice and maintained at temperatures necessary for preservation; and (3) composed of a minimum of 65 percent by weight of scallop meat.

(b) Frozen fried scallops—Frozen fried scallops are: (1) Prepared from wholesome, clean, adequately drained, whole or cut adductor muscles of the scallop of the regular commercial spe-

<sup>16</sup> Agricultural cooperatives may, of course, acquire a certificate under the normal section 206-207 procedures, *American Farm Lines Common Carrier Application*, 114 MCC 30 (1971).

cies, or scallop units cut from a block of frozen scallops that are coated with wholesome batter and breading; (2) precooked in oil or fat; (3) packaged and frozen according to good commercial practice and maintained at temperatures necessary for preservation; and (4) composed of a minimum of 60 percent by weight of scallop meat.

4. Renumber § 266.153 as § 266.154, and add a new § 266.153 as follows:

§ 266.153 Types

(a) Type 1. Adductor muscle.

(b) Type 2. Adductor muscle with catch (gristle or sweet meat) portion removed.

§ 266.154 [Renumbered from § 266.154]

§ 266.166 [Amended]

5. Amend § 266.166 as follows:

(a) Workmanship defects refer to the degree of freedom from doubled and misshaped scallops and extraneous material. The defects of doubled and misshaped scallops are determined by examining the frozen product, while the defects of extraneous materials are determined by examining the product in the cooked state. Deduction points are based on the percentage by count of the scallops affected within the package.

\* \* \* \* \*

(3) Extraneous material. Extraneous materials are pieces or fragments of undesirable material that are naturally present in or on the scallops and which should be removed during processing.

(i) Examples of minor extraneous material include intestines, seaweed, and each aggregate of sand and grit within an area of 1/2-inch square.

(ii) Examples of major extraneous material include shell, aggregate of embedded sand or other extraneous embedded material that affects the appearance or eating quality of the product.

6. Delete § 266.166(a)(4) "Piece of shell fragment."

7. Amend § 266.166(b) to read:

\* \* \* \* \*

(b) For the purpose of rating the absence of defects, the schedule of de-

duction points in Table III applies. 8. Amend Table III to read:

TABLE III.—Schedule of point deductions for workmanship defects, subfactors, misshaped or double scallops, and extraneous material

| Defect subfactors                                  | Method of determining subfactor score  |           |      | Deduction points |
|--|--|-----------|------|------------------|
|  | Percent of scallops affected   |           |      |                  |
|  | Over—  | Not over— |      |                  |
| Misshaped or doubled scallops in the frozen state. | Misshaped scallops (elongated, flattened, mashed, or damaged scallop meats).                   | 0         | 10   | 3                |
|  | Doubled scallops (2 or more scallops joined together during breading and/or frying operation). | 10        | 20   | 7                |
|  |  | 20        | .... | 15               |
| Extraneous material in the cooked state.           | Minor: Each instance of minor extraneous material in the sample unit per pound.                |           |      | 1                |
|  | Major: Each instance of major extraneous material in the sample unit per pound.                |           |      | 5                |
|  |  |           |      |                  |

9. Delete table IV and renumber tables V and VI as IV and V.

§ 266.167 [Amended]

10. In § 266.167 amend (a)(1) "Gristle," to read:

(a)(1) *Gristle*. Gristle (type 2 only) is the tough elastic tissue usually attached to the scallop meat. Each instance of gristle is in an occurrence.

\* \* \* \* \*

11. In § 266.167(b) amend the first sentence to read " \* \* \* tables IV and V apply."

§ 266.171 [Amended]

12. In § 266.171(a)(2)(v) amend the formula to read as follows:

"Percent Scallop meat = weight of scallop meat (iv)/weight of frozen fried or breaded scallops (i) × 100"

13. In § 266.171 amend (b) to read:

\* \* \* \* \*

(b) *Cooked state*. Cooked state shall mean that the product shall be cooked in accordance with the instructions accompanying the product.

(1) If specific instructions are lacking for fried scallops, the product for inspection shall be cooked as follows: Spread the frozen scallops on a foil covered baking sheet or a shallow pan. Place sheet or pan in frozen content at the mid-point of a properly ventilated oven preheated to 400 degrees Fahrenheit until thoroughly cooked, 15 to 20 minutes.

(2) If specific instructions are lacking for the breaded scallops, the product for inspection shall be cooked as follows: Place frozen, breaded product in wire mesh fry basket large enough to hold all items in single layer. Heat by immersing in 375° F (190° C) edible cooking oil 2-3 minutes or until items float to surface. After cooking, let items drain 15 sec. and place on paper napkin or towel to absorb excess oil.

Dated: July 18, 1978.

THEODORE P. GLEITER,  
Assistant Administrator  
for Administration.

[FR Doc. 78-20646 Filed 7-25-78; 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.

[6320-01]

## CIVIL AERONAUTICS BOARD

[Docket No. 30332; Order 78-7-74;  
Agreement C.A.B. 27465]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Order Regarding Specific Commodity Rates

Issued under delegated authority  
July 19, 1978.

An agreement has been filed with the Board, under section 412(a) of the Federal Aviation Act of 1958 (the act) and Part 261 of the Board's Economic Regulations, between various U.S. and foreign member air carriers of the International Air Transport Association (IATA). The agreement was adopted by unopposed notice to the carriers, pursuant to the provisions of IATA Resolution 590 on specific commodity rates, and was promulgated in an IATA letter dated July 12, 1978.

The agreement, which affects United States-Africa cargo rates and thus has direct application in air transportation as defined by the act, would add a specific commodity rate, under an existing commodity description as set forth below, from Nairobi to New York/Montreal. The specific commodity rate reflects a reduction from general cargo rates, and is intended for effectiveness August 1, 1978.

| Agreement<br>commodity<br>CAB | Specific<br>commodity<br>item<br>number | Description and rate <sup>1</sup> |
|-------------------------------|---|-----------------------------------|
|-------------------------------|---|-----------------------------------|

|       |            |   |
|-------|------------|---|
| 27465 | ..... 9993 | ..... Removal of Household Goods and Personal Effects—<br>(A) Household goods, used, not for resale.<br>(B) Personal effects, consisting of wearing apparel, cosmetics, toilet articles and articles worn by an individual, used, not for resale, when in mixed shipments with the commodities named in (A) above 240 cents per kg., minimum weight 500 kgs. from Nairobi to New York/Montreal. |
|-------|------------|---|

<sup>1</sup>Subject to applicable currency conversion factors as shown in tariffs.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the agreement is adverse to the public interest or in violation of the

act: *Provided*, That approval is subject to the conditions ordered.

*Accordingly, it is ordered*, That:

Agreement CAB 27465 be approved: *Provided*, That (a) approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 60 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
*Secretary.*

[FR Doc. 78-20700 Filed 7-25-78; 8:45 am]

[6335-01]

## CIVIL RIGHTS COMMISSION

### WASHINGTON STATE

#### Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on August 25, 1978, at the Federal Building, Room 514, 1915 Second Avenue, Seattle, Wash. An executive session, if appropriate, may be convened at any time before or during the hearing.

The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the

Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning American Indians; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning American Indians; and to disseminate information with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice, particularly concerning American Indians.

Dated at Washington, D.C., July 24, 1978.

ARTHUR S. FLEMMING,  
*Chairman.*

[FR Doc. 78-20849 Filed 7-25-78; 9:32 am]

[3510-25]

## DEPARTMENT OF COMMERCE

### Industry and Trade Administration

#### JOINT MEETING OF COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE AND COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

#### Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee and the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Thursday, August 10, 1978, at 9:30 a.m. in room 6802, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee and the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee were initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committees, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended 50 U.S.C.

App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committees, where they have expertise in such matters advise the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to any articles, materials, and supplies, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committees will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the United States and COCOM control program and strategic criteria related thereto.

Written statement may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed by each of the aforementioned Technical Advisory Committees in the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under the criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy. All materials to be reviewed and discussed by the Committees in the joint meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Following are the dates of approval of the Notices of Determination to close portions of the series of meeting of the Technical Advisory Committees involved in this joint meeting, and of any subcommittees thereof, the dates the full texts of the Notices of Determination were published in the FEDERAL REGISTER, and the FEDERAL REGISTER citations:

AL REGISTER, and the FEDERAL REGISTER citations:

|   | Date approved | Date published               |
|---|---------------|------------------------------|
| Computer Systems Technical Advisory Committee.  | Jan. 27, 1977 | Feb. 2, 1977<br>(42 FR 6374) |
| Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. | Jan. 27, 1977 | Feb. 8, 1977<br>(42 FR 7973) |

Dated: July 21, 1978.

RAUER H. MEYER,  
*Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.*

[FR Doc. 78-20695 Filed 7-25-78; 8:45 am]

#### [1505-01]

Office of the Secretary

[Organization Order 20-2]

#### OFFICE OF AUDITS

Functions and Organization

#### Correction

In FR Doc. 78-19882 appearing at page 31056 in the issue for Wednesday, July 19, 1978, the heading should have indicated that the document pertained to the organization of the Office of Audits and should have read as set forth above.

#### [1505-01]

[Organization Order 20-9]

#### OFFICE OF PUBLICATIONS

Functions and Organization

#### Correction

In FR Doc. 78-19883 appearing at page 31058 in the issue for Wednesday, July 19, 1978, the heading should have indicated that the document pertained to the organization of the Office of Publications and should have read as set forth above.

#### [3128-01]

### DEPARTMENT OF ENERGY

[DOE/EIS-0007-D]

#### LOW BTU COAL GASIFICATION FACILITY AND INDUSTRIAL PARK, GEORGETOWN, KY.

#### Public Hearing Concerning Draft Environmental Impact Statement

The Department of Energy (DOE) issued the Draft Environmental Impact Statement, DOE/EIS-0007-D,

Low Btu Coal Gasification Facility and Industrial Park, Georgetown, Ky., on April 21, 1978, for public review and comment.

The draft environmental impact statement (DEIS) was prepared to evaluate the potential environmental impacts from the construction and operation of a proposed low Btu coal gasifier and the Georgetown Industrial Park in Scott County, Ky. The DEIS assesses the potential cumulative environmental impacts at the recommended site and at alternative sites.

The Water Resources Council assessment of the availability of adequate water resources for the project was published in the FEDERAL REGISTER on July 10, 1978, and copies have been distributed to all those who received copies of the DEIS.

Notice is hereby given that DOE will conduct a public hearing in connection with the DEIS from 2 to 5 p.m. and 7 to 10 p.m., on August 22, 1978, at the John L. Hill Chapel, Georgetown College, Georgetown, Ky.

The purpose of the hearing is to afford further opportunity for public comment regarding the DEIS. In order to sharpen and focus the major issues for discussion and examination at the hearing, DOE will make available a staff statement summarizing and addressing the substantive points raised in the written comments on the DEIS.

The hearing will be conducted by a three-person Presiding Board selected by DOE. The Chairman of the Board and one other member of the Board will constitute a quorum.

Persons, organizations, or governmental agencies wishing to appear and make a presentation are encouraged to become "full participants" in the proceedings by filing with Mr. W. H. Pennington, Director, Division of Program Review and Coordination, Office of NEPA Affairs, U.S. Department of Energy, Mail Station E-201, Washington, DC 20545, telephone 301-353-4241, not later than 5 p.m., e.d.t., on August 17, 1978, a notice of intent to participate. The notice shall set forth: (1) The name and address of the participant and his representative, if any; (2) the nature of the participant's interest in the proceeding; (3) the text of any statements to be presented at the hearing, or a reasonably detailed summary thereof; (4) the names and addresses of all witnesses to be produced at the hearing by the participant and a summary of the substance of their proposed testimony; and (5) the amount of time desired to complete the presentation. The Presiding Board will endeavor to schedule the full amount of time requested by full participants (those who file a notice of intent to participate) subject to the imposition of such reasonable time

limits as are consistent with orderly procedures and as will assure other full participants a meaningful opportunity to present their views.

Persons, organizations, or governmental agencies wishing to participate, but who do not file a notice by 5 p.m., e.d.t., on August 17, 1978, may notify Mr. Pennington before the hearing or the Presiding Board during the hearing of their desire to make a presentation. Such parties shall be admitted as "limited participants" and shall be heard at such times as the Presiding Board shall permit for a period of not more than 15 minutes each, unless the Presiding Board, in its discretion, allows additional time.

The public hearing will be legislative rather than adjudicatory in nature. Discovery, subpoena of witnesses, cross-examination of participants, testimony under oath and similar formal procedures appropriate to a trial-type hearing will not be provided. Participants will reference and produce, on request of the Presiding Board, the documents on which they rely.

DOE will make available appropriate representatives to explain the background, purpose, and anticipated environmental impacts of the proposed coal gasification facility and industrial park, and to respond to appropriate questions. Questions may be posed to participants (including DOE staff members) during the course of the hearing by other participants (including DOE staff members) and the Presiding Board, either orally or in writing, provided that: (a) All questioning shall be subject to the control and discretion of the Presiding Board, (b) questions shall be permitted from limited participants only to the extent that they are relevant to the issues identified in the staff statement unless the Presiding Board determines that additional questions are necessary to develop an adequate record, and (c) any participant (including DOE staff members) may elect to answer any such questions either orally at the hearing or in a written submittal to be filed with the Presiding Board before the close of the hearing record, which date shall be determined by the Board.

A transcript of the hearing will be made. The Record of the hearing shall consist of the transcript and all documents received into the record by the Presiding Board.

After the close of the hearing record, the Presiding Board shall render its Report. The Report shall be based upon the Presiding Board's review of the DEIS and the hearing record and shall: (a) identify those unresolved issues raised at the hearing which the Presiding Board deems to be critical to future decisions concerning the environmental impacts of the proposed project and reasonable alter-

natives thereto; and (b) present the recommendations of the Presiding Board concerning the treatment of these issues in the final EIS in a manner which will assure informed decisionmaking. In discharging its responsibilities, the Presiding Board shall not undertake to resolve issues or render judgment concerning the proposed project.

The Record and the Board Report will be fully considered and taken into account in the preparation of the final EIS and in making decisions. The Record and the Board Report will be made available for public inspection at the locations noted below for public inspection as soon as practical after the close of the hearing.

Copies of the DEIS, the formal comments received, and the staff statement are available for public inspection at the Scott County Public Library, East Main Street, Georgetown, Ky., and the DOE public document rooms located at:

Library, Room 1223, 20 Massachusetts Avenue NW., Washington, D.C.  
Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, N. Mex.  
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill.  
Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Ill.  
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.  
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev.  
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tenn.  
Richland Operations Office, Federal Building, Richland, Wash.  
Rocky Flats Area Office, Rocky Flats Plant, Golden, Colo.  
San Francisco Operations Office, 1333 Broadway, Oakland, Calif.  
Savannah River Operations Office, Savannah River Plant, Aiken, S.C.

Copies of the staff statement can be obtained from Mr. Pennington.

Dated at Washington, D.C., this 24th day of July 1978.

For the U.S. Department of Energy,

WILLIAM P. DAVIS,  
Deputy Director of  
Administration.

[FR Doc. 78-20767 Filed 7-26-78; 8:45 am]

#### [6740-02]

##### Federal Energy Regulatory Commission

[Docket No. ER78-485]

##### ARKANSAS POWER & LIGHT CO.

##### Cancellation of Supplement to Rate Schedule

JULY 19, 1978.

Take notice that on July 12, 1978, Arkansas Power & Light Co. (Compa-

ny) tendered for filing a notice of cancellation of Supplement No. 1 to the Company's Rate Schedule FPC No. 57. A certificate of concurrence was submitted on behalf of Conway Corporation (Conway).

According to the Company, Supplement No. 1 is an escrow agreement between Conway and the Company. Conway has chosen to waive its cancellation rights under its contract with the Company (Rate Schedule No. 57) and now will receive the funds held in escrow under the escrow agreement.

According to the Company a copy of the filing has been mailed to the Conway Corporation.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with section 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 July 28, 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. 78-20666 Filed 7-25-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-487]

##### CENTRAL MAINE POWER CO.

##### Filing

JULY 19, 1978.

Take notice that Central Maine Power Co. ("Central Maine") on July 13, 1978, tendered for filing as an initial rate schedule, capacity and related energy by Central Maine to Public Service Co. of New Hampshire ("Public Service"). Said sale was for the period of 2 weeks commencing May 13, 1978.

A copy of the filing was served on Public Service and the Maine Public Utilities 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, 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 July 28, 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. 78-20667 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. CP78-275]

**CITIES SERVICE GAS CO.**

**Findings and Order After Statutory Hearing Permitting and Approving Abandonment and Issuing Certificate of Public Convenience and Necessity**

ISSUED JULY 19, 1978.

On April 6, 1978, Cities Service Gas Co. (Applicant)<sup>1</sup> filed in Docket No. CP78-275 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon in place, by reclaim and by transfer and sale to The Gas Service Company (Gas Service) certain pipeline segments on its transmission system in Kansas and Missouri, and for a certificate of public convenience and necessity authorizing the construction and operation of certain replacement pipeline facilities, all as more fully set forth in the application in this proceeding.

The pipeline segments which Applicant proposes to abandon have been in service an average of 35 years and are badly deteriorated and uneconomic to maintain. The proposed construction will eliminate deteriorated and inadequate pipeline facilities, reduce excessive line losses and improve service to the affected customers, and the proposed replacement, modifications and abandonments will not result in the diminution or abandonment of service to any of Applicant's customers.

Applicant proposes to:

(1) Remove 1.32 miles of 3- and 4-inch pipe of the Lone Jack Pipeline in Jackson County, Mo., and replace with 1.32 miles of 2-inch pipe and abandon in place 0.92 mile of 4-, 5-, and 6-inch pipe in Jackson and Cass Counties, Mo., which is no longer used by Cities and not worth salvaging.

(2) Remove 0.72 mile of 2-inch line serving the community of Wellsville in Franklin County, Kans., and replace with 0.72 mile of 4-inch line.

(3) Remove 1.49 miles of 2-inch line of the Edgerton Pipeline in Johnson County, Kans., and replace with 1.49 miles of 3-inch line.

<sup>1</sup>Applicant, a Delaware corporation, having its principal place of business in Oklahoma City, Okla., is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by order of Dec. 23, 1943, in Docket No. G-298 (4 FPC 471).

(4) Remove 1.04 miles of 6-inch line serving Camp Crowder, Newton County, Mo., and replace with 1.04 miles of 4-inch line.

(5) Abandon 0.28 mile of 3-inch line serving the community of Haven, Kans., by transferring ownership to Gas Service.

(6) Abandon by sale 0.91 mile of 3-inch line to Gas Service that serves the community of Mt. Hope, Kans.

In both of the projects (5) and (6) the sections of pipeline being abandoned are downstream of the town border meter stations serving the towns of Haven and Mt. Hope, Kans., and as such are being operated as part of Gas Service's distribution system. In each case it is considered to be safer and more efficient to operate these segments as a distribution facility. Applicant proposes to transfer ownership of the Haven line at no cost to Gas Service as this segment of line is fully depreciated. Sale of the segment of line serving Mt. Hope will be at the depreciated value of \$707. Wherever the pipe sections are replaced with pipe of a different diameter it reflects a change in present market requirements or operating patterns.

The total estimated cost of replacing the pipe segments is \$140,600, which cost will be financed with current working funds.

Since the facilities proposed to be constructed or abandoned will be or are used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, said construction and abandonment are subject to the requirements of subsections (c) and (e) and subsection (b), respectively, of section 7 of the Natural Gas Act.

Approval of the instant application does not constitute a major Federal action having a significant effect on the quality of the human environment.

After due notice by publication in the FEDERAL REGISTER on April 27, 1978 (43 FR 17997), no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

At a hearing held on June 28, 1978, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

*The Commission finds:*

(1) The abandonment proposed by Applicant is permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(2) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(3) The construction and operation of the proposed facilities are required by the public convenience and necessity and a certificate therefor should be issued as herein-after ordered and conditioned.

*The Commission orders:*

(A) Permission for and approval of the abandonment of facilities by Applicant are granted.

(B) Applicant shall notify the Commission of the date of the abandonment of the facilities within 10 days thereof.

(C) A certificate of public convenience and necessity is issued authorizing Applicant to construct and operate the facilities, as hereinbefore described and as more fully described in the application in this proceeding, upon the terms and conditions of this order.

(D) The certificate issued by paragraph (C) above and the rights granted thereunder are conditioned upon Applicant's compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c)(3), (c)(4), (e), (f), and (g) of § 157.20 of such regulations.

(E) The construction authorized by paragraph (C) above shall be completed and the facilities shall be placed in actual operation, as provided by paragraph (b) of § 157.20 of the Regulations under the Natural Gas Act, within 1 year from the date of this order.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-20668 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. CP78-277]

**COLORADO INTERSTATE GAS CO.**

**Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity**

JULY 19, 1978.

On April 6, 1978, Colorado Interstate Gas Co. (Applicant)<sup>1</sup> filed in Docket No. CP78-277 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the conversion of an observation well to a withdrawal well, the construction and operation of a lateral pipeline to connect that well to Applicant's existing pipeline system, and the drilling and operation of one additional observation well in the northern sector of the Boehm Storage Field in Morton County, Kans., all as more fully set forth in the application in this proceeding.

Pursuant to the order of August 29, 1973, in Docket No. CP73-237, Applicant was authorized to construct and operate facilities necessary to develop

<sup>1</sup>Applicant, a Delaware corporation having its principal place of business in Colorado Springs, Colo., is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by order of June 5, 1945, in Docket No. G-294 (4 FPC 936).

the Boehm Field as an underground gas storage reservoir. Full scale injection of natural gas into the storage field commenced in March 1974, and from that time such injections have constantly increased the pressure in the field.

Well No. 25, located on the northern edge of the Boehm Storage Field, was originally drilled for injection-withdrawal purposes. However, when well logs showed poor sand development in the area, the well was redesignated an observation well and has since been used to monitor formation pressure in the area. Since the completion of Well No. 25 in mid-1975, the pressure on the well has risen steadily. It is believed by Applicant that the increased pressure resulting from gas injection into the storage field has caused the hydrocarbon pore volume of the formation to expand with subsequent gas migration into the area of Well No. 25. Applicant proposes to convert the well to a withdrawal well in order to produce gas from the edge of the field to assist in preventing migration and to construct and operate 3,400 feet of 6-inch pipeline to connect the well to Applicant's existing pipeline system. This proposal will not increase the peak day nor the annual withdrawal capacity of the field.

Applicant also proposes to drill and equip one additional observation well in the northwestern sector of the field to detect any additional gas migration.

The total estimated cost of the proposed facilities is \$347,500, which cost would be financed with cash on hand, funds from operations, short-term borrowings, or long-term financing.

Since the proposed facilities will be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, the construction and operation of such facilities therefor are subject to the requirements of subsections (c) and (e) of the Natural Gas Act.

Approval of the project proposed herein does not constitute a major Federal action significantly affecting the quality of the human environment because of the limited nature of the facilities and their location within an existing storage field area.

After due notice by publication in the FEDERAL REGISTER on April 19, 1978 (43 FR 18001), no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

At a hearing held on July 12, 1978, the Commission on its own motion received and made part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record.

#### The Commission finds:

(1) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(2) The construction and operation of facilities by Applicant are required by the public convenience and necessity, and a certificate therefor should be issued as herein-after ordered and conditioned.

#### The Commission orders:

(A) A certificate of public convenience and necessity is issued authorizing Applicant to convert an observation well (Well No. 25) into a withdrawal well, construct and operate a lateral pipeline, and drill and equip one additional observation well in the northern sector of the Boehm Storage Field in Morton County, Kans., upon the terms and conditions of this order.

(B) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon Applicant's compliance with all applicable Commission Regulations under the Natural Gas Act, and particularly the general terms and conditions set forth in paragraphs (a), (c)(3), (c)(4), (e), (f) and (g) of section 157.20 of such Regulations.

(C) The facilities authorized by paragraph (A) above shall be completed and placed in actual operation, as required by paragraph (b) of section 157.20 of the Regulations under the Natural Gas Act, within 6 months from the date of this order.

(D) Applicant shall continue to submit semiannual reports as required by order of August 29, 1973, issued in Docket No. CP73-237.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-20669 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. RP78-52]

#### CONSOLIDATED GAS SUPPLY CORP.

#### Proposed Changes in FERC Gas Tariff

JULY 19, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on June 30, 1978 tendered for filing Second Substitute Alternate Fourth Revised Sheet No. 16 to its FERC Gas Tariff, Third Revised Volume No. 1. The tariff sheet is proposed to become effective, subject to refund on July 1, 1978. Consolidated proposed that the rates shown on Second Substitute Alternate Fourth Revised Original Sheet No. 16 be approved in lieu of the rates filed June 7, 1978.

Consolidated stated that Second Substitute Alternate Fourth Revised Sheet No. 16 was filed to comply with ordering paragraph (B) of the Commission's order of April 28, 1978 in Docket No. RP78-52. Consolidated seeks to recover the costs of regasified LNG when deliveries commence on July 1, 1978 in its base rates.

Consolidated respectfully requests a waiver of the Commission's Rules and Regulations, specifically section 154.22, Notice Requirements, any other of the Commission's Rules and Regulations as may be required to make the rates effective, subject to refund, on July 1, 1978.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons 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 sections 1.8 and 1.10). All such petitions or protests should be filed on or before July 28, 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. 78-20670 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. ER78-486]

#### DUKE POWER CO.

#### Proposed Supplement to Electric Power Contract

JULY 19, 1978.

Take notice that Duke Power Co. (Duke Power) tendered for filing on July 13, 1978 a supplement to the Company's Electric Power Contract with Union Electric Membership Corp. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 141.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in designated demand:

Delivery Point No. 2 from 11,000 kW to 4,200 kW; Delivery Point No. 4 from 1,200 kW to 1,700 kW; Delivery Point No. 5 from 14,000 kW to 20,000 kW; Delivery Point No. 6 from 4,000 kW to 5,300 kW; and one new delivery point No. 7 with a designated kW of 12,000.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for 12 months immediately preceding and for the 12 months immediately succeeding the

effective date. Duke Power proposes an effective date of June 20, 1978, and therefore requests waiver of the Commission's notice requirements.

According to Duke Power copies of this filing were mailed to Union Electric Membership Corp. and the North Carolina Utilities 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 July 28, 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. 78-20671 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. RM78-11]

GEORGETOWN UNIVERSITY LAW CENTER

Petition

JULY 18, 1978.

Petition of Institute for Public Interest Representation Requesting Promulgation of a Commission Rule Governing Communications in Informal Rulemakings.

Take notice that the Institute for Public Interest Representation, Georgetown University Law Center, on April 28, 1978, filed a petition requesting that this Commission issue a notice of proposed rulemaking looking toward the adoption of a rule governing ex parte contacts in formal rulemaking proceedings both before and after issuance of notice of proposed rulemaking.

Any person desiring to comment on the petition should file written comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on or before August 28, 1978. Copies of the petition are on file with Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-20616 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. CP78-319]

MISSISSIPPI RIVER TRANSMISSION CORP.

Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity and Permitting and Approving Abandonment

JULY 19, 1978.

On May 5, 1978, Mississippi River Transmission Corp. (Applicant)<sup>1</sup> filed in Docket No. CP78-319 an application pursuant to section 7 of the Natural Gas Act, as implemented by § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction, removal and relocation and for permission for and approval of the abandonment, during the 12-month period commencing August 16, 1978, and operating of field gas compressed and related metering and appurtenant facilities, all as more fully set forth in the application in this proceeding.

The purpose of this budget-type authorization is to enable Applicant to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity from that authorized prior to the filing of the instant application.

The total cost of the proposed construction, relocation, removal, or abandonment of field compression facilities will not exceed \$1,400,000, with no single project to exceed a cost of \$350,000, which costs will be financed with cash on hand.

Since the facilities proposed to be constructed or abandoned will be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, said construction and abandonment are subject to requirements of subsections (c) and (e) and subsection (b), respectively, of section 7 of the Natural Gas Act.

After due notice by publication in the FEDERAL REGISTER on May 22, 1978 (43 FR 2193), no petitions to intervene, notices of intervention, or protests to the granting of the application have been filed.

At a hearing held on July 12, 1978, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record,

<sup>1</sup>Applicant, a Delaware corporation having its principal place of business in Omaha, Nebr., is a "natural gas company" within the meaning of the Natural Gas Act, as heretofore found by order of November 19, 1960, in Docket No. CP60-95 (24 FPC 1020).

The Commission finds:

(1) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(2) The construction and operation of the proposed facilities by Applicant are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(3) The abandonment proposed by Applicant is permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(4) The proposed expenditures are within the limits prescribed by § 157.7(g) of the Regulations under the Natural Gas Act.

The Commission orders:

(A) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued authorizing Applicant, Mississippi River Transmission Corp., to construct under § 157.7(g) of the Regulations, during the 12-month period commencing August 16, 1978, the proposed facilities hereinbefore described, as more fully described in the application, and to operate such facilities only to transport natural gas from existing sources of supply.

(B) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon Applicant's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraph (g) of § 157.7 and in paragraphs (a), (e), and (f) of § 157.20 of such Regulations.

(C) Applicant shall submit within 60 days after the expiration of the authorization granted by paragraphs (A) above and (D) below statements in compliance with § 157.7(g)(iv) of the Commission's Regulations under the National Gas Act, as applicable.

(D) Upon the terms and conditions of this order, permission for and approval of the abandonment by Applicant of the facilities hereinbefore described, all as more fully described in the application, are granted.

(E) The permission for and approval of the abandonment granted by paragraph (D) above are conditioned upon Applicant's compliance with § 157.7(g) of the Regulations under the Natural Gas Act and are limited to the 12-month period commencing August 16, 1978.

(F) The total cost of construction of the new or additional field compression and related metering and appurtenant facilities and the total out-of-pocket cost of abandoning, removing, and relocating existing compression and related metering and appurtenant shall not exceed \$1,400,000 and the cost of any single project shall not exceed \$350,000.

(G) The grant of the certificate herein is conditioned upon Applicant's certifying to the Commission within 60 days after all construction is completed under the instant authorization that it has fully complied with the provisions of § 2.69 of the Commission's General Policy and Interpretations.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-20672 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. RP72-149]

**MISSISSIPPI RIVER TRANSMISSION CORP.****Proposed Change in Rates**

JULY 19, 1978.

Take notice that Mississippi River Transmission Corp. ("Mississippi") has submitted for filing 66 Revised Sheet No. 3A to its Federal Energy Regulatory Commission Gas Tariff, First Revised Volume No. 1, which carries a proposed effective date of August 1, 1978.

Mississippi states that 66 Revised Sheet No. 3A is being filed pursuant to the Purchased Gas Cost Adjustment provisions of its tariff to track a rate change filing of Trunkline Gas Co. ("Trunkline") made pursuant to the terms and conditions of Trunkline's PGA provisions. Trunkline's filing also carries a proposed effective date of August 1, 1978.

Mississippi states that copies of its filing, including computations in support thereof, have been served on its jurisdictional customers and the State Commissions of Arkansas, Illinois, and Missouri.

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 July 28, 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. 78-20673 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. ER78-484]

**MONONGAHELA POWER CO.****Proposed Tariff Change**

JULY 19, 1978.

Take notice that Monongahela Power Co. (Company), on July 11, 1978, tendered for filing revised pages to FERC Electric Tariff Original Volume No. 1. The Company indicates that the changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately \$290,778,

based on the 12-month period ending December 31, 1977. The proposed effective date for the increased rates is August 9, 1978.

The Company indicates that the changes proposed are for the purpose of recovering increased costs incurred by the Company.

Copies of the filing were served upon the jurisdictional customers, the West Virginia Public Service Commission and the Virginia State Corp. Commission, according to the Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 July 28, 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. 78-20674 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. ER78-483]

**POTOMAC EDISON CO.****Proposed Tariff Change**

JULY 19, 1978.

Take notice that the Potomac Edison Co. (Edison) on July 11, 1978 tendered for filing Supplement No. 5 to Rate Schedule FERC No. 37. Edison indicates that the changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately \$264,346, based on the 12-month period ending December 31, 1977.

Edison indicates that the changes proposed are for the purpose of recovering increased costs incurred by the Company.

Copies of the filing were served upon the jurisdictional customer and the Virginia State Corp. Commission, according to Edison.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 July 28, 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. 78-20675 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. CI77-298]

**TENNECO INC.****Informal Settlement Conference**

JULY 19, 1978.

Take notice that on July 25, 1978, at 10 a.m., an informal conference will be convened of all interested persons to discuss the settlement of any or all issues in the above-entitled proceeding. The conference will be held in a room whose number will be posted on the second floor hearing calendar at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

All interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 78-20676 Filed 7-25-78; 8:45 am]

[6740-02]

[Docket No. ER78-482]

**WISCONSIN POWER AND LIGHT CO.****Filing of New Interconnection Agreement**

JULY 19, 1978.

Take notice that on July 11, 1978, Wisconsin Power and Light Co. (WPL) tendered for filing an Interconnection Agreement dated February 24, 1978, between Wisconsin Power and Light Co. (WPL) and Dairyland Power Cooperative (DPC). Also included in the filing were Service Schedules B, C, D, E, and F to the Interconnection Agreement dated February 24, 1978, between WPL and DPC.

The provisions of these Service Schedules are proposed to be effective March 1, 1978, and waiver of the Commission's notice requirements is therefore requested.

WPL states that the rate schedules provided for in the Agreement are the same as those applicable in the Com-

pany's other interconnection agreements presently on file with this Commission. WPL further states that the contract provides generally for interconnections and will supersede the existing contract for Transmission Line Maintenance Power dated September 17, 1969, and previously equipped in Docket No. ER76-345.

The intent of the parties is that there will be zero net interchange of energy on a monthly basis so that estimated revenues will be zero, according to WPL.

WPL states that signed copies of each Service Schedule have been provided to the respective parties.

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 Paragraph 1.8 and Paragraph 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petition or protests should be filed on or before July 28, 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. 78-20677 Filed 7-25-78; 8:45 am]

#### [6740-02]

[Docket No. ER78-488]

#### WISCONSIN POWER & LIGHT CO.

##### Filing of Proposed Amendment to Wholesale Power Agreement

JULY 19, 1978.

Take notice that on July 13, 1978, Wisconsin Power & Light Co., (WPL) tendered for filing an Amendment to Wholesale Power Agreement dated May 30, 1978, between the Adams-Marquette Electric Cooperative and WPL. WPL states that this Amendment will amend an existing Wholesale Agreement dated November 20, 1975 and designed WPL Rate Schedule FPC. No. 112.

WPL requests a proposed effective date of September 30, 1977 and, therefore requests waiver of the notice requirements of the Commission's Regulations. WPL states that a copy of the Amendment to Wholesale Power Agreement and the filing have been provided to the Adams-Marquette Electric Cooperative and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 28, 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. 78-20678 Filed 7-25-78; 8:45 am]

#### [6560-01]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 932-5; OPP-42050B]

#### STATE OF ILLINOIS

##### Submission of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides—Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the U.S. Environmental Protection Agency (EPA). On May 15, 1978, the Illinois State Plan was approved contingent upon promulgation by the Illinois Department of Public Health (IDPH) of regulations necessary for the implementation of the Illinois State Plan. Notice of contingent approval was published in the FEDERAL REGISTER on May 15, 1978 (43 FR 20864). Subsequently, on May 21, 1978, implementing regulations promulgated by the IDPH became effective. Having reviewed these regulations and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Acting Regional Administrator, EPA Region V, hereby gives notice that the Illinois State Plan is now a fully approved State Plan.

Dated: July 13, 1978.

VALDAS V. ADAMKUS,  
*Acting Regional Administrator,*  
*Region V.*

[FR Doc. 78-20643 Filed 7-25-78; 8:45 am]

#### [6712-01]

#### FEDERAL COMMUNICATIONS COMMISSION

#### BROADCAST SERVICE WORKING GROUP, 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

##### Continuation of Meeting

JULY 21, 1978.

WARC-79 International Broadcasting Service Group, Tuesday, August 8, 1978, 10 a.m. to 1 p.m., RFE/RL Offices, 30 East 42d Street, 3d floor conference room, New York, N.Y. 10017, telephone 212-867-5200, extension 204, chairman: Stanley Leinwoll, liaison: Darrell E. Bauguess.

The agenda will be as follows:

1. Further discussion of eighth notice of inquiry in docket 20271.
2. Discussion of comments and reply comments to the eighth notice of inquiry.
3. Further business.
4. Next meeting date and adjournment.

The above meeting is open to broadcast industry representatives and interested members of the general public.

FEDERAL COMMUNICATIONS COMMISSION,  
WILLIAM J. TRICARICO,  
*Secretary.*

[FR Doc. 78-20656 Filed 7-25-78; 8:45 am]

#### [6712-01]

#### TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: July 19, 1978.

Released: July 20, 1978.

Notice is hereby given, pursuant to § 1.572(c) of the Commission's rules, that the television broadcast applications listed below will be considered to be ready and available for processing on August 30, 1978. Since the listed applications are mutually exclusive and have been cut off, no other application which involves a conflict with these applications may be filed. Rather, the purpose of this notice is to establish a date by which the parties to the forthcoming comparative hearing may compute the deadlines for filing amendments as a matter of right under § 1.522(a)(2) of the rules and pleadings to specify issues pursuant to § 1.584.

BPCT-4982, new, Salinas, Calif., KLOC Broadcasting Co. Inc., channel 35.

BPCT-5021, new, Salinas, Calif., Leonard Kesselman, J. Robert Dempster and Benjamin F. Dawson, d.b.a. Leejon Broadcasting Co., channel 35.

FEDERAL COMMUNICATIONS COMMISSION,  
WILLIAM J. TRICARICO,  
*Secretary.*

[FR Doc. 78-20657 Filed 7-25-78; 8:45 am]

[7615-01]

## FEDERAL ELECTION COMMISSION

[Notice 1978-7]

## PRIVACY ACT OF 1974

## Proposed Notice of New Systems of Records

Pursuant to the provisions of the Privacy Act of 1975, Pub. L. 93-579, 5 U.S.C. section 522(e)(11), the Federal Election Commission (hereinafter the Commission) hereby publishes for comment new systems of records that will be maintained by the Commission.

A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on July 20, 1978.

These systems have been revised or proposed as a result of a reevaluation of the manner in which records were maintained at the Commission. The systems which have been revised are FEC 8, payroll records and FEC 5, personnel and travel. FEC 8 is now called payroll system. The revision of these systems consists of the computerization of records formerly kept as hard copy.

Any person interested in commenting on any portion of the systems of records contained in this notice may do so by submitting comments in writing to the General Counsel, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

Dated at Washington, D.C., on July 20, 1978.

JOAN D. AIKENS,  
Chairman,  
Federal Election Commission.

## FEC 5

*System name:* FEC personnel and travel.

*System location:* 1325 K Street NW., Washington, D.C. 20463.

*Categories of individuals covered by the system:* Individuals who applied for employment and individuals employed at FEC.

*Categories of records in the system:* Resumes, applications, employment forms, travel information.

*Authority for maintenance of the system:* 2 U.S.C. 437c(f).

*Routine uses of records maintained in the system including categories of users and the purposes of such uses:* The Staff Director and his or her designees will use the personnel system to screen individuals for employment with the Commission, and other appropriate personnel matters such as pay increases, vacation, sick leave, travel authorization, and separation from the Commission. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional

office made at the request of that individual.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

*Storage:* Computer disk packs within central processing unit.

*Retrievability:* On line access program utilizing employee social security number.

*Safeguards:* Overall password for group number; individual password for each program; knowledge of password limited to appropriate personnel.

*Retention and disposal:* Indefinite.

*System manager(s) and address:* Assistant Staff Director for Administration, FEC, 1325 K Street NW., Washington, D.C. 20463, 202-523-4112.

*Notification procedure:* Refer to Commission access regulations contained in 11 CFR 1.1 et seq. (41 FR, 43064, Sept. 29, 1976).

*Record access procedures:* Refer to Commission access regulations contained in 11 CFR 1.1 et seq. (41 FR 43064, Sept. 29, 1976).

*Contesting record procedures:* Refer to Commission access regulations contained in 11 CFR 1.1 et seq. (41 FR 43064, Sept. 29, 1976).

*Record source categories:* Personnel application, resumes, interviews, employment forms, requests for travel, etc.

## FEC 8

*System name:* Payroll Records—Federal Election Commission.

*System location:* Federal Election Commission.

*Categories of records in the system:* Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by Commission employees to maintain adequate payroll information for Commission employees; and otherwise by Commission employees who have a need for the record in the performance of their duties.

*Authority for maintenance of the system:* 31 U.S.C., generally. Also, 2 U.S.C. § 437c(f).

*Routine uses for records maintained in the system, including categories of users and the purposes of such uses:* In the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate

agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the U.S. Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance processes as set forth in that circular.

Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury form W-2, wage and tax statement, also is disclosed to the State and city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a

withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Assistant Staff Director for Administration; Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Staff Director for Administration.

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with section 7 of the Privacy Act, Pub. L. 93-579.

*Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:*

*Storage:* Computer disk packs within central processing unit.

*Retrievability:* On line access program utilizing employee social security number.

*Safeguards:* Overall password for group number; individual password for each program; knowledge of password limited to appropriate personnel.

*Retention and disposal:* Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

*System manager:* Assistant Staff Director for Administration, FEC-1325 K Street NW., Washington, D.C. 20463 202-523-4112.

*Notification procedures:* Refer to Commission access regulations contained in 11 CFR § 1.1 et seq. (41 FR 43064, Sept. 29, 1976).

*Record access procedures:* Refer to Commission access regulations contained in 11 CFR § 1.1 et seq. (41 FR 43064, Sept. 29, 1976).

*Contesting record procedures:* Refer to Commission access regulations contained in 11 CFR § 1.1 et seq. (41 FR 43064, Sept. 29, 1976).

*Record source categories:* The subject individual; the Federal Election Commission.

[FR Doc. 78-20651 Filed 7-25-78; 8:45 am]

[6730-01]

## FEDERAL MARITIME COMMISSION

### TEMPORARY EXEMPTION OF COLLECTIVE BARGAINING AGREEMENTS

Notice is hereby given that on July 13, 1978, the Commission determined the following collective bargaining agreements to be temporarily exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814), pending FEDERAL REGISTER notice, opportunity for comment, and subsequent determination by the Commission that the agreements (or any specific provision thereof) should be permanently exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916, or should be approved, disapproved or modified under that section. This action was taken in accordance with our June 9, 1978, Interim Policy Statement-Collective Bargaining Agreements (46 CFR 530.9).

Interested parties may inspect the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., room 10218; or at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Comments on the agreements, including requests for hearing, may be submitted on or before August 15, 1978. Comments should include facts and arguments concerning the exemption, approval, modification, or disapproval of the proposed agreements. Comments shall discuss with particularity allegations that the agreements are unjustly discriminatory or unfair as between carriers, shippers exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operate to the detriment of the commerce of the United States, or are contrary to the public interest, or are 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-3.

**FILING PARTY:** Edward D. Ransom, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, Calif. 94111.

**SUMMARY:** The following agreements constitute the collective bargaining agreement between the International Organization of Masters, Mates & Pilots (MM&P) and the Pacific Maritime Association (PMA).

F.M.C. No. LM-3—Agreement dated June 16, 1975;

F.M.C. No. LM-3-1—Memorandum of Understanding dated as of June 16, 1978;

F.M.C. No. LM-3-A—Agreement for merger of the MMP-PMA pension plan into MM&P pension plan;

F.M.C. No. LM-3-B—Agreement and declaration of trust establishing the MM&P pension plan (as amended);

F.M.C. No. LM-3-C—Agreement for merger of the MMP-PMA welfare plan into MM&P welfare plan;

F.M.C. No. LM-3-D—Agreement and declaration of trust establishing the MM&P welfare plan (as amended);

F.M.C. No. LM-3-E—Agreement for merger of MM&P-PMA vacation plan;

F.M.C. No. LM-3-F—Agreement and declaration of trust establishing the MM&P vacation plan;

F.M.C. No. LM-3-G—Agreement for merger of the joint employment referral committee into the MM&P joint employment plan;

F.M.C. No. LM-3-H—Agreement and declaration of trust establishing the MM&P joint employment committee (as amended);

F.M.C. No. LM-3-I—Agreement for merger of MMP-PMA training plan into mates program; and

F.M.C. No. LM-3-J—Agreement and declaration of trust establishing the MM&P maritime advancement, training, education and safety program (as amended).

By order of the Federal Maritime Commission.

Dated: July 20, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-20637 Filed 7-25-78; 8:45 am]

[6730-01]

### 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 August 7, 1978, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Commentors shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or be-

tween 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-7.**

**FILING PARTY:** Edward D. Ransom, Esquire, Lillick, McHose and Charles, Two Embarcadero Center, San Francisco, Calif. 94111.

**SUMMARY:** Agreement No. LM-7, is between the members of the Pacific Maritime Association (PMA), and provides for the funding of the "Voluntary Travel System for Limited Work Opportunity Ports" (Voluntary Travel System) provided for in the July 1, 1978, Memorandum of Understanding between the PMA and the International Longshoremen's and Warehousemen's Union, FMC Agreement No. LM-4-1. The purpose of the Voluntary Travel System is to provide travel allowances for registered longshoremen who voluntarily travel within specified defined areas from a limited work opportunity port and do work at ports which are not limited work opportunity ports. The Voluntary Travel System will be funded by assessing PMA members in the same manner as they are assessed for PMA cargo dues, except that no clerk or walking boss manhours are included in the computation. The assessments are as follows:

A. A contribution for each longshore manhour paid for by each PMA member;

B. A contribution for each revenue ton of cargo other than dry bulk cargo loaded or discharged by each PMA member. The contribution per ton for such cargo shall be 55.56 percent of the contribution per longshore manhour; and

C. A contribution for each revenue ton of dry bulk cargo loaded or discharged by each PMA member. The contribution per ton of such cargo shall be 11.11 percent of the contribution per longshore manhour.

The basic contribution for each longshore manhour is to be determined by PMA's Treasurer in accordance with a formula set forth in detail in the agreement.

Dated: July 21, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-20701 Filed 7-25-78; 8:45 am]

**[6730-01]**

**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 August 7, 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.: T-2879-2.**

**FILING PARTY:** R. M. Torkildson, Esquire, Torkildson, Katz, Jossem and Loden, 700 Bishop Street, Honolulu, Hawaii 96813.

**SUMMARY:** Agreement No. T-2879-2, which is between Castle & Cooke Terminals, Ltd.; Hilo Transportation & Terminal Co., Inc.; Honolulu Terminals Co., Ltd.; Matson Terminals, Inc.; and McCabe, Hamilton & Renny Co., Ltd. (Employers), modifies the Employers' basic agreement, as amended, providing for a formula and procedures for the allocation among themselves of the costs of certain fringe benefits provided for in collective bargaining agreements with the International Longshoremen's & Warehousemen's Union (ILWU). Agreement No. T-2879-2 constitutes a request by the Employers for an indefinite extension of the basic agreement, as amended, on its present terms and conditions, subject to cancellation upon notice by the Employers to the Commission.

By order of the Federal Maritime Commission.

Dated: July 20, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-20638 Filed 7-25-78; 8:45 am]

**[6730-01]**

**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 August 15, 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.

PAQUET CRUISES, INC., AND ULYSSES  
LINE, LTD., S.A.

NOTICE OF AGREEMENT FILED FOR APPROVAL BY: SAMUEL I. HENDLER, ESQ., HENDLER & SIEGEL, 475 FIFTH AVENUE, NEW YORK, N.Y. 10017

Agreement No. 10075 between Paquet Cruises, Inc. (Paquet) and Ulysses Line Ltd., S.A. (Ulysses) provides that Paquet will provide sales management and sales facilities for the passenger cruise business to be conducted by Ulysses, as operator of the S.S. *Ithaca* which is to be renamed "*Dolphin*". Paquet is appointed and agrees to act as general agent for Ulysses in the Western Hemisphere for other passenger ships operated by Ulysses. The Agreement sets out the

respective commitments and responsibilities of the parties. The Agreement is for a term of 5 years subject to termination on 1 year's written notice by either party.

By order of the Federal Maritime Commission.

Dated: July 20, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-20639 Filed 7-25-78; 8:45 am]

## [6730-01]

### 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, Puerto Rico. 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 August 15, 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. 9847-5.

**FILING PARTY:** John D. Straton, Jr., Director, Rates and Conferences, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

**SUMMARY:** Agreement No. 9847-5, by and among Companhia de Navegacao Lloyd Brasileiro, Companhia de Navegacao Maritima Netumar, Sea-Land Service, Inc., and Moore-McCormack Lines, Inc., amends the parties' basic cargo revenue pooling, equal access and sailing agree-

ment in the southbound trade from U.S. Atlantic ports to ports in Brazil within the Fortaleza/Porto Alegre range by adding Sea-Land Service, Inc., as a new member to the agreement under the following terms: It is agreed by the parties that within the U.S. National Flag participation, Sea-Land Service, Inc., assigns all its rights (including voting), responsibilities and obligations under the agreement to Moore-McCormack Lines, Inc., and Sea-Land Service, Inc., shall not commence its service and sailings nor shall they be considered a participating carrier therein until such time as it executes with Moore-McCormack Lines, Inc., an agreement defining respective shares, rights, responsibilities and obligations within the U.S. National Flag share and such agreement is approved by the respective Government authorities having jurisdiction. Notwithstanding the above, Sea-Land is entitled at all times as a member of the agreement to participate in any and all discussions or meetings that the National Flag lines may hold collectively.

#### AGREEMENT NO. 10028-8.

**FILING PARTY:** John D. Straton, Jr., Director, Rates and Conferences, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

**SUMMARY:** Agreement No. 10028-8, by and among Companhia de Navegacao Lloyd Brasileiro, Companhia de Navegacao Maritima Netumar, Sea-Land Service, Inc., and Moore-McCormack Lines, Inc., amends the parties' basic cargo revenue pooling and sailing agreement in the northbound trade from Brazilian ports within the Porto Alegre/Recife range to ports on the Atlantic Coast of the United States by adding Sea-Land Service, Inc., as a new member to the agreement under the following terms: It is agreed by the parties that within the U.S. National Flag participation, Sea-Land Service, Inc., assigns all its rights (including voting), responsibilities and obligations under the agreement to Moore-McCormack Lines, Inc., and Sea-Land Service, Inc., shall not commence its service and sailings nor shall they be considered a participating carrier therein until such time as it executes with Moore-McCormack Lines, Inc., an agreement defining respective shares, rights, responsibilities and obligations within the U.S. National Flag share and such agreement is approved by the respective Government authorities having jurisdiction. Notwithstanding the above, Sea-Land is entitled at all times as a member of the agreement to participate in any and all discussions or meetings that the National Flag lines may hold collectively.

#### AGREEMENT NO. 10345.

**FILING PARTY:** Fred A. Wendt, Senior Vice President, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

**SUMMARY:** Agreement No. 10345, by and among Delta Steamship Lines, Inc., Empresa Lineas Maritimas Argentinas S.A., and A. Bottacchi S.A. de Navegacion C.F.I.L., is a cargo revenue pooling and sailing agreement in the southbound trade from U.S. Gulf ports to ports of Argentina within the La Plata/Rosario range, both inclusive. This agreement is intended to replace Agreement No. 10039 (Annex II) which expires with August 31, 1978. The new agreement generally restates the present agreement but with some changes. The more significant changes proposed by the new agreement are: (1) the division of the pool revenues will be by national-flag groups instead of by individual carrier; (2) there is a new method of determining pool shares in cases where there are sailing deficiencies; (3) there is a new method for computing pool payments; and (4) the term of the new agreement will be through December 31, 1980.

By order of the Federal Maritime Commission.

Dated: July 20, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-20640 Filed 7-25-78; 8:45 am]

## [6730-01]

### 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 August 7, 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.: T-3456-1.

Filing party: Carl S. Parker, Jr., Traffic Manager, Board of Trustees of the Galveston Wharves, P.O. Box 328, Galveston, Tex. 77553.

Summary: Agreement No. T-3456-1, which is between the Board of Trustees of the Galveston Wharves (Galveston), St. John Shipping Co., Inc. (sublessor) and St. John Stevedoring Co., Inc. (subtenant), provides for the sublease to subtenant of the 10-year terminal agreement whereby Galveston granted sublessor a preferential first call on berth and preferential assignment of a transit shed at Piers 30-33 for the mooring, berthing, loading and unloading of vessels and for the accumulation and movement of cargo. Agreement No. T-3456-1 provides that the sublease shall be under the same terms and conditions as the basic agreement.

By Order of the Federal Maritime Commission

Dated: July 20, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-20641 Filed 7-25-78; 8:45 am]

#### [6730-01]

##### COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO

###### Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-178 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,174.

COMPANHIA DE NAVEGACAO LLOYD  
BRASILEIRO, 17 BATTERY PLACE, NEW  
YORK, N.Y. 10004

Whereas, Companhia de Navegacao Lloyd Brasileiro (Lloydbras) has ceased to operate the passenger vessel *Romanza* to and from U.S. ports,

It is ordered, that certificate (performance) No. P-178 and certificate (casualty) No. C-1,174 issued to Companhia de Navegacao Lloyd Brasileiro (Lloydbras) covering the *Romanza*, be and are hereby revoked effective July 14, 1978.

It is further ordered, that a copy of this order be published in the FEDERAL REGISTER and served on the certificate.

By the Commission July 14, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-20642 Filed 7-25-78; 8:45 am]

#### [4110-02]

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

###### Office of Education

##### NATIONAL ADVISORY COMMITTEE ON BLACK HIGHER EDUCATION AND BLACK COLLEGES AND UNIVERSITIES

###### Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 1). This document is intended to notify the general public of their opportunity to attend.

DATE: September 11, and 12, 1978, 9 a.m. to 5 p.m.

ADDRESS: Recreation Room, Vivian Wilson Henderson Center, Clark College, 650 Fair Street SW., Atlanta, Ga. 30314.

FOR FURTHER INFORMATION CONTACT:

Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Room 4913, ROB-3, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-2825 or 202-245-2352.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) which set forth standards for the formation and use of the advisory committees.

The Committee is directed to advise the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee shall examine all approaches to higher education of Black Americans as well as the needs of historically Black colleges and universities.

The meeting of September 11 and 12, 1978, will be open to the public be-

ginning at 9 a.m. and ending at 5 p.m. each day. The meeting will be held at the Recreation Room, Vivian Wilson Henderson Center, Clark College, 650 Fair Street SW., Atlanta, Ga. 30314.

The proposed agenda will include presentations made to the Committee by individuals and/or organizations who are knowledgeable about some of the focus areas for the Committee. The topics for presentation will include, but are not limited to, the following: Increased access to and quality of higher education for Black Americans, expanding the choice of fields and institutions in which Black students enroll, increased participation in graduate and professional schools, successful completion of undergraduate and graduate education, and entry into the employment market. Other topics included will be the enhancement of the historically Black colleges and universities and the problems faced by Black faculty and staff in higher education institutions.

Interested individuals and/or organizations are invited to submit written manuscripts, that are no more than 20 pages in length. The manuscripts should specifically address the problems and/or potential solutions to the problems presently experienced by Blacks in higher education and/or historically Black colleges and universities. Manuscripts should be sent to and received by the Program Delegate, Ms. Carol J. Smith, on or before COB August 14, 1978. All written manuscripts will be reviewed and a limited number will be selected for presentation. Individuals and/or organizations will be invited to participate as panelists in the meeting. Notification of the Committee's selection will be made by August 25, 1978, in order to allow selected participants an opportunity to further develop their presentations.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located at seventh and D Streets SW., Room 4913, ROB-3, Washington, D.C.

Signed at Washington, D.C., on July 21, 1978.

CAROL J. SMITH,  
Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities.

[FR Doc. 78-20647 Filed 7-25-78; 8:45 am]

[4110-92]

## Office of Human Development Services

[Program Announcement No. 13627-7821]

## RESEARCH AND TRAINING CENTERS

## Availability of Grant Funds

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of availability of grant funds for a rehabilitation research and training center program in the rehabilitation of the blind and severely visually disabled.

SUMMARY: The Rehabilitation Services Administration (RSA) announces that applications are being accepted for a grant under title II of the Rehabilitation Act of 1973, as amended, to establish a rehabilitation research and training center in the area of blindness and severe visual disability. Regulations governing this program are published in the Code of Federal Regulations in 45 CFR part 1362.62.

DATES: Closing date for receipt of application is: September 8, 1978. Applicants are encouraged to respond at an earlier date if possible.

Scope of this announcement.—This program announcement covers one funding priority of the rehabilitation research and training center program for fiscal year 1978. This funding priority is in the area of blindness and severe visual disability.

## PROGRAM PURPOSE

The purpose of the rehabilitation research and training center program is to provide a synergistic, coordinated and advanced program of rehabilitation research and training of researchers and other rehabilitation and related personnel.

## PROGRAM GOAL AND OBJECTIVES

The goal in establishing a research and training center in the area of blindness and severe visual disability is to develop a well organized program of scientific research and training designed to solve complex psychological, social, and vocational problems regarding blindness and severe visual disability.

Applications for a research and training center in the area of blindness and severe visual disability must address and demonstrate their capability or potential capability for achieving the following program objectives and the their core problem areas. Applicants should select a minimum of two core areas they consider priority areas, ranked in order of importance, to be developed during the first year. Additional core areas may be selected by the applicants which they feel can be appropriately developed within the

first year and confines of the estimated Federal funds available. Applicants should list in priority order other core areas they might wish to undertake in later years.

1. To conduct a program of rehabilitation research focusing on the area of blindness and severe visual disability that is aimed toward the discovery of new knowledge which will improve rehabilitation methods, management and service delivery systems.

In addressing this objective, applicants should develop a core research program with specific research goals that may include, but are not limited to, research into the following problem areas:

(a) The research relative to utilization of advanced methodology and technology in the general field of rehabilitation of the blind and visually impaired;

(b) Research to integrate the methods and technology of other disabilities with the rehabilitation of the blind where multi-handicapped blind persons require rehabilitation services, such as services for the mentally retarded blind;

(c) Research in educational methodology for the prevention of blindness as it relates to rehabilitation services;

(d) Research to advance the body of knowledge and information concerning the training of severely handicapped persons to maximize the use of residual vision for rehabilitation purposes;

(e) Research for the advancement of the unique social and vocational independence needs of older blind and severely visually disabled populations;

(f) Research in the area of "rehabilitation teaching services" for the blind;

(g) Research relating to the function and the most effective use of comprehensive rehabilitation centers for the blind and severely visually disabled;

(h) Research in the most effective use of sheltered workshops and home industry programs for the blind;

(i) Research in utilization of telecommunication such as Radio Information Service Programs for delivering rehabilitation services to the blind and severely visually disabled; and

(j) Research in area of job identification, development, adaptation, modification, and selective placement techniques for employment of the blind and severely visually disabled.

2. To conduct a program of teaching and training to assist in preparing and increasing the number of research and other rehabilitation related professional and paraprofessional personnel where manpower shortages exist, incorporate rehabilitation education relating to the blind and visually handicapped in all university related curriculum, and to improve the skills of existing rehabilitation personnel and the effectiveness of rehabilitation services through the media of seminars; workshops; study groups, short and long-term, in-service and continuing education programs.

In addressing this objective, applicants may wish to develop, but are not

limited to, training programs in the following core problem areas:

(a) Short-term training to implement new legislative or administrative initiatives; and

(b) Training to deal with the need to interface rehabilitation services for the blind and severely visually disabled with medical, psycho-social, educational and other rehabilitation related fields.

To widely disseminate and promote the use and application of the new knowledge stemming from research findings.

In addressing this objective, applicants may wish to undertake, but are not limited to, activities in the following core problem areas:

(a) Development of methods for full utilization of all resources available to rehabilitation agencies serving the blind and visually disabled; and

(b) Cooperate in the implementation of a national clearinghouse for assembling all information and materials relating to blindness and rehabilitation of the blind and severely visually disabled.

## ELIGIBLE APPLICANTS

States and public or nonprofit agencies and organizations, including institutions of higher education or rehabilitation facilities having well-recognized programs of research and associated with institutions of higher education may apply for center grants provided that the center program has a separate organizational identity.

## AVAILABLE FUNDS

Approximately \$300,000 are available to establish the Research and Training Center.

The initial grant sustains the Federal share of the budget for the first year of the project. Annually, the continuation grant is based upon an evaluation of the performance of the Center and the availability of funds.

Additional core areas may be supported in subsequent years depending on funds available and needs of the agency.

## GRANTEE SHARE OF THE PROJECT

While no specific percentage of grantee sharing is required, grantees are expected to commit their resources to the support of activities of the Center. The administrative overhead costs (indirect) in the Research and Training Center program is limited to 15 percent of total allowable direct costs. The difference between actual and allowable indirect costs may be considered as a part of the applicant or university's share.

## THE APPLICATION PROCESS

Availability of Forms.—Application for a Research and Training Center grant must be submitted on standard forms provided for this purpose. Appli-

cation kits which include the forms and other information may be obtained by writing to:

Division of Grants and Contract Management, Office of Human Development Services, Room 1427, Mary E. Switzer Building, 330 "C" Street SW., Washington, D.C. 20201.

ATTENTION: 13627-782, telephone, 202-245-0051.

**Application Submission.**—One signed original and two copies of the grant application, including all attachments, must be submitted to the address indicated in the application instructions. Additionally, a copy of the application is to be submitted concurrently to the appropriate State Vocational Rehabilitation Agency for review and comment.

**Application Consideration.**—The Commissioner of Rehabilitation Services Administration determines the final action to be taken with respect to each grant application.

All grant applications are subjected to a competitive review and evaluation conducted by qualified persons including those outside the Federal Government. The results of the competitive review supplement and assist the Commissioner's consideration of the competing applications. The Commissioner's consideration also takes into account the comments of the State Agencies of Vocational Rehabilitation, the RSA Regional Office and the headquarters program office. Comments on the applications may also be requested from appropriate specialists and consultants inside and outside the Government.

After the Commissioner has reached a decision either to disapprove or not to fund a grant application, unsuccessful applicants are notified in writing of this decision. The successful applicant is notified through the issuance of a Notice of Grant Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is contemplated.

#### CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

Competing grant applications will be reviewed and evaluated against the following criteria:

1. Objectives of the Research and Training Center are in consonance with and capable of achieving RSA program objectives and core areas as defined in this announcement;
2. The Center design, including the research and training plan, is capable of attaining Center objectives and core areas;
3. Adequate facilities are available to the applicant to carry out the project;

4. Project personnel, actual or proposed, are well trained and qualified and University faculty appointments of core staff are appropriate;

5. Staffing patterns are appropriate;

6. The Center demonstrates a satisfactory affiliation arrangement with a University and is a distinct organizational unit and sufficiently independent in its administration within the affiliation arrangement;

7. The University with which the Center is affiliated has multi-disciplinary rehabilitation resources available;

8. The Center has adequate relationships with other departments within the University, with State vocational rehabilitation agencies and with public and voluntary organizations, etc.;

9. The application demonstrates or contains adequate plans and procedures for insuring the relevance of research and training to current needs in rehabilitation of blind and severely visually handicapped;

10. The University's affiliated service components are satisfactory and adequate;

11. The extent to which the applicant or University appropriately commits its resources to the activities of the Center;

12. The project demonstrates the potential for project results to be effectively utilized;

13. The application demonstrates that the applicant has a knowledge of vocational rehabilitation issues as well as past and present research in the core areas selected;

14. The application demonstrates that the Center research will directly improve affiliated clinical services;

15. The estimated cost to the Government is reasonable in relation to anticipated project results;

16. Applicant's demonstrated ability and capacity in their long-range planning to accomplish or achieve all core areas listed; and

17. Applicant's ranking of their proposed core areas in order of importance and impact on the rehabilitation field.

#### CLOSING DATE FOR RECEIPT OF APPLICATIONS

The closing date for receipt of applications under this Program Announcement is September 8, 1978. Applicants are encouraged to respond at an earlier date if possible. Applications may be mailed or hand delivered. Hand delivered applications will be accepted during regular working hours of 9 a.m. to 5 p.m.

An application will be considered to have arrived by the closing date if:

1. The application was sent by registered or certified mail, no later than September 8 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;

2. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than close of business, September 8, 1978, in any case; and

3. The application is sent by mail and received on or before the closing date in the Department of Health, Education, and Welfare, the Office of Human Development Services or the Rehabilitation Services Administration mailrooms as evidenced by the time date stamp or other documentary evi-

dence of receipt maintained by such mailroom.

Late applications are not acceptable and applicants will be notified accordingly.

(Catalog of Federal Domestic Assistance Program Number: 13.627, Rehabilitation Research and Demonstration.)

Dated: July 13, 1978.

ROBERT R. HUMPHREYS,  
Commissioner of  
Rehabilitation Services.

Approved: July 21, 1978.

ARABELLA MARTINEZ,  
Assistant Secretary of  
Human Development Services.

[FR Doc. 78-20698 Filed 7-25-78; 8:45 am]

#### [4110-85]

Public Health Service

#### HEALTH SERVICES ADMINISTRATION

Office of the Assistant Secretary for Health;  
Statement of Organization, Functions, and  
Delegations of Authority

Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (38 FR 18571, July 12, 1973, as amended at 42 FR 61317, December 2, 1977, and further amended at 43 FR 14131, April 4, 1978) is amended to transfer the PHS loan policy function from the Division of Financial Management to the Division of Grants and Contracts within the Office of Resource Management, Office of Management and to recognize a prior delegation of the function of marketing for direct loan activities to the PHS agencies.

Part H, Chapter HS (Health Services Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (39 FR 10463-70, March 20, 1974, as amended in pertinent part at 39 FR 24941, July 8, 1974) is amended to reflect the retitling of the Division of Federal Employee Health as the Division of Federal Employee Occupational Health, Bureau of Medical Services, to provide a more definitive organizational designation in relation to functions currently assigned.

Section HA-20 Functions is amended as follows:

Under the Office of Resource Management (HAU4), make the following changes:

1. Under the Division of Financial Management (HAU41), delete the functions "develops policies and procedures for the PHS direct loan, loan guarantee and interest subsidy programs; provides marketing for direct loan activities;"

2. Under the Division of Grants and Contracts (HAU42), add the function "develops policies and procedures for the PHS direct loan, loan guarantee and interest subsidy programs;" before the last function "and prepares reports as required."

Section HS-B Organization and Functions is amended as follows:

Under the heading entitled Bureau of Medical Services (HSM), change the title for the Division of Federal Employee Health (HSMA) to read: Division of Federal Employee Occupational Health (HSMA). The current functional statement is unchanged.

Dated: July 18, 1978.

LEONARD D. SCHAEFFER,  
Assistant Secretary  
for Management and Budget.

[FR Doc. 78-20699 Filed 7-25-78; 8:45 am]

#### [4110-35]

Office of the Secretary

#### SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED AND DISABLED MEDICAL ASSISTANCE PROGRAMS

##### List of Specific Items and Services Subject to Lowest Charge Level

Notice is hereby given that, pursuant to section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) and to 42 CFR 405.511 and 42 CFR 450.30(b)(4), and the Secretary of Health, Education, and Welfare announces that the following items of equipment and laboratory services shall be subject to the medicare and medicaid lowest charge level criteria. The Secretary has determined that, for this purpose, the items and services identified below do not vary significantly in quality from one supplier to another.

Section 1842(b)(3) provides that for medical services, supplies, and equipment (including equipment services) which the Secretary has found do not generally vary significantly in quality from one supplier to another, the lowest charge levels at which such items and services are widely and consistently available in a locality shall be an upper limit on the reimbursement paid under medicare. Elsewhere in this issue of the FEDERAL REGISTER are final rules amending the medicare and medicaid regulations establishing procedures and standards to implement 1842(b)(3).

While it is not possible to establish immediately the lowest charge level limits for every item and service not materially affected in quality by the supplier who actually furnishes it to the patient, priority has been given to items or services most frequently paid for under these programs. The list of items of equipment and services that follows is the first step in implement-

ing these regulations. As more items or services (including equipment servicing) are proposed for application of the lowest charge level provision, notices will be published in the FEDERAL REGISTER, giving the public an opportunity to comment.

##### LIST OF ITEMS AND SERVICES SUBJECT TO THE LOWEST CHARGE LEVEL

(a) *Standard Wheelchair—Definition*—A standard wheelchair is one that would generally satisfy the needs of the average-size patient, is fabricated to withstand normal usage and body weight, and has brakes and armrests. A wheelchair having any of the following additional features may be considered as standard:

1. Eight-inch casters.
2. Sling seat (functional for most patients).
3. Footplates (including adjustable footplates).
4. Capable of being easily folded as a complete unit without removing integral parts.

(b) *Standard Hospital Bed*—(1) *Definition*—A standard hospital bed is one that: (i) is of a design and construction equal to the standard which is common within the industry, consisting of modified gatch spring assembly, mattress and bed ends with casters, and two manually operated foot end cranks which permit independent adjustment of the elevation of the head and knee sections, (ii) is capable of accommodating a standard trapeze bar when attached to the head end, (iii) is equipped with IV sockets, (iv) is capable of supporting an overhead frame and other accessories that utilize IV holes for mounting purposes, and (v) is equipped to accommodate side rails if required by the patient's condition.

(2) *Special Consideration—Hospital Beds*—Side rails are not considered a feature of a standard hospital bed and are covered under the health insurance program only when medically necessary. Also, a variable-height feature is not considered a standard feature. However, these features may be considered in determining the lowest charge level for standard hospital beds in those localities where the supply of beds without such features would be insufficient to meet the anticipated demand of medicare beneficiaries.

(c) *Commonly Performed Laboratory Services* (with identifying codes as listed in the 1964 edition of the California Relative Value Studies).

- (1) Cholesterol, Blood Test (8652).
- (2) Complete Blood Count (8628).
- (3) Hemoglobin (8622).
- (4) Hematocrit (8681).
- (5) Prothrombin Time (8712).
- (6) Sedimentation Rate (8718).
- (7) Blood Sugar (Glucose) (8722).
- (8) Cytologic Study (Papanicolaou type) (8911).

- (9) Urinalysis (8936).
- (10) Blood Uric Acid (8747).
- (11) Blood Urea (8745).
- (12) Leukocyte Count (8624).

*Effective Date.*—This Notice will be effective July 1, 1978.

(Sec. 1102, 1842(b), 1871, and 1903(i)(1), Social Security Act, 49 Stat. 647, 79 Stat. 302, 310, 331, 86 Stat. 1395, 1454 (42 U.S.C. 1302, 1395u(b), 1395hh, and 1396b(i)(1)))

(Catalog of Federal Domestic Assistance Program Nos. 13.714 Medical Assistance Programs, 13.774 Medicare-Supplementary Medical Insurance.)

Dated: July 19, 1978.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

[FR Doc. 78-20618 Filed 7-25-78; 8:45 am]

#### [4310-84]

#### DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 63910]

WYOMING

Application

JULY 14, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla., filed an application for a right-of-way to construct a 12 $\frac{1}{2}$ -inch pipeline for the purpose of transporting natural gas across the following described public lands:

##### SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 20 N., R. 90 W.,  
Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 18, lot 1.  
T. 21 N., R. 90 W.,  
Sec. 34, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 19 N., R. 91 W.,  
Sec. 10, E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 16, E $\frac{1}{2}$ E $\frac{1}{2}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 20 N., R. 91 W.,  
Sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

This pipeline will transport natural gas produced from the Creston No. 3 Well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 5, T. 18 N., R. 91 W., in Carbon County to a point of connection with Cities Service Gas Co.'s gathering line in sec. 34, T. 21 N., R. 90 W., in Sweetwater County, Wyo.

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 670, 1300 Third Street, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,  
*Acting Chief, Branch of Lands  
and Minerals Operations.*

[FR Doc. 78-20627 Filed 7-25-78; 8:45 am]

[4310-84]

[W-63920]

WYOMING

Application

JULY 14, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Panhandle Eastern Pipe Line Co. of Colorado filed an application for a right-of-way to construct a 4-inch o.d. pipeline, a 6-inch o.d. pipeline, an 8-inch o.d. pipeline and a 10-inch o.d. pipeline as an addition to their gathering system for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 23 N., R. 96 W.,  
Sec. 15.  
T. 23 N., R. 97 W.,  
Secs. 1, 2, 3, and 4.  
T. 24 N., R. 97 W.,  
Secs. 13, 14, 15, 16, 17, 20, 21, 22, 24, 25, 27,  
28, and 33.

The proposed pipelines will transport natural gas from the Davis Hay Reservoir Nos. 3, 8, 9, 11, 14, 16, 17, 18, and 19 wells and the Davis Great Divide No. 2 well to a point of connection with an existing 12-inch o.d. pipeline all within Sweetwater County, Wyo.

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, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

WILLIAM S. GILMER,  
*Acting Chief, Branch of  
Lands and Minerals Operations.*

[FR Doc. 78-20659 Filed 7-25-78; 8:45 am]

[4310-84]

[W-61861 Amendment]

WYOMING

Application

JULY 17, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Co. of Casper, Wyo., filed an amendment to their existing right-of-way to construct two additional 4-inch o.d. pipelines and relocate an existing pipeline for the purpose of transporting crude oil across the following described public lands.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 91 W.,  
Sec. 19, lots 9, 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 30, lot 5.

The proposed pipelines will connect the Altus 19-1 well, the Tenneco No. 5 unit well, and the Tenneco 19-1 wells to an existing pipeline located in lot 5 of section 30, T. 47 N., R. 91 W., Washakie County, Wyo.

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, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

WILLIAM S. GILMER,  
*Acting Chief, Branch of  
Lands and Minerals Operations.*

[FR Doc. 78-20662 Filed 7-25-78; 8:45 am]

[4310-84]

[Wyoming 0323246 Amendment]

WYOMING

Application

JULY 17, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Coastal States Gas Corp. of Brownsville, Tex. filed an amendment application for a right-of-way to construct a 4 inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 97 W.,  
Sec. 32, lot 1,  
Sec. 33, lot 1,  
Lot 57.

The proposed pipeline will transport natural gas from a point in lot 57 to a point of connection with their existing natural gas pipeline in lot 1 of section 32., T. 56 N., R. 97 W., Big Horn County, Wyo.

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 sent them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

WILLIAM S. GILMER,  
*Acting Chief, Branch of  
Lands and Minerals Operations.*

[FR Doc. 78-20661 Filed 7-25-78; 8:45 am]

[4310-84]

[C-071484 Amendment]

WYOMING

Application

JULY 17, 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 Amoco Pipeline Co. of Denver, Colo. filed an application to amend right-of-way C-071484 to construct a cathodic rectifier site affecting the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 99 W.,  
Sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$ .

The proposed cathodic rectifier site is for maintenance protection of an existing pipeline located within Hot Springs County, Wyo.

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, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

WILLIAM S. GILMER,  
*Acting Chief, Branch of  
Lands and Minerals Operations.*

[FR Doc. 78-20660 Filed 7-25-78; 8:45 am]

[4310-84]

**PACIFIC OUTER CONTINENTAL SHELF****Availability of Official Protraction Diagram**

AGENCY: Department of the Interior, Bureau of Land Management, Pacific Outer Continental Shelf.

ACTION: Availability of official protraction diagram.

ADDRESS: 300 North Los Angeles Street, Los Angeles, Calif. 90012.

FOR FURTHER INFORMATION CONTACT:

William E. Grant, FTS 798-7234.

Notice is hereby given that, effective with this publication, the following OCS official protraction diagram approved on the date indicated, is available, for information only, in the Pacific Outer Continental Shelf Office, Bureau of Land Management, Los Angeles, Calif. In accordance with Title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

**OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAM***Description and Approval Date*

NL-12, Daisy Banks, April 25, 1978.

Copies of this diagram are for sale at two dollars (\$2) per copy by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 300 North Los Angeles Street, Room 7127, Los Angeles, Calif. 90012. Checks or money orders should be made payable to the Bureau of Land Management.

WILLIAM E. GRANT,  
Manager, Pacific Outer  
Continental Shelf Office.

[FR Doc. 78-20658 Filed 7-25-78; 8:45 am]

[4310-10]

**Office of the Secretary****FEDERAL COAL LEASING POLICY—  
PREFERENCE RIGHT LEASING**

Modification of the Order of the Court in *Natural Resources Defense Council v. Hughes*, 437 F. Supp. 981 (D.D.C. 1977)

Notice is hereby given that on June 14, 1978, the District Court for the District of Columbia modified its order of September 27, 1977, in the case of *Natural Resources Defense Council v. Hughes*. Consistent with that order, the Department will involve the general public in its selection of the twenty

(20) preference right lease applications to be processed during the period prior to the completion of the new programmatic environmental statement required under the court order and the implementation of a new coal leasing program. Processing does not include lease issuance. The applications which will be selected will be those which involve the least environmental impact.

The Department will seek public involvement in that selection process through publication for comment in the FEDERAL REGISTER of the proposed list of twenty (20) applications which the Department believes meet the standards set forth in the court's modified order. There will also be published a list of other applications which meet the standards of the modified order but have greater environmental impact. If no person disagrees with the Department's evaluation of an application on the original list of twenty (20) as being one which meets the standards and has the least environmental impact, it will become one of the twenty (20) applications the Department finally selects to process fully.

If any application of the original twenty (20) is disputed, the Department will consider the comments and prepare and republish, using the standards in the court's modified order, a list of two times the number of disputed applications, but not less than twenty (20) applications, for additional public comment. After receipt of comments, the Department will select from this list, in accordance with the standards in the modified order, the remaining preference right lease applications to be processed.

The published notice containing the initial list of applications will prescribe the time and place for receipt of comments under this procedure, and the location of the files containing information of the applications.

Dated: July 20, 1978,

GUY MARTIN,  
Assistant Secretary,  
Land and Water Resources.

[FR Doc. 78-20648 Filed 7-25-78; 8:45 am]

[7590-01]

**NUCLEAR REGULATORY  
COMMISSION****ADVISORY COMMITTEE ON REACTOR SAFETY,  
SUBCOMMITTEE ON THE FAST  
FLUX TEST FACILITY****Meeting**

The ACRS Subcommittee on the Fast Flux Test Facility will hold an

open meeting on August 10, 1978 in Room 1046, 1717 H Street NW., Washington, D.C. 20555 to review the NRC Safety Evaluation Report on the Fast Flux Test Facility (FFTF) and to discuss topics related to the operation of FFTF. Notice of this meeting was published at 43 FR 26162 and 30631, June 16 and July 17, 1978, respectively.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977 (42 FR 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:

*Thursday, August 10, 1978, 8:30 a.m. until the conclusion of business*—The Subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full committee.

At the conclusion of the executive session, the subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff and the Department of Energy pertinent to the above topics. The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full committee.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, telephone 202-634-3267 between 8:15 a.m. and 5 p.m. e.d.t.

Dated: July 20, 1978.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 78-20632 Filed 7-25-78; 8:45 am]

[7590-01]

**APPLICATIONS FOR LICENSES TO EXPORT  
NUCLEAR****Facilities or Materials**

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 July 10-July 14, 1978. A copy of each applica-

tion is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated this day July 18, 1978, at Bethesda, Md.

For the Nuclear Regulatory Commission.

GERALD G. OPLINGER,  
Assistant Director, Export/  
Import and International  
Safeguards, Office of Interna-  
tional Programs.

| Name of applicant, date of application, date received, and application number | Material in kilograms or reactor type and power level | Enrichment (in percent) | End-use  | Country of destination |
|---|---|-------------------------|--|------------------------|
| RMI Co., July 7, 1978, July 10, 1978, XU-8342 amend. 01.                      | Additional 90,039 depleted uranium.                   | .....                   | As remelt feed for the casting of depleted uranium ingots.                         | Canada.                |
| Transnuclear, Inc., July 11, 1978, July 12, 1978, XSNMO1344.                  | 11,584.75 uranium.....                                | 3.55                    | Fuel for Beznau II.....  | Switzerland.           |
| Transnuclear, Inc., July 11, 1978, July 12, 1978, XSNMO1345.                  | 4.23 uranium.....                                     | 93.3                    | Material will be stored for 2 to 3 years then used as fuel in Bruce Gen. Stations. | Canada.                |
| General Atomic Co., June 10, 1978, July 12, 1978, XRO91 amend. 02.            | To extend expiration date to July 1, 1979.            | .....                   | .....  | Romania.               |
| The Boeing Co., June 28, 1978, July 5, 1978, XUO8302 amend. 04.               | Add additional ultimate consignees.                   | .....                   | .....  | Various countries.     |
| Westinghouse Electric Co., July 5, 1978, July 10, 1978, XR122 amend. 01.      | Add intermediate consignee.                           | .....                   | .....  | Spain.                 |

[FR Doc. 78-20534 Filed 7-25-78; 8:45 am]

#### [7590-01]

[Docket Nos. 50-466 and 50-467 (Allens Creek Nuclear Generating Station, Units 1 and 2)]

#### HOUSTON LIGHTING & POWER CO.

##### Reconstitution of Board

Frederic J. Coufal, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because he has transferred to the Federal Communications Commission, where he will serve as an Administrative Law Judge, Mr. Coufal is unable to continue his service on this Board.

Accordingly, Samuel W. Jensch, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's rules of practice, as amended.

Dated at Bethesda, Md. this 19th day of July 1978.

JAMES R. YORE,  
Chairman, Atomic Safety  
and Licensing Board Panel.

[FR Doc. 78-20634 Filed 7-25-78; 8:45 am]

#### [7590-01]

#### PETITIONS FOR RULEMAKING

##### Issuance of Quarterly Report

The Nuclear Regulatory Commission has issued the June 30, 1978, quarterly report on petitions for rulemaking. This report is issued in accordance with 10 CFR 2.802 and is a quarterly summary of petitions for rulemaking that are pending final action.

A copy of this report, designated NRC Petitions for Rulemaking Pending Final Action as of June 30, 1978, is

available for inspection and copying at the Commission's public document room, 1717 H Street NW., Washington, D.C.

Requests for single copies of this report, or requests to be placed on an automatic distribution list for single copies of future reports should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md. this 19th day of July 1978.

For the Nuclear Regulatory Commission.

JOSEPH M. FELTON,  
Director, Division of Rules and  
Records, Office of Administration.

[FR Doc. 78-20635 Filed 7-25-78; 8:45 am]

#### [7590-01]

[Docket No. 50-397]

#### WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Receipt of Application for Facility Operating License; Notice of Consideration of Issuance of Facility Operating License; and Notice of Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for a facility operating license from Washington Public Power Supply System (the applicant) which would authorize the applicant to possess, use, and operate the WPPSS Nuclear Project No. 2 (formerly Hanford No. 2), a boiling water nuclear reactor (the facility), located on the Hanford Reservation in Benton County, Wash., at a core power level of 3,323 megawatts thermal with an electrical output of 1,100 megawatts electric.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR part 51, an Environmental Report which discusses environmental considerations related to the proposed operation of the facility. A notice of availability of applicant's environmental report was published in the FEDERAL REGISTER on July 28, 1977 (42 FR 38441).

The Commission will consider the issuance of a facility operating license to Washington Public Power Supply System which would authorize the applicant to possess, use, and operate the WPPSS Nuclear Project No. 2 in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation of the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR part 51; (3) the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facility was authorized by Construction Permit No. CPPR-93, issued by the Atomic Energy Commission on March 19, 1973. Construction of the facility is anticipated to be completed prior to December 1, 1981.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the construction permit.

In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by section 170 of the act and 10 CFR part 140 of the Commission's regulations.

By August 28, 1978, the applicant may file a request for a hearing with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "rules of practice for domestic licensing proceedings" in 10 CFR part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specific-

ity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's public document room, 1717 H Street NW., Washington, D.C., by August 28, 1978. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Joseph B. Knotts, Jr., Esq., Debevoise & Liberman, 700 Shoreham Building, 800 15th Street NW., Washington, D.C. 20005, attorney for the applicant. Any questions or requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(1) (i)-(v) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating license dated March 17, 1978, and the applicant's environmental report dated March 21, 1977, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Richland Public Library, Swift and Northgate Streets, Richland, Wash. 99352. As they become available, the following documents may be inspected at the above locations: (1) the Safety Evaluation Report prepared by the Commission's staff; (2) the Draft Environmental Statement; (3) the Final Environmental Statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for facility operating license; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request

to the Director, Division of Project Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Md., this 11th day of July 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,  
Chief, Light Water Reactors  
Branch 4, Division of Project  
Management.

[FR Doc. 78-20525 Filed 7-25-78; 8:45 am]

[3110-01]

**OFFICE OF MANAGEMENT AND  
BUDGET**

**CLEARANCE OF REPORTS**

**List of Requests**

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 21, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

**NEW FORMS**

**DEPARTMENT OF TREASURY**

Assistant Secretary (Economic Policy), Survey of Foreign Portfolio Investment in U.S. Securities and Accompanying Instructions TD-F90-19.1, F90-19.2, and F90-19.3, single time, 10,000 major U.S. business firms including banks, brokers, and nominees, Office of Federal Statistical Policy and Standard, 673-7956.

## REVISIONS

## U.S. CIVIL SERVICE COMMISSION

Application Forms and Sample Questions for Pace, CSC-1279, 1281, and 1203-F, on occasion, 250,000 applicants for Federal employment, 250,000 responses, 250,000 hours, Caywood, D. P., 395-3443.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Monthly "Flash" Report of Selected Program Data, SSA-3645, monthly, State welfare agencies, 648 responses, 2,592 hours, Office of Federal Statistical Policy and Standard, 673-7956.

## EXTENSIONS

## INTER-AMERICAN FOUNDATION

Confidential Reference and Guide for Interviewing Applicants, F-005, on occasion, teachers, 400 responses, 400 hours, Caywood, D. P., 395-3443.

## DEPARTMENT OF INTERIOR

Bureau of Land Management, Grazing Lease or Permit Application (Alaska), 4210-1, on occasion, livestock ranches, 150 responses, 113 hours, Ellett, C. A., 395-6132.

## DEPARTMENT OF LABOR

Employment Standards Administration, Report of Injury Experience of Self-Insured Employer, LS-274, annually self-insured employers, 100 responses, 200 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,  
*Budget and Management Officer.*

[FR Doc. 78-2076C Filed 7-26-78; 8:45 am]

[3110-01]

## CLEARANCE OF REPORTS

## List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 20, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington,

D.C. 20503, 202-395-4529, or from the reviewer listed.

## NEW FORMS

## DEPARTMENT OF ENERGY

Obligation guarantee program impact assessment—telephone survey, EIA-71A, single-time, 1,000 eligible business establishments, C. Louis Kincannon, 395-3211.

## DEPARTMENT OF AGRICULTURE

Departmental and other industrial hydrocarbons and alcohols pilot project, on occasion, 30 pilot project program, Ellett, C. A., 395-6132.

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education:

State plan for ESEA title IV: Libraries and learning resources, education, innovation, and support, OE-634, annually, 58 State education agencies, Laverne V. Collins, 395-3214.

Lenders manifest for health education assistance loans, OE-639, quarterly, 2080 lending institutes (i.e., schools, commercial institutes), Clearance Office, 395-3772.

## REVISIONS

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, application for inspection and weighing of U.S. grain, in the United States and Canada, IN-162, on occasion, persons applying for inspection services, 500 responses, 83 hours, Clearance Office, 395-3772.

## EXTENSIONS

## U.S. CIVIL SERVICE COMMISSION

Personnel research questionnaire, CSC-1310, on occasion, selected applicants for Federal employment, 250,000 responses, 20,833 hours, Roye L. Lowry, 395-3772.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, monthly report for establishing net income, HUD-93479, 93480, and 93481, monthly, project owners of multifamily projects, 72,000 responses, 288,000 hours, Caywood, D. P., 395-3443.

DAVID R. LEUTHOLD,  
*Budget and Management Officer.*

[FR Doc. 78-20765 Filed 7-26-78; 8:45 am]

[8010-01]

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20631; 70-5892]

## CENTRAL AND SOUTH WEST CORP.

Proposed Amendment of Employee Stock Ownership Plan and Issuance and Sale of Common Stock Thereof; Request for Exception From Competitive Bidding

JULY 19, 1978.

In the matter of: Central and South

West Corp., One Main Place, Dallas, Tex. 75250.

Notice is hereby given that Central and South West Corp. ("CSW"), a registered holding company has filed posteffective amendments to its application-declaration, as amended, previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the act and rules 20(a), 50 and 100(a) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as further amended by said post-effective amendments, which is summarized below for a complete statement of the proposed transaction.

By order of the Commission dated October 8, 1976, (HCAR No. 19710) CSW was authorized to establish, effective January 1, 1975, an employee stock ownership plan (the "Plan") pursuant to the terms of the Federal Tax Reduction Act of 1975 ("Tax Act"). The Plan was established for the benefit of CSW and its direct and indirect subsidiaries, Central Power & Light Co., Central and South West Services, Inc., Public Service Co. of Oklahoma, Transok Pipe Line Co., Southwestern Electric Power Co. and West Texas Utilities Co. CSW was also authorized to issue and sell not to exceed 350,000 shares of its authorized and unissued common stock, par value \$3.50 per share. As of June 1, 1978, CSW states that it had issued and sold pursuant to the Plan 219,687 shares of its common stock.

CSW now proposes to amend its Plan, effective January 1, 1977, to take advantage of a further investment tax credit allowed by the Tax Act. A further investment tax credit is available, which is currently one-half of 1 percent, if CSW contributes an additional amount to the Plan equal to contributions to the Plan by participating employees. Aggregate participating employee contributions will be limited to the one-half of 1 percent additional investment tax credit deductible on CSW's consolidated tax return with individual contributions limited to 6 percent of nondeferred compensation with a maximum individual contribution of \$6,000. Other than amendments necessary to allow employee contributions and CSW matching contributions there are no major changes in the Plan as previously approved by the Commission.

Under the Plan, a Trust has been established to hold the stock shares for the benefit of the employees of the participating companies. CSW now requests authorization to issue and sell to the Trust 1,650,000 shares of its authorized and unissued common stock,

par value \$3.50 per share. ("Additional Shares") in addition to the 350,000 shares previously authorized. The Additional Shares are estimated to be sufficient to account for the total CSW and matching employee contributions to be made for the 1977 and 1978 tax years and also for other purchases by the Trustee through December 31, 1979. The exact number of Additional Shares to be issued and sold to the Trust will be determined by dividing the amount of the additional 1 percent of investment tax credit and the 1 percent credit pursuant to the employee contributions and employer matching contributions for the years 1977 and 1978, respectively, by the average closing price of CSW's common stock as reported on the New York Stock Exchange—composite transactions for the 20 consecutive trading days immediately preceding the date of issuance of such Additional Shares.

Based on CSW System's estimated qualifying property additions for 1977 and for 1978 and assuming maximum participation by employees, CSW estimates that the additional investment tax credit for both years would be approximately \$15,600,000. In addition \$5,000,000 of employee contributions will be used to purchase CSW common stock, resulting in a total of \$20,600,000. Assuming that the purchase price for the CSW common stock was \$16.00 per share, a total of approximately 1,287,500 Additional Shares would be issued. If the purchase price were \$13 per share, a total of 1,584,615 Additional Shares would be issued. The 1,584,615 shares added to the 350,000 shares previously authorized results in a total of 1,934,615 shares. CSW believes that the requested authorization for the Additional Shares, in addition to those previously authorized, is necessary to afford adequate leeway for the purchase of Additional Shares by the Trust in accordance with the Plan and for periodic purchases of Additional Shares with funds generated from dividends paid on shares held by the Trust.

CSW requests an exception from the competitive bidding requirements of rule 50 pursuant to subparagraph (a)(5) thereof.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$70,000, including \$7,500 in legal fees and \$35,000 in Trustee fees.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 15, 1978, request in writing

that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendments, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendments, or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-20630 Filed 7-25-78; 8:45 am]

[8010-01]

[Release No. 34-14973; File No. SR-CBOE-78-15]

#### SELF-REGULATORY ORGANIZATIONS

Proposed Rule Change by Chicago Board  
Options Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 6, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

##### CHAPTER XVI

#### Summary, Suspension by Chairman or President

##### Imposition of Suspension

*Rule 16.1. A member or person associated with a member who has been and is expelled or suspended from any self-regulatory organization or barred or suspended from being associated with a member of any self-regulatory organization, or a member which is in such financial or operating difficulty that the President or Chairman determines that the member cannot be permitted to continue to do business as a member with safety to investors, creditors, other members, or the Exchange, may be summarily suspended by the President or Chairman. In addition, the President or Chairman may limit or prohibit any person with respect to access to services offered by the Exchange if any of the criteria of the foregoing sentence is applicable to such person or, in the case of a person who is not a member, if the President or Chairman determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, or the Exchange. Any person aggrieved by any summary action taken under this Rule shall be promptly afforded an opportunity for a hearing by the Exchange in accordance with the provisions of Chapter XIX. [Rule 16.1. A member which fails or is unable to perform any of his contracts or is insolvent or is unable to meet the financial responsibility requirements of the Exchange, shall immediately inform the Secretary in writing of such fact. Upon receipt of said notice, or whenever it shall appear to the Chairman of President (after such verification and with such opportunity for comment by the member as the circumstances reasonably permit) that a member has failed to perform his contracts or is insolvent or is in such financial or operational condition or is otherwise conducting his business in such a manner that he cannot be permitted to continue in business with safety to his customers or creditors or to the Exchange or the Clearing Corporation, the Chairman or President shall suspend such member and give prompt notice of such suspension to the membership. Unless the Chairman or the President shall determine that lifting the suspension without further proceedings is appropriate, such suspension shall continue until the member is reinstated as provided in Rule 16.3.]*

## INVESTIGATION FOLLOWING SUSPENSION

Rule 16.2. Every member or person associated with a member against which action has been taken in accordance with [suspended under] the provisions of this Chapter shall immediately afford every facility required by the Exchange for the investigation of his affairs and shall forthwith file with the Secretary a written statement covering all information requested, including a complete list of creditors and the amount owing to each and a complete list of each open long and short position in Exchange option contracts maintained by the member or person associated with a member and each of his customers. The foregoing includes, without limitation, the furnishing of such of the books and records of the member or person associated with a member [books and records] and the giving of such sworn testimony as may be requested by the exchange.

## REINSTATEMENT

Rule 16.3. [When] A member, person associated with a member, or other person suspended or limited or prohibited with respect to access to services offered by the Exchange under the provisions of this Chapter [applies] may apply to the Membership Committee for reinstatement within six months from the date of such action. Notice [thereof] of an application for reinstatement shall be given by the Secretary to the membership by mail and shall be posted upon the bulletin board on the floor of the Exchange at least 10 business days prior to the consideration by the Membership Committee of said application. The applicant shall furnish to the Membership Committee a list of his creditors, a statement of the amounts originally owing and the nature of the settlement in each case, and such other information as may be requested by the Committee. [If he furnishes satisfactory evidence of settlement with all of his or its creditors, and evidence that he or it is no longer insolvent, and is financially able to perform all of its obligations and to meet the financial responsibility requirements of the Exchange, the Membership Committee shall vote upon the application.] *The Membership Committee may approve an application for reinstatement if it finds that the member is operationally and financially able to conduct its business with safety to investors, creditors, members, and the Exchange. The affirmative vote of at least five members of said Committee shall be required for reinstatement. In the event that the applicant does not receive such vote, he shall be entitled to have the application for reinstatement voted upon at two subsequent meetings of the Membership Committee*

designated by him, provided, however, that the three votes to which the applicant is entitled shall be within [one year] six months from the date of his suspension, or within such further period for [settlement] reinstatement as may have been granted by the Committee. In the event that the Committee fails to vote upon an application for reinstatement within [one year] six months after the applicant has submitted the aforesaid [evidence] application or in the event that the applicant fails to receive the required vote at three meetings of the Committee at which his application is considered, he shall [have the right to] be afforded an opportunity for a hearing [before the Board conducted] in accordance with Chapter XIX of the Rules.

## [ONE YEAR] Six Months ALLOWED FOR REINSTATEMENT

Rule 16.4. If a member suspended under the provisions of this Chapter fails or is unable to apply for reinstatement in accordance with Rule 16.3, within [one year] six months from the date of suspension, or within such further time as the Membership Committee may grant, or fails to obtain reinstatement as elsewhere herein provided, his membership shall be disposed of by the Exchange in accordance with Rule [3.12(b)] 3.14(b). [The Membership Committee may extend the time of settlement for periods not exceeding one year each.]

## [OTHER RESTRICTIONS ON MEMBERS

Rule 4.10. Whenever the Chairman or President shall find, on the basis of a report of the Department of Compliance or otherwise, that a member has failed to perform his contracts or is insolvent or is in such financial or operational condition or is otherwise conducting business in such a manner that he cannot be permitted to continue in business with safety to his customers or creditors or the Exchange or the Clearing Corporation, the Chairman or the President may summarily suspend the member in accordance with Chapter XVI or may impose such conditions and restrictions upon his membership as he considers reasonably necessary for the protection of the Exchange and the customers of such member.]

## EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule changes is to conform the provisions of Chapter XVI, Suspension by Chairman or President, of the Exchange Rules with those of section 6(d)(3) of the Securities Exchange Act of 1934, as amended,\* with regard to the basis

\* See letter to Joseph Sullivan, president of Chicago Board Options Exchange, from

for such suspension and restriction of activities, and the procedural safeguards attendant thereto.

## RULE 16.1. IMPOSITION OF SUSPENSION

The present provisions of this rule are proposed to be deleted in their entirety and replaced with language which conforms to section 6(d)(3) of the act with respect to (1) the inclusion of persons associated with members as covered by the rule, (2) those instances where members are subject to suspension, expulsion or bar by another self-regulatory organization, (3) the limitation or prohibition upon covered persons' access to Exchange services and (4) the opportunity for notice and hearing upon the occurrence of summary action pursuant to this rule.

## RULE 16.2. INVESTIGATION FOLLOWING SUSPENSION

The proposed changes to this rule are minor and reflect only that the provisions of Chapter XVI extend to persons associated with members.

## RULE 16.3. REINSTATEMENT

Aside from language changes which conform this rule to the modifications proposed in rule 16.1, the major change is a reduction of the period within which reinstatement may be sought from 1 year to 6 months. At the end of such time period, if reinstatement has not been obtained, the Exchange may dispose of the membership of the suspended member. The purpose of this change is to accelerate the ability of creditors of a member suspended for financial or operational difficulty to assert claims against the proceeds from the sale of an Exchange membership. This proposed 6-month time period is the same time period within which members must pay money past due to the Exchange before the Exchange may sell the member's membership.

## RULE 16.4. SIX MONTHS ALLOWED FOR REINSTATEMENT

For the reasons set forth immediately above, this rule is proposed to be modified to allow for a 6-month period within which to seek reinstatement. It should be noted that the membership committee may extend this period so that it is possible for a member to obtain additional time within which to prove that he is operationally and financially capable of performing as a member.

George Fitzsimmons, Secretary of the Securities and Exchange Commission, dated Dec. 1, 1976, questioning whether Chapter XVI was consistent with the provisions of section 6(d)(3) of the act.

**RULE 4.10. OTHER RESTRICTIONS ON MEMBERS**

In view of the changes proposed in Chapter XVI, the provisions of rule 4.10 become redundant and unnecessary. Therefore, it is proposed that rule 4.10 be deleted.

The basis under the act for these proposed rules changes is provided by section 6(b)(3) and sections 6(b) (5) and (7), for such proposals make the Exchange's rules, with regard to summary action against members and persons associated with members, consistent with the requirements of such sections and provide an appropriate means whereby the exchange may take summary action, under certain circumstances, to protect investors, the public, the exchange and exchange members.

No comments have been solicited from members with regard to these proposed rules changes.

The Exchange does not believe that these proposed rules changes will impose a burden upon competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer periods (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 18, 1978.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-20631 Filed 7-25-78; 8:45 am]

**[8025-01]**

**SMALL BUSINESS ADMINISTRATION**

**PARTICIPATING LENDING INSTITUTIONS**

**Maximum Interest Rates**

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on and after July 24, 1978, under section 7(a) of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective July 24, 1978, the maximum rate of interest acceptable to SBA on a guaranteed loan or a guaranteed revolving line of credit shall be ten and three-quarters percent (10 3/4 percent) per year, and the maximum rate on an immediate participation loan shall be nine and three-quarters percent (9 3/4 percent) per year. These maximum interest rates are one-quarter percent above the rates published in the FEDERAL REGISTER on June 7, 1978 (43 FR 24761), and shall remain in effect until notification of a change is issued by SBA.

In recognition of the substantially different characteristics of the economy of Alaska, including a substantially higher level of loan interest rates, as compared with the "Lower 49 States," an interest rate differential of three-fourths percent (3/4 percent) above the maximum allowable interest rate otherwise applicable for SBA loans is permitted for SBA loans made to borrowers in Alaska by lenders located in Alaska. This action has been taken in light of the State's relatively limited availability of loan funds, and the higher costs experienced by lenders in Alaska. The action is consistent with the fact that SBA in recognition of the State's economy, has published a size standard differential for Alaskan small businesses, and in further recognition of existing differentials to wage scales and cost of living allowances as applicable to Alaska.

The "SBA optional peg rate" for the July-September 1978 quarter will be eight and one-eighth percent (8 1/8 percent) per year. This is an optional "peg" rate for use in connection with variable rate loans made in participation with SBA.

The interest rate (statute-based) on economic opportunity loans (sec. 7(j)) made directly by SBA and approved in the July-September 1978 quarter is eight and one-fourth percent (8 1/4 percent).

This notice is issued under 13 CFR 120.3(b)(2)(iv), Catalog of Federal Domestic Assistance programs:

No.  
59.002 Economic Injury Disaster Loans (E, F).

- 59.012 Small Business Loans (E, F).
- 59.013 State and Local Development Company Loans (E, F).
- 59.014 Coal Mine Health and Safety Loans (E, F).
- 59.017 Meat and Poultry Inspection Loans (E, F).
- 59.018 Occupational Safety Health Loans (E, F).
- 59.001 Displaced Business Loans (E, F).
- 59.003 Economic Opportunity Loans for Small Businesses (E, F).
- 59.010 Product Disaster Loans (E).
- 59.020 Base Closing Economic Injury Loans (E, F).
- 59.021 Handicapped Assistance Loans (E, F).
- 59.022 Emergency Energy Shortage Economic Injury Loans (E, F).
- 59.023 Strategic Arms Economic Injury Loans (E, F).
- 59.024 Water Pollution Control Loans (E, F).
- 59.025 Air Pollution Control Loans (E, F).

Dated: July 17, 1978.

A. VERNON WEAVER,  
Administrator.

[FR Doc. 78-20861 Filed 7-25-78; 10:57 am]

**[4810-22]**

**DEPARTMENT OF THE TREASURY**

**Office of the Secretary**

**CARBON STEEL BARS, CARBON STEEL STRIP, CARBON STEEL PLATES AND CERTAIN STRUCTURAL CARBON STEEL SHAPES FROM THE UNITED KINGDOM**

**Antidumping; Extension of Investigatory Period**

AGENCY: U.S. Treasury Department.

ACTION: Extension of antidumping investigatory period.

SUMMARY: This notice is to advise the public that a tentative determination as to whether sales at less than fair value of carbon steel bars, carbon steel strip, carbon steel plates, and certain structural carbon steel shapes from the United Kingdom have occurred cannot reasonably be made in 6 months. The tentative determination will be made in not more than 9 months from the date of the initiation of the investigation.

EFFECTIVE DATE: July 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John R. Kugelman, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On December 5, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, customs regulations (19 CFR 153.26 and 153.27), alleging that carbon steel bars, carbon steel strip, carbon steel plates, and cer-

tain structural carbon steel shapes from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was submitted by counsel acting on behalf of Armco Steel Corp. On the basis of this information and subsequent preliminary investigation by the Customs Service, "Antidumping Proceeding Notices" were published for each of the above classes of merchandise in the FEDERAL REGISTER of January 23, 1978 (43 FR 3231-3).

For purposes of this notice, "carbon steel bars" means bars of steel, other than alloy, provided for under item numbers 608.45 and 608.46, Tariff Schedules of the United States, Annotated (TSUSA); "carbon steel strip" means strip of steel, other than alloy, provided for under item numbers 609.02, 609.03, and 609.04, TSUSA; "carbon steel plates" means plates of steel, other than alloy, provided for under item numbers 608.84, 608.87, 609.12, and 609.13, TSUSA; and "certain structural carbon steel shapes" means angles, shapes, sections, and sheet pilings of steel, other than alloy, provided for under item numbers 609.80, 609.84, 609.88, and 609.96, TSUSA.

Pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)), notice is hereby given that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) cannot reasonably be made within 6 months. The determination under section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) will, therefore, be made within no more than 9 months.

This determination is based upon the need to analyze and review information pertaining to thousands of transactions in the United Kingdom and the United States involving numerous sizes and qualities of the product under investigation, as well as to consider further numerous complex issues relating to claimed adjustments to prices based on differences in the circumstances of sale in the two markets under consideration. This notice is published pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

HENRY C. STOCKELL, JR.,  
Acting General Counsel  
of the Treasury.

JULY 20, 1978.

[FR Doc. 78-20663 Filed 7-25-78; 8:45 am]

#### [4810-40]

[Supplement to Department Circular,  
Public Debt Series—No. 16-78]

#### TREASURY NOTES DESIGNATED SERIES R-1980

##### Interest Rate

JULY 21, 1978.

The Secretary of the Treasury announced on July 20, 1978, that the interest rate on the notes designated series R-1980, described in Department Circular—Public Debt Series—No. 16-78, dated July 13, 1978, will be 8½ percent. Interest on the notes will be payable at the rate of 8½ percent per annum.

PAUL H. TAYLOR,  
Fiscal Assistant Secretary.

[FR Doc. 78-20655 Filed 7-25-78; 8:45 am]

#### [7035-01]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 685]

#### ASSIGNMENT OF HEARINGS

JULY 21, 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-13378, Georgia Highway Express, Inc.—Purchase—A. Earley & Associates, d.b.a. Mainline Transportation System and MC 58923 (Sub-48), Georgia Highway Express, Inc., now assigned September 20, 1978, at Los Angeles, CA is postponed indefinitely.

MC 138890 (Sub-8F), Moodie, Inc.; MC 114211 (Sub-341), Warren Transport, Inc. and MC 138890 (Sub-7F), Moodie, Inc., are now assigned for hearing October 10, 1978 at Chicago, IL, at a location to be later designated.

MC 134755 (Sub-137F), Charter Express, Inc.; MC 140829 (Sub-87F), Cargo Contract Carrier Corp. and MC 128270 (Sub-28F), Rediehs Interstate, Inc., are now assigned for hearing October 11, 1978 at Chicago, IL, at a location to be later designated.

MC 123407 (Sub-449F), Sawyer Transport, Inc. and MC 115331 (Sub-449F), Truck Transport Inc., are now assigned for hearing October 12, 1978 at Chicago, IL, at a location to be later designated.

MC 133233 (Sub-57), Clarence L. Werner, d.b.a. Werner Enterprises; MC 142827 (Sub-4), De Marlie Trucking, Inc. and MC

126473 (Sub-32F), Harold Dickey Transport, Inc., are now assigned for hearing October 13, 1978 at Chicago, IL, at a location to be later designated.

MC 139495 (Sub-332F), National Carriers, Inc.; MC 139495 (Sub-334F), National Carriers, Inc. and MC 124511 (Sub-42F), Oliver Motor Service, Inc., are now assigned for hearing October 16, 1978 at Chicago, IL, at a location to be later designated.

MC 135797 (Sub-111F), J. B. Hunt Transport, Inc.; MC 113855 (Sub-417F), International Transport, Inc. and MC 119226 (Sub-103F), Liquid Transport Corp., are now assigned for hearing October 17, 1978 at Chicago, IL, at a location to be later designated.

MC 124947 (Sub-106F), Machinery Transports, Inc. and MC 19157 (Sub-48), McCormack's Highway Transportation, Inc., are now assigned for hearing October 18, 1978 at Chicago, IL, at a location to be later designated.

MC 136268 (Sub-8F), Whitehead Specialties, Inc. and MC 112304 (Sub-133F), Ace Doran Hauling & Rigging Co., are now assigned for hearing October 19, 1978 at Chicago, IL, at a location to be later designated.

MC 144251, J. T. I. Corp., now assigned September 19, 1978, at Boston, MA, is canceled and transferred to Modified Procedure.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc. 78-20693 Filed 7-25-78; 8:45 am]

#### [7035-01]

[Docket No. AB-176 (Sub-No. 1)]

#### VALLEY & SILETZ RAILROAD CO. ABANDONMENT BETWEEN VALSETZ AND PEDEE, IN POLK AND BENTON COUNTIES, OREG.

##### Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision dated July 13, 1978, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 ICC 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Valley & Siletz Railroad Co. of its line of railroad extending from railroad milepost 40.756 at Valsetz, OR, to milepost 17.000 at Pedee, OR, a distance of 23.756 miles in Polk and Benton Counties, OR. A certificate of public convenience and necessity permitting abandonment was issued to the Valley & Siletz Railroad Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such

a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I (section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than August 10, 1978. The offer, as filed shall contain information required pursuant to section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective September 11, 1978.

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

[FR Doc. 78-20691 Filed 7-25-78; 8:45 am]

[7035-01]

[Docket No. AB-156F]

**DELAWARE & HUDSON RAILWAY CO. ABANDONMENT IN THE CITY OF COHOES, ALBANY COUNTY, AND IN THE VILLAGE OF WATERFORD, SARATOGA COUNTY, N.Y.**

**Findings**

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by an Certificate and Decision dated July 13, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 ICC 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Delaware & Hudson Railway Co. of a portion of its Troy Branch in Albany and Saratoga Counties, N.Y., from a point on said branch in Albany County in the City of Cohoes at milepost T-3.11 to milepost T-4.55 in the Village of Waterford in Saratoga County, a total distance of approximately 1.44 miles. A certificate of public convenience and necessity permitting abandonment was issued to the Delaware & Hudson Railway Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the

carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I (sec. 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than August 10, 1978. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective September 11, 1978.

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

[FR Doc. 78-20692 Filed 7-25-78; 8:45 am]

[7035-01]

[Docket No. AB-1 (Sub-32), et al.]

**CHICAGO & NORTH WESTERN TRANSPORTATION CO., ET AL.**

**Abandonments**

In the matter of Chicago & North Western Transportation Co., abandonment between Watertown and Doland, in Codington, Clark, and Spink Counties, S. Dak.; Docket No. AB-1 (Sub-32); Chicago and North Western Transportation Co., abandonment between Sanborn and Wanda in Redwood County, Minn.; Docket No. AB-1 (Sub-48); St. Louis-San Francisco Railway Co., abandonment between Blytheville and Monette in Mississippi and Craighead Counties, Ark.; Docket No. AB-9 (Sub-8); Southern Pacific Transportation Co., abandonment portion of its "R Street Line" in Sacramento County, Calif.; Docket No. AB-12 (Sub-41); Oregon Short Line RR. Co., abandonment and abandonment of operations by Union Pacific RR. Co., portion of Grace Branch in Caribou County, Idaho; Docket No. AB-36 (Sub-4); Illinois Central Gulf RR. Co., abandonment between Saxony and Pontiac in Livingston County, Ill.; Docket No. AB-43 (Sub-20); the Seaboard Coast Line RR. Co., abandonment between Chemical and Trilby, Fla.; Docket No. AB-55 (Sub-1); Soo Line RR. Co., abandonment between Raco Junction and Raco in Luce and Chippewa Counties, Mich.; Docket No. AB-57 (Sub-2); Soo Line RR. Co., abandonment near a point in Duluth, St. Louis County, Minn.; Docket No. AB-57 (Sub-4); Western Maryland Railway Co.—abandonment—Henry, Grant County, W. Va., to end of line in Garrett County, Md.; Docket No. AB-69 (Sub-3).

Administratively final decisions in these proceedings imposed the *Bur-*

*lington*<sup>1</sup> employee protective conditions. The Commission, Commissioner Brown, issued certificates of abandonment in these proceedings, modifying the employee protection conditions to accord with those set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977). That decision was rendered subsequent to the final orders of the named proceedings, but prior to the issuance of certificates of abandonment. It had been made applicable to proceedings filed prior to November 1, 1976, and still pending as of the decision date of *Oregon Short Line*. The second *Oregon Short Line* decision, printed at 354 ICC 584 (1978) defined "pending" to mean that an administratively final decision, as defined by section 17(9)(h) of the act, had not been rendered. The modification of the employee protective conditions in these proceedings was inappropriate. Since the proceedings have not yet been consummated, the conditions imposed by the certificate have not taken effect, and no prejudice to any party results from the reimposition of the *Burlington* conditions originally imposed in the administratively final decisions.<sup>2</sup> Please correct your certificates accordingly.

Dated in Washington, D.C., July 13, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp.

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

[FR Doc. 78-20687 Filed 7-25-78; 8:45 am]

[7035-01]

[Corrected Second Revised S.O. No. 1309]

**RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT**

**Decision and Notice of Oral Argument**

JULY 20, 1978.

By petition filed July 7, 1978, Southern Pacific Transportation Co. (SP) has appealed the Railroad Service Board's decision denying the petition for exemption from, or rescission of, Second Revised Service Order 1309. SP states that the service order will impose a hardship on the Nation's railroads, and that it will reduce, rather than increase, the supply of freight cars.

We believe that SP has raised some important questions which can best be resolved in oral argument before the

<sup>1</sup>Chicago, B. & Q. R. Co. Abandonment, 257 ICC 700 (1944).

<sup>2</sup>In No. AB-9 (Sub-8), these protections are supplemented by those embraced in and developed pursuant to section 405 of the Rail Passenger Service Act.

Commission. Those questions relate not only to SP's situation, but also to the effect of the service order on shippers and carriers generally.

Although we believe that there are some important questions concerning the service order which must be resolved, we feel that the present serious car shortage facing many of the Nation's shippers militates against rescission of the service order pending the oral argument. We therefore will not stay or rescind the service order pending the argument.

We also note that the order is set to expire at 11:59 p.m. on July 31, 1978. The issues are nonetheless ripe because of the possibility that the service order could be extended.

It is ordered, That oral argument be held in this matter commencing at 9 a.m. on Monday, July 31, 1978, at the Commission. The parties participating should present information which focuses primarily on the service impacts and operational feasibility of the service order.

Parties wishing to participate should notify the Commission of their intentions by contacting by noon, Thursday, July 27, 1978:

Secretary, room 2215, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7646.

The Commission's Bureau of Investigation, and Enforcement is directed to participate in this oral argument.

Parties with similar positions should plan to consolidate their presentations to conserve time and avoid duplication. A maximum of 1 hour each will be allotted for presentations by railroads, shippers, and the Bureau. A final schedule will be available at the argument. An open Special Conference will follow the oral argument at 2 p.m. with possible voting.

By the Commission.

H. GORDON HOMME, Jr.,  
*Acting Secretary.*

Commissioner Murphy, concurring in part, dissenting in part:

I am in accord with the majority to the extent that it proposes to hold oral argument in this very important matter. However, I believe that petitioner's request for other relief should also have been honored. Thus, the effectiveness of Service Order No. 1309 should have been stayed. Since the service order by its own terms expires on July 31, unless further extended, the issues may well be moot at the time of argument.

At a minimum, petitioner, in the interim, should be granted relief with respect to perishables traffic and on movement of manufactured parts destined to assembly plants.

Commissioners Stafford and Gresham also voted to grant the stay pending the argument.

[FR Doc. 78-20688 Filed 7-25-78; 8:45 am]

[7035-01]

[No. MC-C-9873]

**INTERPRETATION OF AGGREGATED  
COMMODITIES SERVICE CLASSIFICATION**

**Proposed Commodity Interpretation**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed commodity interpretation.

**SUMMARY:** The Interstate Commerce Commission is proposing to interpret heavy hauler motor carrier operating authority so that carriers holding such authority could transport certain aggregated shipments of commodities. Two alternative interpretive options proposed.

**DATES:** Written comments should be filed with the Commission on or before September 25, 1978.

**ADDRESSES:** Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:**

Michael Erenberg, phone 202-275-7292.

**SUPPLEMENTARY INFORMATION:** A major area of specialized motor carrier service is that occupied by carriers authorized to transport "commodities, the transportation of which requires special equipment because of size or weight," or whose authority is framed in similar terms.<sup>1</sup> As both equipment and distribution technology have changed, and particularly with the increase in the trend toward the tendering of aggregated shipments of relatively small items in bundles, on pallets, or in containers, the Commission has frequently been faced with the question whether a particular article, or aggregated bundle of articles, which in aggregated form cannot be manually loaded or unloaded "require" the use of special equipment. This proceeding presents such a question.

The Commission has before it a petition for a declaratory order which was described at 42 FR 62997 (December 14, 1977). A manufacturer of nails

<sup>1</sup>There are numerous variations in the wording of heavy hauler authorities, but these differ only in minor respects and have generally been considered to authorize the transportation of the identical, or nearly identical range of commodities, see "Descriptions in Motor Carrier Certificates," 61 MCC 209, 248 (1952).

seeks a specific finding that palletized shipments of nails may lawfully be transported within the scope of heavy hauler operating authorities. Comments were solicited and received from shippers, carriers, and carrier associations concerning industry custom, usage, and practice concerning the aggregating, palletizing, and shipping of nails and other commodities as well. Our purpose in seeking this information was to enable us to determine whether consideration should be given to factors not previously thought pertinent in the determination whether aggregated commodities should properly be found to be within the scope of the heavy haulers' authorities.

**HISTORICAL BACKGROUND**

At the beginning of Federal motor carrier regulation, heavy hauling service was considered to embrace a field of operations described primarily in terms of the commodities transported. See "Classification of Motor Carriers of Property," 2 MCC 703, 710 (1937). Later, however, attempts to define and limit heavy hauling evolved into descriptions framed primarily by reference to the type of service performed. See "Osborne Common Carrier Application—Heavy Materials," 47 MCC 633 (1948). This transition reflected not only changes in technology but also the Commission's developing policy that the heavy hauler should be able to handle all of the commodities falling within its legitimate "field of service" without resorting to a particular listing of the specific commodities that it may transport. Descriptions in "Motor Carrier Certificates," 61 MCC 209, 251 (1952).

The Commission has from time to time issued decisions which review the administrative and judicial interpretations of heavy hauling authority and which have attempted to come to grips with the problem of applying an admittedly imprecise commodity description to an industry faced with constantly changing distribution methods and vehicle capabilities. See, in particular, "W. J. Dillner Transfer Co.—Investigation of Operations," 79 MCC 335 (1959), and "Ace Doran Hauling & Rigging Co. Investigation," 108 MCC 717 (1969).

In dealing with heavy hauling authority, and particularly with the extent to which aggregated commodities can be handled under that authority, the Commission has been mindful of the relationships that exist between the spheres of service of various types of carriers. The most obvious area for potential conflict lies in the definition of the services which can legitimately be provided by the heavy hauler, on the one hand, and, on the other, those which can properly be provided by the motor

carrier of general freight, whose authority usually specifically excludes the transportation of the so-called size-and-weight commodities. As an example, the Commission has allowed the heavy hauler to expand its service to include the transportation of shipments which must be either loaded or unloaded by mechanical means, even though the over-the-road transportation is performed in standard equipment, and even if the carrier itself does not furnish the mechanical loading or unloading needed.

At the same time, the Commission has recognized that giving the heavy haulers complete freedom to handle all aggregated shipments could make them, in effect, carriers of general commodities, and thus totally competitive with the general freight carriers. This is true because virtually any item that could be tendered for shipment is capable of being aggregated in some way into a unit too large or too heavy to permit manual loading or unloading. The result was the development of a presumption, articulated in the *Dillner* case, *supra*, that commodities tendered to a carrier in aggregated form are outside the scope of heavy hauler authority. This presumption can be rebutted only if it is established that the commodities in question must be bundled or aggregated because of their inherent nature, for protection, for example, and not simply for reasons of efficiency and economy in shipping.

It should be noted, too, that it is not only the general commodity carrier whose authority can conflict with that of the heavy hauler. The Commission has also had to consider whether heavy haulers should be allowed to handle commodities which have traditionally fallen into the field of service of other specialized motor carriers. For example, it has been held that a heavy hauler cannot transport an X-ray machine, admittedly requiring special equipment for loading and unloading, because the transportation of delicate scientific equipment of this kind has traditionally fallen within the sphere of service of the household goods carriers. *Neptune Storage, Inc., Extension-X-ray Machines*, 88 MCC 25 (1961).

The Commission, then, has attempted in its decision to draw lines which would delineate a "field of service" for the heavy hauler which is neither so restrictive that it prevents these carriers from taking advantage of the opportunity to enjoy the fruits of improved transportation technology or so broad as to make them unrestricted competitors with other carriers.

The petition which gave rise to this proceeding raises once again the question of the adequacy of the existing standards for determining whether a

particular aggregated shipment may be transported by a heavy hauler. The problems which arise from attempting to apply these standards seem to be the most pronounced with respect to aggregated shipments of certain commodities such as metal, metal products, and pipe. Shippers of these kinds of commodities have traditionally relied upon the heavy haulers for service, and a substantial portion of their products unquestionably fall within the proper sphere of the heavy haulers' authority. At the same time, however, they frequently tender aggregated shipments of smaller articles, the transportation of which under present interpretations may well not be authorized to the heavy hauler.

To the extent that heavy haulers have been unable to handle such aggregated shipments, shippers have been forced to rely upon two carriers to complete a single shipment to a single consignee. As an example, a given shipment may include pipe in non-aggregated form which because of its size or weight is within the scope of the heavy hauler's authority, and also aggregated bundles of pipe of lesser size or weight which may or may not be within the ambit of heavy hauling authority. Accordingly, the heavy hauler is often unable to render a complete service within what might properly be called his "field of service". The inability of the heavy hauler to render a complete service to these industries can create confusion and additional expense for shippers, who must make an independent determination as to the status of each separate article shipped. The Commission proposes, therefore, to explore two alternatives in an effort to clarify, and possibly to alter, the current standards applicable to the transportation by heavy haulers of aggregated commodities.

#### PROPOSED INTERPRETATIVE OPTIONS

##### OPTION 1—REVISION OF THE CURRENT GUIDELINES

The standards which the Commission has developed over the years for defining the proper sphere of service of the heavy hauler have taken into account four major concepts. These are (1) the basic characteristics, if any, of the commodity which occasioned the use of special equipment; (2) prevailing industry practice with regard to its handling; (3) the manner in which it or similar commodities have historically been shipped; and (4) the traditional sphere of carriage or field of service. See the *Ace Doran* case, *supra*, 108 MCC at pages 737 through 743.

One option which the Commission might follow is to revise the guidelines set out in the *Ace Doran* case, perhaps

by giving greater emphasis to the prevailing industry practice in handling of certain commodities, and eliminating consideration of (or giving less emphasis to) the manner in which these commodities have traditionally been shipped and the characteristics of the commodities. Other concepts, such as the relative efficiency of different methods of handling of a particular commodity, might be added to the guidelines. This option would result in far less of a change in the traditional means of defining heavy hauler service than would the second option considered below. Unlike that option, the effect of which would be to obviate the need to refer to a list of general criteria to determine whether a heavy hauler may handle particular traffic, under this first option there would necessarily be continued reliance upon a set of established guidelines. This option would, therefore, not be as simple to apply as the other option and, in effect, the propriety of handling a given shipment would continue to be determined on a case-by-case basis. Comments are requested on what specific modifications might be made in the *Ace Doran* criteria in order to make them easier to apply and also to make them as responsive as possible to the current needs of the shipping public.

##### OPTION 2—COMPLETE SERVICE FOR SPECIFIED INDUSTRIES

Under this option, the interpretive principles of *Ace Doran* would be reaffirmed, but an exception would be established to meet the peculiar needs of shippers in those industries that have traditionally been served by heavy haulers. Comments have been received from shippers of various building materials, metal, metal products, pipe, machinery, prefabricated buildings, and forest products, indicating that these commodities, when shipped in aggregated form, should be within the ambit of heavy hauler authority. We seek under this option to determine which commodities have traditionally been associated with the heavy hauler "field of service". Initially, we are of the opinion that the interpretative principle proposed could easily be applied to shipments of metal, metal products, and pipe, which traditionally have been handled by heavy haulers. However, we recognize that there may be other industries that have come to rely upon the heavy hauler for service, and accordingly, we invite comments suggesting other aggregated commodities that are within the heavy haulers' traditional "field of service". We believe that because the instant proceeding relates to palletized shipments of nails, comments concerning certain industries traditionally served by heavy haulers, but not close-

ly allied with the nail industry may not have been received. Accordingly, we will entertain comments directed toward a possible broadening of the commodity descriptions which might be included within the proposed interpretative principles of this option. Accordingly, under this option the description "commodities, the transportation of which because of size or weight require the use of special equipment," or similar descriptions, would be considered to authorize the transportation of aggregated shipments of certain commodities which we determine to be within the heavy hauler "field of service", provided that (1) special equipment is utilized for the loading, unloading, or over-the-road transportation of such aggregated commodities, and further provided that (2) each aggregated bundle tendered for shipment either weigh at least 200 pounds or have an exterior dimension of at least 40 feet in length. This interpretation would apply regardless of the method of aggregation utilized. However, where the manner of aggregation is such that the contents of the bundle are not readily ascertainable by physical examination, the carrier would have an affirmative duty to determine that the contents consist of commodities ultimately determined to be included within the meaning of this interpretation. The fact that a shipper may provide the special equipment utilized for loading, unloading, or movement of the traffic would not preclude the application of this interpretation.

We propose to limit this option to aggregations of at least 200 pounds in weight or 40 feet in length because such weight or dimensions have frequently been the "cut-off" point in distinguishing non-aggregated commodities which require special equipment from those which do not, cf. *Arrow Trucking Co., Ext.-Catoosa Steel*, 121 MCC 485, 489 (1975). If a non-aggregated commodity that does not meet these minimum criteria generally is not considered to be legitimate heavy hauler traffic, a fortiori, aggregated commodities that do not meet these minima must also be considered to be beyond the scope of the heavy haulers' authority.

#### OTHER MATTERS

In the exercise of our administrative discretion to interpret heavy hauler authorities, we believe that we may take into account the practical considerations involved to determine whether the transportation in question "requires" the use of special equipment. *Moss Trucking Co., Inc., Investigation of Operations*, 103 MCC 91, 108-109 (1966). It is a well-established principle that the interpretation of authority issued by the Commission is best left

to the Commission, *W. J. Dillner Transfer Co. v. United States*, 193 F. Supp. 823, 825-826 (1961). While we do recognize that certain carriers may be adversely affected by any expansive interpretation of heavy hauler authority, it must be remembered that existing carriers have no absolute immunity against competition, even when the added competition may cause a decline in revenues.

The proposed interpretations of "size and weight" authority are not intended to alter existing interpretations of authorities (including those of general commodities carriers) which are restricted against the transportation of "size and weight" traffic. The scope of such authorities would not be diminished, and they would continue to be interpreted in accordance with the principles enunciated in *National Automobile Transporters Assn. v. Rowe Transfer*, 64 MCC 229 (1955) and *Herr's Motor Exp., Inc.-Wheeling Steel*, 108 MCC 626 (1969).

#### COMMENTS

Comments are requested from interested parties concerning the extent to which the proposed options would be responsive to shipper needs for service. Comments are invited also with respect to industry shipping practices and industry reliance upon heavy haulers. Specific information is requested for particular commodities, especially data regarding the extent heavy haulers or general commodities carriers are utilized.

This notice is promulgated under the authority contained in 49 U.S.C. 304, 307, and 309 and 5 U.S.C. 553.

Dated: July 7, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp, Commissioner Stafford absent and not participating.

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

[FR Doc. 78-20690 Filed 7-25-78; 8:45 am]

#### [7035-01]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER NOTICES

JULY 21, 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 August 7, 1978. A copy must also be served upon applicant for 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.

MC 7971 (Sub-E3), filed March 19, 1976. Applicant: AMERICAN SECURITIV VAN LINES, INC., 4410 Wendell Drive, NW., Atlanta, GA 30336. Representative: Harold W. Breffle (same as above). *Household goods*, as defined by the Commission, (1) between those points in AL on and south and east of a line beginning at the AL-MS State line, and extending along Interstate Hwy 20 to Tuscaloosa, AL, then along AL Hwy 69 to Guntersville, AL, then along U.S. Hwy 431 to junction AL Hwy 79, then along AL Hwy 79 to junction U.S. Hwy 72, then along U.S. Hwy 72 to the AL-TN State line, on the one hand, and, on the other, those points in KY on and east of a line beginning at the KY-TN State line, and extending along U.S. Hwy 41, including Christian County, KY, then along U.S. Hwy 41 to the KY-IN State line. (Birmingham, AL and Scottsboro, AL.\*)

(2) Between those points in AL on and east and south and east of a line beginning at the AL-MS State line, and extending along Interstate Hwy 20, then along Interstate Hwy 20 to junction Interstate Hwy 65, then along Interstate Hwy 65 to junction AL Hwy 69, then along AL Hwy 69 to junction U.S. Hwy 231, then along U.S. Hwy 231 to junction U.S. Hwy 72 to Scottsboro, AL, then along AL Hwy 79 to the AL-TN State line, on the one hand, and, on the other, those points in IL on and north of a line beginning at the IL-MO State line, and extending east along IL Hwy 161 to Interstate Hwy 57, then north to Salem IL, then east along U.S. Hwy 50 to the IL-IN State line (Birmingham, AL, and Guntersville, AL.\*)

(3) Between points in AL on and east of a line beginning at the AL-FL State line, and extending along AL Hwy 55 to junction Interstate Hwy 65, then along Interstate Hwy 65 to Greenville, AL, then along AL Hwy 263 to junction AL Hwy 7, then along AL Hwy 7 to junction U.S. Hwy 80, then along

U.S. Hwy 80 to junction AL Hwy 5, then along AL Hwy 5 to junction Interstate Hwy 20, then along Interstate Hwy 20 to AL Hwy 79, then along AL Hwy 79 to the AL-TN State line, on the one hand, and, on the other, those points in AR on and north of a line beginning at the AR-MS State line, and extending along U.S. Hwy 49 to junction U.S. Hwy 79, then along U.S. Hwy 79 to Pine Bluff, AR, then along U.S. Hwy 270 to the AR-OK State line (Birmingham, AL.\*)

(4) between Washington, D.C., on the one hand, and, on the other, Joplin, MO (Chattanooga, TN, and Ft. Smith, SAR.\*)

(5) between Washington, D.C., on the one hand, and, on the other, those points in KS on and west and south of a line beginning at the KS-OK State line, and extending along U.S. Hwy 75 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction KS Hwy 196, then along KS Hwy 196 to junction Interstate Hwy 35W, then along Interstate Hwy 35W to junction U.S. Hwy 56, then along U.S. Hwy 56 to KS Hwy 96, then along KS Hwy 96 to the KS-CO State line (Athens, TN, and Ft. Smith, AR.\*)

(6) between those points in FL on and east of a line beginning at the FL-GA State line, and extending north along FL Hwy 363 to Tallahassee, FL, then along U.S. Hwy 27 to the FL-GA State line, on the one hand, and, on the other, those points in MO on and west of a line beginning at the MO-AR State line, and extending along U.S. Hwy 65, then along U.S. Hwy 65 to the MO-IA State line, (Birmingham, AL, and Ft. Smith, AR.\*)

(7) between those points in FL on and west of a line beginning at the FL-GA State line, and extending north along FL Hwy 363 to Tallahassee, FL, then along U.S. Hwy 27 to the FL-GA State line, on the one hand, and, on the other, those points in MO on and west of a line beginning at the MO-AR State line, and extending along U.S. Hwy 71 to the MO-IA State line. (Birmingham, AL, and Ft. Smith, AR.\*)

(8) Between those points in GA on and east and south of a line beginning at the GA-FL State line, and extending north along U.S. Hwy 19 to Americus, GA, then along GA Hwy 49 to Macon, GA, then along U.S. Hwy 129 to junction GA Hwy 24, then along GA Hwy 24 to the Interstate Hwy 20, then along Interstate Hwy 20 to the GA-SC State line, on the one hand, and, on the other, those points in MO on and west of a line beginning at the MO-AR State line, and extending along U.S. Hwy 65 to Springfield, MO, then along MO Hwy 13 to Clinton, MO, then along MO Hwy 13 to junction U.S. Hwy 69, then along U.S. Hwy 69 to the MO-IA State line. (Columbus, GA, and Ft. Smith, AR.\*)

(9) Between points in Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Newton, and Rockdale Counties, GA, on the one hand, and on the other, those points in MO on and west of a line beginning at the MO-AR State line, and extending north along MO Hwy 37 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction MO Hwy 39, then along MO Hwy 39 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction MO Hwy 13, then along MO Hwy 13 to junction U.S. Hwy 69, then along U.S. Hwy 69 to the MO-IA State line. (Ft. Smith, AR.\*)

(10) Between points in Chattahoochee, Harris, Muscogee, Marion, and Talbot Counties, GA, on the one hand, and, on the other, those points in MO on and west of a line beginning at the MO-AR State line, and extending north along MO Hwy 37 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to junction MO Hwy 39, then along MO Hwy 39 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction MO Hwy 13, then along MO Hwy 13 to junction U.S. Hwy 69, then along U.S. Hwy 69 to the MO-IA State line. (Ft. Smith, AR.\*)

(11) Between points in IN, on the one hand, and, on the other, those points in AL on and east and south of a line beginning at the AL-MS State line, and extending along Interstate Hwy 20 to junction AL Hwy 69, then along AL Hwy 69 to junction AL Hwy 63, then along AL Hwy 63 to junction U.S. Hwy 72, then along U.S. Hwy 72 to junction AL Hwy 65, then along AL Hwy 65 to the AL-TN State line. (Birmingham, AL.\*)

(12) Between points in IN, on the one hand, and, on the other, those points in LA on and south and east of a line beginning at the LA-TX State line, and extending along Interstate Hwy 10 to junction U.S. Hwy 165, then north along U.S. Hwy 165 to junction LA Hwy 28, then along LA Hwy 28 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the LA-MS State line. (Birmingham, AL.\*)

(13) Between points in KS, on the one hand, and, on the other, those points in AL on and east of a line beginning at the AL-FL State line, and extending north along U.S. Hwy 331 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction Interstate Hwy 65, then along Interstate Hwy 65 to junction AL Hwy 263, then along AL Hwy 263 to junction AL Hwy 7, then along AL Hwy 7 to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction AL Hwy 5, then along AL Hwy 5 to junction Interstate Hwy 20, then along Interstate Hwy 20 to junction AL Hwy 79, then along AL Hwy 79 to the AL-TN State line. (Ft. Smith, AR, and Birmingham, AL.\*)

(14) Between points in Christian County, KY, on the one hand, and, on the other points in CT, MA, ME, NH, RI, and VT. (Athens, TN, and Westchester County, NY.\*)

(15) Between those points in KY on and east of a line beginning at the KY-IN State line, and extending along U.S. Hwy 431 to the KY-TN State line, on the one hand, and, on the other, those points in TX on and south of a line beginning at the TX-LA State line, and extending along TX Hwy 21 to junction TX Hwy 103, then along TX Hwy 103 to junction TX Hwy 94, then along TX Hwy 94 to junction TX Hwy 19, then along TX Hwy 19 to junction TX Hwy 30, then along TX Hwy 30 to junction TX Hwy 6, then along TX Hwy 6 to junction U.S. Hwy 190, then along U.S. Hwy 190 to junction U.S. Hwy 77, then south 5 miles along U.S. Hwy 77 to junction TX Hwy 36, then along TX Hwy 36 to Temple, TX, then northwest along TX Hwy 36 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 180, then along U.S. Hwy 180 to the TX-NM State line. (Birmingham, AL.\*)

(16) Between points in Christian County, KY, on the one hand, and, on the other, those points in TX on and south of a line beginning at the LA-TX State line, and extending along Interstate Hwy 10 to San Antonio, TX, then along U.S. Hwy 90 to the International Boundary line between United States and Mexico. (Birmingham, AL.\*)

(17) Between those points in KY on and east of a line beginning at the KY-TN State line on U.S. Hwy 41, including Christian County, KY, and extending north along U.S. Hwy 41 to the KY-IN State line, on the one hand, and, on the other, those points in LA on and south and east of a line beginning at the LA-TX State line, and extending east along Interstate Hwy 10 to junction U.S. Hwy 61, then along U.S. Hwy 61 to the LA-MS State line. (Birmingham, AL.\*)

(18) Between those points in LA on and east of a line beginning at Houma, LA, and extending along LA Hwy 24 to junction LA Hwy 1, then along LA Hwy 1 to junction U.S. Hwy 61 to the LA-MS State line, on the one hand, and, on the other, those points in IL on and east of a line beginning at the IL-IN State line, and extending along U.S. Hwy 50 to junction U.S. Hwy 45, then along U.S. Hwy 45 to junction IL Hwy 32, then along IL Hwy 32 to junction IL Hwy 16, then along IL Hwy 16 to junction IL Hwy 29, then along IL Hwy 29 to junction IL Hwy 97, then along IL Hwy 97 to junction U.S. Hwy 150, then along U.S. Hwy 150 to the IL-IA State line. (Birmingham, AL.\*)

(19) Between those points in MI on and east of a line beginning at the MI-

IN State line, and extending along U.S. Hwy 181 to junction MI Hwy 113, then along MI Hwy 113 to junction MI Hwy 37, then along MI Hwy 37 to Traverse City, MI, at Grand Traverse Bay, on the one hand, and, on the other, points in EL Paso County, TX. (Birmingham, AL.\*)

(20) Between points in MI in the Lower Peninsula of MI, on the one hand, and, on the other, those points in TX on and south and east of a line beginning at the TX-LA State line, and extending along U.S. Hwy 79 to junction TX Hwy 315, then along TX Hwy 315 to junction U.S. Hwy 259, then along U.S. Hwy 259 to Lufkin, TX, then south along U.S. Hwy 259 to junction U.S. Hwy 190, then along U.S. Hwy 190 to junction TX Hwy 6, then along TX Hwy 6 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 281, then along U.S. Hwy 281 to junction TX Hwy 29, then along TX Hwy 29 to junction U.S. Hwy 377 to Junction, TX, then along U.S. Hwy 290 to Ft. Stockton, TX, then along U.S. Hwy 67 to the International Boundary line between United States and Mexico. (Birmingham, AL.\*)

(21) Between points in McDonald, Newton and Jasper Counties, MO, on the one hand, and, on the other, those points in TN on and south and east of a line beginning at the TN-GA State line, and extending along U.S. Hwy 11, then along U.S. Hwy 11 to Bristol, TN-VA State line. (Ft. Smith, AR, and Athens, TN.\*)

(22) Between those points in NC on and south of a line beginning at the NC-SC State line, and extending along Interstate Hwy 85 to junction NC Hwy 49, then along NC Hwy 49 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction U.S. Hwy 258, then along U.S. Hwy 258 to the NC-VA State line, on the one hand, and, on the other, those points in KY on and west of a line beginning at the KY-TN State line, and extending along U.S. Hwy 127 to the junction KY Hwy 90, then along KY Hwy 90 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction U.S. Hwy 421 to the KY-IN State line. (Greenville, SC.\*)

(23) Between those points in NC on and south of a line beginning at the NC-SC State line, and extending north along Interstate Hwy 77 to junction U.S. Hwy 64, then along U.S. Hwy 64 to the Atlantic Ocean, on the one hand, and, on the other, points in KS. (Greenville, SC, and Ft. Smith, AR.\*)

(24) Between points in OK, on the one hand, and, on the other, those points in AL on and east of a line beginning at the AL-FL State line, and extending along AL Hwy 41 to junction AL Hwy 219, then along Hwy 219 to junction U.S. Hwy 82, then along U.S. Hwy 82 to junction AL Hwy 69, then along AL Hwy 69 to junction In-

terstate Hwy 65, then north along Interstate Hwy 65 to the AL-TN State line. (Birmingham, AL, and Guntersville, AL.\*)

(25) Between those points in TN on and west of a line beginning at the TN-KY State line, and extending along U.S. Hwy 127 to junction TN Hwy 52, then along TN Hwy 52 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction TN Hwy 62, then along TN Hwy 62 to Knoxville, TN, then south along U.S. Hwy 129 to the TN-NC State line, on the one hand, and, on the other, points in NJ. (Athens, TN.\*)

(26) Between points in Hamilton, County, TN, on the one hand, and, on the other, points in McDonald, Newton, Jasper, Barton, and Vernon Counties, MO. (Ft. Smith, AR.\*)

(27) Between points in El Paso County, TX, on the one hand, and, on the other, those points in KY on and east of a line beginning at the KY-TN State line, and extending along U.S. Hwy 41, including Christian County, KY, to the KY-IN State line. (Birmingham, AL.\*)

(28) Between those points in TX on and south of a line beginning at the TX-LA State line, and extending west along U.S. Hwy 80, then along U.S. Hwy 80/84 to Roscoe, TX, then along U.S. Hwy 84 to junction U.S. Hwy 180 to the TX-NM State line, on the one hand, and, on the other, those points in MI on and east of a line beginning at the MI-IN State line, and extending along U.S. Hwy 27 to Clare, MI, then along MI Hwy 115 to junction MI Hwy 37, then along MI Hwy 37 to Traverse City, MI. (Birmingham, AL.\*)

(29) Between points in El Paso County, TX, on the one hand, and, on the other, those points in MS on and east of a line beginning at the MS-TN State line, and extending south along U.S. Hwy 45 to junction MS Hwy 16, then east along MS Hwy 16 to the MS-AL State line. (Birmingham, AL.\*)

(30) Between those points in TX, on and south of a line beginning at the TX-AR State line, and extending along Interstate Hwy 30 to Dallas, TX, then west along Interstate Hwy 20 to Ft. Worth, TX, then west along U.S. Hwy 180 to the TX-NM State line, on the one hand, and, on the other, those points in MI on and east of a line beginning at the MI-OH State line, and extending along U.S. Hwy 23 to junction MI Hwy 46, then along MI Hwy 46 to junction U.S. Hwy 27, then north along U.S. Hwy 27 to Clare, MI, then north along Interstate Hwy 75 to the International Boundary line between United States and Canada. (Birmingham, AL.\*)

(31) Between those points in TX on and south of a line beginning at the TX-LA State line, and extending along Interstate Hwy 20 to junction

U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 180 to TX-NM State line, on the one hand, and, on the other, points in OH. (Birmingham, AL.\*)

(32) Between Newport News, Norfolk, Williamsburg, and points in York County, VA, on the one hand, and, on the other, those points in KS on and south of a line beginning at the KS-MO State line, and extending west along U.S. Hwy 54 to junction U.S. Hwy 75, then north along U.S. Hwy 75 to junction U.S. Hwy 50, then west to junction Interstate Hwy 35W, then north along Interstate Hwy 35W to Salina, KS, then west along Interstate Hwy 70 to the KS-CO State line. (Athens, TN, and Ft. Smith, AR\*). (Gateways eliminated: those indicated by asterisks).

MC 61825 (Sub-E292) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 29, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *New furniture*, between points in GA on, south and west of a line beginning on the AL-GA State line at U.S. Hwy 80, then east along U.S. Hwy 80 to junction U.S. Hwy 23, then south along U.S. Hwy 23 to junction U.S. Hwy 441, then south along U.S. Hwy 441 to GA-FL State line, on the one hand, and, on the other, points in CA, CO, ID, MT, NE, NV, ND, OR, SD, UT, WA, and WY on and west of a line beginning at CA Hwy 1 at the Pacific Ocean, and extending along CA Hwy 68, then east along CA Hwy 68 to junction U.S. Hwy 101, then north along U.S. Hwy 101 to junction CA Hwy 156, then east along CA Hwy 156 to junction CA Hwy 25, then southeast along CA Hwy 25 to junction CA Hwy J1, then east along CA Hwy J1 to junction CA Hwy 180, then east along CA Hwy 180 to junction CA Hwy 168, then northeast along CA Hwy 168 to junction unnumbered Hwy near Lake Florence, then along unnumbered Hwy to junction CA Hwy 168 near Lake Sabrina, then northeast along CA Hwy 168 to junction U.S. Hwy 6, then north along U.S. Hwy 6 to junction CA-NV State line, then north along U.S. Hwy 6 to junction NV-UT State line, then east along U.S. Hwy 6 to junction UT Hwy 26, then east along UT Hwy 26 to junction U.S. Hwy 91, then north along U.S. Hwy 91 to junction UT Hwy 26, then east along UT Hwy 26 to junction U.S. Hwy 89, then north along U.S. Hwy 89 to junction Interstate Hwy 70, then along Interstate Hwy 70 to junction UT Hwy 10, then north along UT Hwy 10 to junction U.S. Hwy 6, then north along U.S. Hwy 6 to junction UT Hwy 33, then northeast along UT Hwy 33

to junction U.S. Hwy 40, then east along U.S. Hwy 40 to the UT-CO State line, then east along U.S. Hwy 40 to junction CO Hwy 14, then north along CO Hwy 14 to junction CO Hwy 125, then north along CO Hwy 125 to junction CO Hwy 127, then north along CO Hwy 127 to junction CO-WY State line, then north along WY Hwy 230 to junction U.S. Hwy 287, then north along U.S. Hwy 287 to junction CO Hwy 34, then northeast along CO Hwy 34 to junction U.S. Hwy 87, then north along U.S. Hwy 87 to junction U.S. Hwy 26, then east along U.S. Hwy 26 to junction U.S. Hwy 85, then north along U.S. Hwy 85 to junction U.S. Hwy 20, then east along U.S. Hwy 20 to junction WY-NE State line, then east along U.S. Hwy 20 to junction NE Hwy 27, then north along NE Hwy 27 to junction NE-SD State line, then north along SD Hwy 75 to junction U.S. Hwy 18, then east along U.S. Hwy 18 to junction NE Hwy 73, then north along NE Hwy 73 to junction U.S. Hwy 14, then east along U.S. Hwy 14 to junction NE Hwy 47, then north along NE Hwy 47 to junction U.S. Hwy 212, then east along U.S. Hwy 212 to junction SD-MN State line, then north along the SD-MN State line to junction ND-MN State line, then north along the ND-MN State line to the CD-US International Boundary line. (Gateway eliminated: points in Smyth County, VA.)

MC 61825 (Sub-E302) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 17, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street, NW., Washington, DC 20036. *Furniture parts, materials, equipment, and supplies* used in the manufacture and distribution of new furniture and furniture parts (except in bulk), from points in MS to points in MD. (Gateways eliminated: points in Smyth County and Lynchburg, VA.)

NOTE.—The purpose of this correction is to state the correct gateway eliminated previously omitted.

MC 61825 (Sub-E311) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 29, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points

in Butler County, PA, within 50 miles of Steubenville, OH, on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Brunswick, Campbell, Carroll, Charlotte, Floyd, Franklin, Greensville, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, and Pulaski Counties, VA, including independent cities bounded by the above named counties. (Gateway eliminated: Weirton, WV, and Lynchburg, VA.)

NOTE.—The purpose of this correction is to correct the destination territory.

MC 61825 (Sub-E317) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 29, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Guernsey County, OH, within 50 miles of Steubenville, OH, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Charlotte, Chesapeake (City), Cumberland, Dinwiddie, Greensville, Halifax, Isle of Wight, Lunenburg, Mecklenburg, Nansemond (City), Norfolk (City), Nottoway, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Ann (City), Roanoke, Southampton, Surry, Sussex Counties, VA, and Virginia Beach (City), VA, including independent cities bounded by the above named counties. (Gateway eliminated: Weirton, WV, and Lynchburg, VA.)

NOTE.—The purpose of this correction is to state the correct territorial description.

MC 61825 (Sub-E340) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 17, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. *Furniture parts, materials equipment, and supplies used in the manufacture and distribution of new furniture and furniture parts* (except in bulk), from points in LA to points in WV on and east of a line beginning at the VA-WV State line, and extending along VA Hwy 12 to junction VA Hwy 3, then along VA Hwy 3 to junction VA Hwy 20, then along VA Hwy 20 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction U.S. Hwy 19, then along

U.S. Hwy 19 to junction U.S. Hwy 250, then along U.S. Hwy 250 to junction WV Hwy 69, then along WV Hwy 69 to the WV-PA State line. (Gateway eliminated: points in Smyth County and Lynchburg, VA.)

NOTE.—The purpose of this correction is to state the correct territorial description.

MC 61825 (Sub-E419) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 20, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP. P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. *Iron and steel products*, between points in Beaver County, PA, on the one hand, and, on the other, points in Amelia, Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Cumberland, Floyd, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Montgomery, Nottoway, Patrick, Pittsylvania, Prince Edward, Washington, and Wytche Counties, VA, including independent cities bounded by the above-named counties. (Gateways eliminated: Weirton, WV, and Lynchburg, VA.)

NOTE.—The purpose of this correction is to state the correct spelling of a county.

MC 61825 (Sub-E428) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 20, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP. P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. *Iron and steel products*, between points in Lawrence and Venango Counties, PA, on the one hand, and, on the other, points in NC bounded by a line beginning at the NC-VA State line, and extending along NC Hwy 8 to junction U.S. Hwy 421 to Villas, then along U.S. Hwy 321 to the NC-TN State line, then along the NC-TN State line to the NC-TN-GA State lines, then along the NC-GA and NC-SC State lines to the Atlantic Ocean, then along the Atlantic Ocean to Morehead City, NC, then along U.S. Hwy 70 to New Bern, then along U.S. Hwy 17 to Windsor, then along NC Hwy 308 to Rich Square, then along NC Hwy 305 to Jackson, then along U.S. Hwy 158 to Garysburg, then along U.S. Hwy 301 to the NC-VA State line, then along the NC-VA State line to the point of beginning, including all points on the highways named. (Gateways eliminated: Weirton, WV, and Lynchburg, VA.)

NOTE.—The purpose of this correction is to state the correct territorial description.

MC 61825 (Sub-E433) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 20,

1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. *Iron and steel products*, between points in Allen, Auglaize, Delaware, Defiance, Hardin, Licking, Logan, Mercer, Morrow, Putnam, Shelby, and Van Wert Counties, OH, on the one hand, and, on the other, points in NC on and east of a line beginning at the NC-VA State line at its junction U.S. Hwy 15, then south along U.S. Hwy 15 to Durham, then south along NC Hwy 55 to Lillington, then south along U.S. Hwy 401 to Fayetteville, then south along U.S. Hwy 301 to the NC-SC State line. (Gateways eliminated: Weirton, WV, and Lynchburg, VA.)

NOTE.—The purpose of this correction is to state the correct territorial description.

MC 61825 (Sub-E471), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of October 1, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *New furniture*, from points in VA in and east of Craig, Montgomery, Floyd, and Patrick Counties, VA, to points in MS. (Gateways eliminated: Martinsville, VA and points in GA.)

NOTE.—The purpose of this correction is to state the correct territorial description.

MC 61825 (Sub-E495), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of September 25, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Iron and steel products*, between points in Butler County, PA, within 50 miles of Steubenville, OH, on the one hand, and, on the other, points in Adams, Allen, Athens, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Paulding, Perry, Pickaway, Pike, Putnam, Preble, Ross, Scioto, Shelby, Union, Van Wert, Vinton, Warren, Williams, and Wyandot Counties, OH. (Gateway eliminated: Weirton, WV.)

NOTE.—The purpose of this correction is to state the correct spelling of a county.

MC 61825 (Sub-E498), (correction), filed May 13, 1974, published in the

FEDERAL REGISTER issue of September 25, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Iron and steel products*, between points in Greene County, PA, on the one hand, and, on the other, points in Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, McDowell, Marshall, Mercer, Mingo, Pleasants, Putnam, Raleigh, Roane, Tyler, Wayne, Wetzel, Wirt, Wood, and Wyoming. (Gateway eliminated: Weirton, WV.)

NOTE.—The purpose of this correction is to state the correct spelling of a county.

MC 61825 (Sub-E500), (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of September 25, 1975, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, VA 24078. Representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. *Iron and steel products*, between points in Washington, County, PA, on the one hand, and, on the other, points in Boone, Brooke, Cabell, Hancock, Jackson, Kanawha, Lincoln, Logan, Mason, Marshall, Mingo, Ohio, Pleasants, Putnam, Ritchie, Roane, Tyler, Wayne, Wetzel, Wirt, and Wood Counties. (Gateway eliminated: Weirton, WV.)

NOTE.—The purpose of this correction is to state the correct address of the carrier, Roy Stone Transfer Corp.

MC 107012 (Sub-E337), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated*, (1) from points in Clark and Lincoln Counties, NV, to points in AR, 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\*); Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, 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\*); (2) from points in Esmeralda, Eureka, Lander, and Nye Counties, NV, to points in 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, 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\*); Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, 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\*); 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\*); 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 (Kansas City, MO\*). (Gateways eliminated: indicated by the asterisks above.)

MC 107012 (Sub-E338), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated*, (1) from points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Washita, Woods, and Woodward Counties, OK, to points in 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 (Fort Smith, AR\*); Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, 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\*). (2) from points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, and Washington Counties, OK, to points in Yuma County, AZ (points in AR\*); points in CA (points in 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\*); Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis, and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, and Sanders Counties, MT (points in AR\*); Clark, Lincoln, Esmeralda, Eureka, Lander, Nye, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe Counties, NV (points in AR\*); points in OR (points in AR\*); 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, Zapata, Zavala, Austin, Bastrop, Bell, Comal, 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, Travis, 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 WA (points in AR\*).

(3) From points in Beaver, Cimmarron, and Texas Counties, OK, 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\*); 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\*); 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\*). (4) from points in Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, and Pushmataha Counties, OK, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, and Yuma Counties, AZ, points in CA (points in AR); Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Clear Creek, Chafee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan, San Miguel, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma Counties, CO (Fort Smith, AR\*); points in ID (points in AR\*); points in IA (Fort Smith, AR\*); Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, and Woodson Counties, KS (Fort Smith, AR\*); Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, 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\*); points in MT (points in AR\*); points in NV (points in AR\*); points in ND (points in AR\*); points in OR (points in AR); points in SD (points in AR\*); Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Frio, Duval, 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, Zapata, and Zavala Counties, TX (points in AR\*); Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatche, Weber, Carbon, Daggett, Emery, Duchesne, Grand, San Juan, Uintah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne, Counties, UT (points in AR\*); points in WA (points in AR\*); points in WY (points in AR\*).

(5) From points in 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, to points in Glenn, Humboldt, Lake, Mendicino, Tehama, and Trinity Counties, CA (points in 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 (Fort Smith, AR\*); Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson, and Josephine Counties, OR (points in AR\*); Clark, Cowliitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakim, Yakima, Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish, and Whatcom Counties, WA (points in AR\*). (Gateways eliminated: indicated by asterisks above.)

MC 107012 (Sub-E339), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representatives: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated*, (1) from points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties, OR, to points in AZ (Portland, OR, and points in WA\*); points in AR (Greene County, AR\*); points in CA (Portland, OR and points in WA); points in ID (Portland, OR, and points in WA\*); 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); points in MT (Portland, OR, and points in WA\*); points in NV (Portland, OR, and points in WA\*); 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\*); 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, Zapata, Zavala, 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, Travis, 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 (Kansas City, MO\*); points in UT (Portland, OR, and points in WA\*).

(2) From points in Crook, DeSchutes, Gilliam, Hood River, Jefferson, Sherman, Wasco and Wheeler Counties, OR, 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, 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, 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\*); Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hur, 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\*); points in MT (Portland, OR, and points in WA\*); 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\*); 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, Travis, 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 (Kansas City, MO\*).

(3) From points in Harney, Klamath, Lake, and Malheur Counties, OR, 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, 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, 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\*); Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, 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\*); Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, Le Flore, 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\*); Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, 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, Travis, 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, Rush, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (Kansas City, MO\*).

(4) From points in Coos, Curry, Douglas, Jackson, and Josephine Counties, OR, to points in AR (Greene County, AR\*); Brenewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, ID (Portland, OR, and points in WA\*); 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\*); Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Wright, Washington, and Winona Counties, MN (points in IL within the Burlington, IA, commercial zone\*); points in MT (Portland, OR, and points in WA\*); Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, Le Flore, 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\*); 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 (Kansas City, MO\*); Box Elder, Cache, Davis, Morgan, Rich,

Salt Lake, Summit, Tooele, Utah, Wasatch, and Weber Counties, UT (Portland, OR, and points in WA\*).

(5) From points in Baker, Grant, Morrow, Umatilla, Union, and Wallowa, OR to points in Yuma Counties, AZ (Portland, OR and points in WA); 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, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR (Greene County, AR\*); Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, San Diego, 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 (Portland, OR and points in WA\*); 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\*); 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\*); 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, Travis, 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, Nacogoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (Kansas City, MO\*). (Gateways eliminated: indicated by the above asterisks)

MC 108341 (Sub-E21) (partial correction), filed November 9, 1977, published in the FEDERAL REGISTER issue of June 1, 1978, and republished, as corrected, this issue. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Representative: Jack F. Counts (same as above). *Source, special nuclear, and byproducts materials, radioactive materials, related radioactive equipment, component parts and associated materials*, restricted to the transportation of commodities which because of size or weight require the use of special equipment, and contractors' materials, supplies and equipment moving in connection therewith which do not necessarily require the use of special equipment, \* \* \* (4) between points in that part of NY on and south of a line beginning at the NY-PA State line, and extending along NY Hwy 12 to junction NY Hwy 8, then along NY Hwy 8 to the NY-VT State line, and north and west of a line beginning at the NY-PA State line, and extending along NY Hwy 10 to junction NY Hwy 7, then along NY Hwy 7 to the NY-VT State line, on the one hand, and, on the other, points in that part of the United States in and east of ND, SD, NE, MO, AR, and TX, those in MN on and west of Interstate Hwy 35 and those in IA on and west of U.S. Hwy 218; \* \* \* (Gateway eliminated: points in VA within the DC commercial zone).

NOTE.—The purpose of this partial correction is to clarify part (4). The remainder of this letter-notice remains as previously published.

MC 108119 (Sub-E66), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities*, which because of size or weight, require special handling, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies moving in connection therewith or such commodities as are contractors'

equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging and sawmill operations, between points in the Cleveland, OH commercial zone, on the one hand, and, on the other, points in KS on and west of a line extending from the KS-NE State line and extending south along U.S. Hwy 77 to Florence, KS, then southwest along U.S. Hwy 50 to junction KS Hwy 89, then south along KS Hwy 89 to junction KS Hwy 96, then southeast along KS Hwy 96 to the commercial zone of Wichita, KS, and extending southwest along KS Hwy 2 to the KS-OK State line; points in OK on and west of a line extending from the KS-OK State line, and extending south along OK Hwy 34 to Woodward, OK, then southwest along OK Hwy 15 to Shattuck, OK, then south along U.S. Hwy 283 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to the OK-TX State line; points in TX on and west of a line extending from the TX-OK State line, and extending southwest along U.S. Hwy 60 to Panhandle, TX, then south along TX Hwy 207 to Post, TX, then south along TX Hwy 669 to Big Spring, TX, then southeast along U.S. Hwy 87 to San Angelo, TX, then south along U.S. Hwy 277 to junction TX Hwy 55, then southeast along TX Hwy 55 to Uvalde, TX, then south along U.S. Hwy 83 to the TX State line at Laredo, TX; points in AZ, CA, CO, ID, NV, NM, OR, UT, WA, and WY. (Gateway eliminated: points in MN.)

MC 108119 (Sub-E67), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities*, which because of size or weight, require special handling, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith or such commodities as are contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies, and equipment used or useful in road construction, mining, logging, and sawmill operations, between points in AZ, on the one hand, and, on the other, points in CT, DE, DC, ME, MA, NH, NJ, NY, PA, RI, VT; points in VA on and east of a line extending south from the VA-WV State line, and

extending along Interstate Hwy 250 to Richmond, VA, then south along U.S. Hwy 301 to junction U.S. Hwy 460, then southeast along U.S. Hwy 460 to Suffolk, VA, then south along VA Hwy 32 to the NC-VA State line, not including the commercial zones of Fredericksburg, Newport News, and Norfolk; and points in WV on and east of U.S. Hwy 250. (Gateway eliminated: points in MN.)

MC 108119 (Sub-E68), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities*, which because of size or weight, require special handling, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith or such commodities as are contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies, and equipment used or useful in road construction, mining, logging, and sawmill operations, between points in CO, on the one hand, and, on the other, points in CT, DE, DC, ME; points in MD on and east of U.S. Hwy 522; points in MA, NH, NJ, NY; points in PA on and east of a line extending from Erie, PA, and extending south along Interstate Hwy 79 to Pittsburgh, PA, then east along Interstate Hwy 376 to junction Interstate Hwy 76, then east along Interstate Hwy 76 to junction Interstate Hwy 70 near Hunters, PA, then east along Interstate Hwy 70 to the MD-PA State line; points in RI, VT, points in VA on and east of a line extending south from the VA-WV State line, and extending along U.S. Hwy 522 to Winchester, VA, then south along U.S. Hwy 17 to Fredericksburg, VA, then south along Interstate Hwy 95 to junction U.S. Hwy 460, then southeast along U.S. Hwy 460 to junction U.S. Hwy 258, then southwest along U.S. Hwy 258 to the NC-VA State line, not including the commercial zones of Fredericksburg, Newport News, and Norfolk; and points in WV on and east of U.S. Hwy 522. (Gateway eliminated: points in MN.)

MC 108119 (Sub-E69), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities*, which because of size or weight, require special handling, and related

parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith or such commodities as are contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging, and sawmill operations, between points in NM, on the one hand, and, on the other, points in CT, DE, ME, MA, NH, NJ; points in NY on and east of U.S. Hwy 15; points in PA on and east of a line extending south from the PA-NY State line, and extending along U.S. Hwy 15 to Harrisburg, PA, then south along Interstate Hwy 83 to the MD-PA State line. (Gateway eliminated: points in MN.)

MC 108119 (Sub-E70), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities*, which because of size or weight, require special handling, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith or such commodities as are contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies, and equipment used or useful in road construction, mining, logging, and sawmill operations, between points in UT, on the one hand, and, on the other, points in CT, DE, DC, ME, MD, MA, NH, NJ; points in NC on and east of a line extending south from the NC-VA State line and extending along U.S. Hwy 220 to junction U.S. Hwy 74, then southeast along Interstate Hwy 74 to junction Interstate Hwy 95, then south along Interstate Hwy 95 to the NC-SC State line; points in PA, RI, VT; points in VA on and east of a line extending southeast from the VA-WV State line, and extending along U.S. Hwy 250 to junction U.S. Hwy 220, then south along U.S. Hwy 220 to the NC-VA State line, not including the commercial zones of Fredericksburg, Newport News, and Norfolk, and points in WV on and east

of U.S. Hwy 250. (Gateway eliminated: points in MN.)

MC 108119 (Sub-E71), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO. P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities*, which because of size or weight, require special handling, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith or such commodities as are contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging and sawmill operations, between points in WY, on the one hand, and, on the other, points in AL, CT, DE, DC, FL, GA; points in KY on the east of a line extending south from the KY-IN State line, and extending along U.S. Hwy 231 to Bowling Green, KY, then southwest along KY Hwy 80 to Russellville, KY, then south along U.S. Hwy 79 to the KY-TN State line; points in ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC; points in TN on and east of a line extending south from the KY-TN State line, and extending along U.S. alt Hwy 41 to Nashville, TN, then south along Interstate Hwy 65 to the AL-TN State line; points in VT, VA (not including the commercial zones of Fredericksburg, Newport News and Norfolk), and WV. (Gateway eliminated: points in MN.)

MC 108119 (Sub-E72), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO. P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities*, which because of size or weight, require special handling, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith or such commodities as are contractor's equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies and equipment used or useful in road construction, mining, logging and sawmill operations, between points in

WA that are within the commercial zone of Vancouver, and points in OR that are within the commercial zone of Portland, on the one hand, and, on the other, points in AL, AR; points in CO on and east of a line extending north from the CO-NM State line, and extending along U.S. Hwy 84 to junction U.S. Hwy 160, then north along U.S. Hwy 160 to junction CO Hwy 149, the north along CO Hwy 149 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to junction CO Hwy 135, then north along CO Hwy 135 to junction CO Hwy 133, then north along CO Hwy 133 to junction CO Hwy 82, then north along CO Hwy 82 to junction U.S. Hwy 6, then west along U.S. Hwy 6 to junction CO Hwy 13, then north along CO Hwy 13 to the CO-WY State line; points in CT, DE, DC, FL, GA; points in ID on and east of a line extending south from the ID-MT State line, and extending along U.S. Hwy 91 to junction U.S. Hwy 26, then east along U.S. Hwy 26 to the ID-WY State line; points in IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ; points in NM on and east of a line extending east from the AZ-NM State line, and extending along U.S. Hwy 66 to junction U.S. Hwy 666, then north along U.S. Hwy 666 to junction U.S. Hwy 550, then northeast along U.S. Hwy 550 to the CO-NM State line; points in NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV; and points in WY on, north and east of a line extending north from the CO-WY State line along WY Hwy 789 to junction U.S. Hwy 30, then west along U.S. Hwy 30 to junction U.S. Hwy 187, then north along U.S. Hwy 187 to junction U.S. Hwy 26, then west along U.S. Hwy 26 to the ID-WY State line. (Gateway eliminated: points in Western MT.)

MC 108119 (Sub-E73), filed April 24, 1978. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 43010, St. Paul, MN 55164. Representative: Mark E. Moser (same as above). *Commodities*, which because of size or weight, require special handling, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or which are metal and metal articles, or self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith or such commodities as are contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and machinery, materials, supplies, and equipment used or useful in road construction, mining, logging, and sawmill operations, between points in OR that are within Clatsop, Columbia, Tillamook, Washington,

Multnomah, Clackamas, Yamhill, Polk, Lincoln, Marion, Benton, and Linn Counties, on the one hand, and on the other, points in AL, AR, CT, DE, DC, FL, GA, IN; points in KS on and east of a line extending south from the KS-NE State line, and extending along KS Hwy 27 to junction U.S. Hwy 270, then south along U.S. Hwy 270 to junction U.S. Hwy 56, then southwest along U.S. Hwy 56 to the KS-OK State line; points in KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH; points in OK on and east of a line extending north from the OK-TX State line, and extending along U.S. Hwy 287 to junction U.S. Hwy 56, then northeast along U.S. Hwy 56 to the KS-OK State line; points in PA, RI, SC, TN; points in TX on and east of a line extending north from the TX-MX State line along U.S. Hwy 277 to junction U.S. Hwy 83, then north along U.S. Hwy 83 to junction U.S. Hwy 287, then northwest along U.S. Hwy 287 to the OK-TX State line, points in VT, VA, WV, and points in WY on and north of a line extending west from the NE-WY State line, and extending along U.S. Hwy 28 to junction U.S. Hwy 87, then north along U.S. Hwy 87 to junction U.S. Hwy 14, then west along U.S. Hwy 14 to junction U.S. Hwy 20 then west along U.S. Hwy 20 to the ID-WY State line. (Gateway eliminated: points in western MT.)

MC 113908 (Sub-E293), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180-Glenstone Station, Springfield, MO 65804. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar* and *vinegar stock*, in bulk, in tank vehicles, from Rogers, AR, (1) to those points in TX on and south and west of a line beginning at the U.S.-Mexico International Boundary line and extending east along U.S. Hwy 180 to junction TX Hwy 54, then south along TX Hwy 54 to junction U.S. Hwy 90, then along U.S. Hwy 90 to junction U.S. Hwy 67, then along U.S. Hwy 67 to the U.S.-Mexico International Boundary line; (2) to those points in NE on and west of a line beginning at the NE-KS State line extending along U.S. Hwy 81 to junction with NE-SD State line. (Gateway eliminated: Hutchinson, KS.)

MC 113908 (Sub-E295), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180-Glenstone Station, Springfield, MO 65804. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Rogers, AR, to points in CO, IN, IA, OH, those points in LA on and south of a line beginning at the LA-TX State line extending along U.S. Hwy 84 to junction U.S. Hwy 167, then

along U.S. Hwy 167 to junction I Hwy 20, then along I Hwy 20 to the LA-MS State line, and those points in TX on and south and west of a line beginning at the TX-LA State line extending along I Hwy 10 to junction U.S. Hwy 87, then along U.S. Hwy 87 to the TX-OK State line. (Gateway eliminated: Nixa, MO.)

MC 113908 (Sub-E358), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180-Glenstone Station, Springfield, MO 65804. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Memphis, TN, to points in CO, IA, and those points in OK on and north of a line beginning at the OK-TX State line, extending east along U.S. Hwy 62 to Lawton, then along the H. E. Bailey Turnpike to junction I Hwy 44, then along I Hwy 44 to junction U.S. Hwy 75 then along U.S. Hwy 75 to the OK-KS State line. (Gateway eliminated: Nixa, MO.)

MC 113908 (Sub-E361), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180-Glenstone Station, Springfield, MO 65804. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Dallas, Houston, and Paris, TX, to those points in CA on and north of a line beginning at the CA-NV State line, and extending along CA Hwy 127 to junction CA Hwy 190, then along CA Hwy 190 to junction U.S. Hwy 395, then south along U.S. Hwy 395 to junction CA Hwy 178, then along CA Hwy 178 to junction CA Hwy 58, then along CA Hwy 58 to U.S. Hwy 101, then south along U.S. Hwy 101 to junction CA Hwy 1, then along CA Hwy 1 to the Pacific Ocean at Morrow Bay, CA. (Gateway eliminated: Denver, CO.)

MC 113908 (Sub-E376), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180-Glenstone Station, Springfield, MO 65804. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, (A) From Denver, CO, to (1) those points in IA on and east of a line beginning at the IA-MO State line, and extending along U.S. Hwy 63, then north along U.S. Hwy 63 to junction U.S. Hwy 20, then east along U.S. Hwy 20 to the IA-IL State line; (2) to those points in TX on and east of a line beginning at the TX-OK State line, and extending along Interstate Hwy 35 to junction Interstate Hwy 35W, then along Interstate Hwy 35W to junction U.S. Hwy 81, then along U.S. Hwy 81 to the International Boundary between United States and Mexico; (3) to those points in OK on and east of a line beginning at the TX-OK State

line, and extending north along U.S. Hwy 281 to junction OK Hwy 58, then along OK Hwy 58 to the OK-KS State line. (B) From Delta, CO, (1) to points in MO, AR, IL, (2) those points in OK on and east of a line beginning at the TX-OK State line, and extending along U.S. Hwy 281 to junction OK Hwy 58, then along OK Hwy 58 to the OK-KS State line; (3) to those points in TX on and east of a line beginning at the TX-OK State line, and extending along Interstate Hwy 35 to junction Interstate Hwy 81, then south along Interstate Hwy 81 to junction U.S. Hwy 77, then along U.S. Hwy 77 to junction U.S. Hwy 87, then along U.S. Hwy 87 to the Gulf of Mexico. (Gateway eliminated: Hutchinson, KS.)

MC 116073 (Sub-E56), filed March 27, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). *Buildings*, in section, mounted on wheeled undercarriages, from Sioux Falls and Aberdeen, SD, to points in ID, WA, OR, and CA. (Gateway eliminated: points in Custer County, MT.)

MC 116073 (Sub-E58), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages from Denver, Lakewood, Greeley, Pueblo, Trinidad, Alamosa, and Fort Collins, CO, to points in AZ. (Gateway eliminated: Farmington, NM.)

MC 116073 (Sub-E61), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and *buildings*, in sections, mounted on wheeled undercarriages, from Denver, Lakewood, Greeley, Pueblo, Trinidad, Alamosa, and Fort Collins, CO, to points in NV and ID. (Gateway eliminated: Rickfield, and Roosevelt, UT.)

MC 116073 (Sub-E62), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Denver, Lakewood, Greeley, Pueblo, Trinidad, Alamosa, and Fort Collins, CO, to points in MN and ND. (Gateway elimi-

nated: Aberdeen, Sioux Falls, Watertown and Rapids City, SD.)

MC 116073 (Sub-E63), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Denver, Lakewood, Greeley, Pueblo, Trinidad, Alamosa, and Fort Collins, CO, to points in OR and WA. (Gateway eliminated: Provo and Roosevelt, UT; and Lewiston and Boise, ID.)

MC 116073 (Sub-E64), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Denver, Lakewood, Greeley, Pueblo, Trinidad, Alamosa, and Fort Collins, CO, to points in CA. (Gateway eliminated: Provo and Richfield, UT and Las Vegas and Winnemucca, NV.)

MC 116073 (Sub-E65), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Buildings, in sections, mounted on wheeled undercarriages, from Denver, Lakewood, Greeley, Pueblo, Trinidad, Alamosa, and Fort Collins, CO, to points in WI. (Gateway eliminated: Sioux Falls, SD; and points in Blue Earth County, MN which are located in the Mankato, MN commercial zone.)

MC 116073 (Sub-E66), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Buildings, in sections, mounted on wheeled undercarriages, from Missoula, Great Falls, Billings, Butte, Bozeman, and Ronan, MT, to points in MN. (Gateway eliminated: Jamestown, ND.)

MC 116073 (Sub-E67), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Pocatello, Lewiston, Idaho Falls,

Moscow, Couer d'Alene, Twin Falls, Boise, Smelterville, Garden City, Nampa, and Kellogg, ID, to points in CO and NE. (Gateway eliminated: Cody and Laramie, WY.)

MC 116073 (Sub-E68), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Pocatello, Lewiston, Idaho Falls, Moscow, Couer d'Alene, Twin Falls, Boise, Smelterville, Garden City, Nampa, and Kellogg, ID, to points in AZ. (Gateway eliminated: UT.)

MC 116073 (Sub-E69), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers, designed to be drawn by passenger automobiles, in secondary movements, and buildings in sections, mounted on wheeled undercarriages, from Pocatello, Lewiston, Idaho Falls, Moscow, Couer d'Alene, Twin Falls, Boise, Smelterville, Garden City, Nampa, and Kellogg, ID, to points in KS. (Gateway eliminated: Roosevelt, UT, and Fort Collins, CO.)

MC 116073 (Sub-E70), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Pocatello, Lewiston, Idaho Falls, Moscow, Couer d'Alene, Twin Falls, Boise, Smelterville, Garden City, Nampa, and Kellogg, ID, to points in NM and TX. (Gateways eliminated: Provo, UT, Holbrook, AZ, and Gallup and Lordsburg, NM.)

MC 116073 (Sub-E73), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (Same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Pocatello, Lewiston, Idaho Falls, Moscow, Couer d'Alene, Twin Falls, Boise, Smelterville, Garden City, Nampa, and Kellogg to points in AK. (Gateways eliminated: Aberdeen and Seattle, WA.)

MC 116073 (Sub-E74), filed March 30, 1978. Applicant: BARRETT

MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Ave., Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Cody and Laramie, WY, to points in WA and OR. (Gateways eliminated: Pocatello, Lewiston, Idaho Falls, Moscow, Couer d'Alene, Twin Falls, Boise, Smelterville, Garden City, Nampa, and Kellogg, ID.)

MC 116073 (Sub-E75), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Ave., Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Cody and Laramie, WY, to points in KS and NM. (Gateways eliminated: Denver, Lakewood, Greeley, Pueblo, Trinidad, Alamosa, and Fort Collins, CO.)

MC 116073 (Sub-E76), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Cody and Laramie, WY, to points in NV, AZ, and CA. (Gateways eliminated: Price, Provo, Orem, Heber City, Lindon, Richfield, Delta, and Roosevelt, UT, Las Vegas, Henderson, Carson City, Fallon, Winnemucca, Yerrington, and Reno, NV, and points in AZ.)

MC 116073 (Sub-E78), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Trailers, designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Cody and Laramie, WY, to points in AK. (Gateways eliminated: Points in ID and WA.)

MC 116073 (Sub-E79), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MD 56560. Representative: John C. Barrett (same as above). Buildings, in sections, mounted on wheeled undercarriages, from Cody and Laramie, WY, to points in ND. (Gateway eliminated: Points in Custer County, MT.)

MC 116073 (Sub-E84), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Lewiston, MT, to points in KS. (Gateway eliminated: Points in CO.)

MC 116073 (Sub-E85), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Lewiston, MT, to points in TX. (Gateway eliminated: points in NM.)

MC 116073 (Sub-E86), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers*, designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Lewiston, MT, to points in AK. (Gateway eliminated: Named points in WA.)

MC 116073 (Sub-E87), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Missoula, Great Falls, Billings, Butte, Bozeman and Ronan, MT, to points in KS and NM. (Gateway eliminated: named points in CO.)

MC 116073 (Sub-E88), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Missoula, Great Falls, Billings, Butte, Bozeman and Ronan, MT, to points in NV and CA. (Gateway eliminated: named points in ID and NV.)

MC 116073 (Sub-E89), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Buildings*, in sections, mounted on wheeled undercarriages, from Missoula, Great Falls, Billings, Butte, Bozeman and Ronan, MT, to points in NE. (Gateway eliminated: Rapid City, SD.)

MC 116073 (Sub-E90), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Las Vegas, Henderson, Carson City, Fallon, Winemucca, Yerrington and Reno, NV to points in AK. (Gateway eliminated: named points in OR and WA.)

MC 116073 (Sub-E91), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Price, Provo, Orem, Heber City, Lindon, Richfield, Delta, and Roosevelt, UT, to points in AK. (Gateway eliminated: named points in ID and WA.)

MC 116073 (Sub-E92), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from points in AZ to points in AK. (Gateway eliminated: named points in NV and OR, and Seattle, WA.)

MC 116073 (Sub-E93), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Denver, Lakewood, Greeley, Pueblo, Trinidad, Alamosa, and Fort Collins, CO, to points in AK. (Gateway eliminated: named points in CO, ID, and WA.)

MC 116073 (Sub-E94), filed March 30, 1978. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, 1825 Main Avenue, Moorhead, MN 56560. Representative: John C. Barrett (same as above). *Trailers* designed to be drawn by passenger automobiles, in secondary movements, and buildings, in sections, mounted on wheeled undercarriages, from Farmington, Albuquerque, Carlsbad, Lordsburg, Deming, Silver City, and Gallup, NM, to points in AK.

(Gateway eliminated: named points in UT, ID and WA.)

MC 117574 (Sub-E55), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. 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 Cayuga, Ontario, Seneca, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in AL, AR, CA, CO, FL, GA, ID, KS, IA, MS, MT, NV, NM, NC, ND, OK, OR, SC, TX, UT, VA, WA, WY, and points in KY north and west of a line commencing at the TN-KY State line, and extending along U.S. Hwy 27 to junction KY Hwy 92, then along KY Hwy 92 to junction KY Hwy 11, then along KY Hwy 11 to junction KY Hwy 80, then along KY Hwy 80 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the KY-WV State line; in MN south and east of a line commencing at International Falls, and extending along U.S. Hwy 71 to junction U.S. Hwy 2, then along U.S. Hwy 2 to junction U.S. Hwy 59, then along U.S. Hwy 59 to junction MN Hwy 28, then along MN Hwy 28 to the MN-SD State line; in MD except Garrett County; in MO north and east of a line commencing at the NE-MO State line, and extending along U.S. Hwy 136 to junction U.S. Hwy 59, then along U.S. Hwy 59 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction MO Hwy 10, then along MO Hwy 10 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction MO Hwy 5, then along MO Hwy 5 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction MO Hwy 25, then along MO Hwy 25 to junction MO Hwy 84, then along MO Hwy 84 to junction MO-TN State line; in NE south and east of a line commencing at the SD-NE State line, and extending along U.S. Hwy 281 to junction U.S. Hwy 136, then along U.S. Hwy 136 to junction NE Hwy 4, then along NE Hwy 4 to junction U.S. Hwy 136, then along U.S. Hwy 136 to the NE-MO State line; in SD south and east of a line commencing at the MN-SD State line, and extending along SD Hwy 10 to junction U.S. Hwy 81, then along U.S. Hwy 81 to junction Interstate Hwy 90, then along Interstate Hwy 90 to junction U.S. Hwy 281, then along U.S. Hwy 281 to the SD-NE State line; in TN north and west of a line commencing at the MO-TN State line, and extending along TN Hwy 79 to junction TN Hwy 78, then along TN Hwy 78 to junction TN Hwy 20, then along TN Hwy 20 to junction TN Hwy 99, then along TN Hwy 99 to junction U.S. Hwy

231, then along U.S. Hwy 231 to junction TN Hwy 52, then along TN Hwy 52 to junction U.S. Hwy 27, then along U.S. Hwy 27 to the TN-KY State line; in WV north and west of a line commencing at the KY-WV State line, and extending along U.S. Hwy 119 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 33 East, then along U.S. Hwy 33 East to junction U.S. Hwy 219, then along U.S. Hwy 219 to the WV-MD State line. (2) Between points in Wilson, Wayne, Greene, Hyde, Beaufort, Craven, Carteret, Pamlico, and Pitt Counties, NC, on the one hand, and, on the other, points in AZ, CA, CO, CT, ID, IA, KS, ME, MA, MI, MN, MO, MT, NE, NV, NH, NJ, NM, NY, ND, OK, OR, RI, SD, TX, UT, VT, WA, WI, and WY and points in the following described States: in IL north of a line commencing at the IL-IN State line, and extending along Interstate Hwy 74 to junction IL Hwy 47, then along IL Hwy 47 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 MO-IL State line; in IN north of a line commencing at the OH-MD State line along U.S. Hwy 224 to junction IN Hwy 37, then along IN Hwy 37 to junction IN Hwy 32, then along IN Hwy 32 to junction Interstate Hwy 74, then along Interstate Hwy 74 to the IN-IL State line; in KS north of a line commencing at the KS-MO State line, and extending along Interstate Hwy 35 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction Interstate Hwy 35, then along Interstate Hwy 35 to junction U.S. Hwy 77, then along U.S. Hwy 77 to the OK-KS State line; in MO north of a line commencing at the MO-IL State line, and extending along U.S. Hwy 54 to junction MO Hwy 19, then along MO Hwy 19 to junction MO Hwy 22, then along MO Hwy 22 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the KS-MO State line; in NM west and north of a line commencing at the NM-TX State line, and extending along U.S. Hwy 70 to junction U.S. Hwy 54, then along U.S. Hwy 54 to the TX-NM State line; in OH north of a line commencing at the OH-WV State line, and extending along Interstate Hwy 70, to junction Interstate Hwy 270, then along Interstate Hwy 270 to junction OH Hwy 31, then along OH Hwy 31 to junction U.S. Hwy 30S, then along U.S. Hwy 30S to junction U.S. Hwy 224, then along U.S. Hwy 224 to the IN-OH State line; in OK north and west of a line commencing at the OK-KS State line and extending along U.S. Hwy 77 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction OK Hwy 51, then along

OK Hwy 51 to the OK-TX State line; in PA north of a line commencing at the WV-PA State line, and extending along Interstate Hwy 70 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction PA Hwy 23, then along PA Hwy 23 to junction PA Hwy 29, then along PA Hwy 29 to junction PA Hwy 113, then along PA Hwy 113 to junction PA Hwy 611, then along PA Hwy 611 to junction PA Hwy 63, then along PA Hwy 63 to the PA-NJ State line, those points in TX on and west and north of a line beginning at the TX-OK State line, and extending along U.S. Hwy 60 to junction TX-NM State line, again at TX-NM State line extending along U.S. Hwy 54 to the NM-TX State line; those points in WV on and north of a line beginning at the OH-WV State line, and extending along Interstate Hwy 70 to the PA-OH State line.

(3) Between points in Broome, Chenango, Clinton, Cortland, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Saint Lawrence, and Tioga Counties, NY, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, KS, LA, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, and WY, and those point in IL on and south and west of a line beginning at the IL-IA State line, and extending along U.S. Hwy 136 to junction IL Hwy 96, then along IL Hwy 96 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction IL Hwy 125, then along IL Hwy 125 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction IL Hwy 1, then along IL Hwy 1 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the IL-IN State line; in IN south and west of a line beginning at the IL-IN State line, and extending along U.S. Hwy 50 to junction Interstate Hwy 65, then along Interstate Hwy 65 to the IN-KY State line; in IA north and west of a line beginning at the MN-IA State line, and extending along U.S. Hwy 69 to junction IA Hwy 9, then along IA Hwy 9 to junction U.S. Hwy 169, then along U.S. Hwy 169 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction IA Hwy 2, then along IA Hwy 2 to junction U.S. Hwy 218, then along U.S. Hwy 218 to the IA-IL State line; in KY south and west of a line beginning at the KY-IN State line, and extending along Interstate Hwy 65 to junction Interstate Hwy 64, then along Interstate Hwy 64 to junction U.S. Hwy 23, then along U.S. Hwy 23 to the KY-OH State line; in MD south and west of a line beginning at the PA-MD State line, and extending along Interstate Hwy 83 to junction MD Hwy 2, then along MD Hwy 2 to junction U.S. Hwy 50, then along U.S.

Hwy 50 to the terminus at the Atlantic Ocean; in MI south and west of a line beginning at the WI-MI State line, and extending along MI Hwy 28 to junction U.S. Hwy 45, then along U.S. Hwy 45 to junction MI Hwy 26, then along MI Hwy 26 to junction U.S. Hwy 41, then along U.S. Hwy 41 to Fort Wilkens; in MN north and west of a line beginning at the MN-WI State line, and extending along Interstate Hwy 94 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 69, then along U.S. Hwy 69 to the MN-IA State line; in OH south and east of a line beginning at the OH-KY State line, and extending along U.S. Hwy 23 to junction OH Hwy 124, then along OH Hwy 124 to junction OH Hwy 346, then along OH Hwy 346 to junction U.S. Alt Hwy 50, then along U.S. Alt Hwy 50 to the OH-WV State line; in PA south and east of a line beginning at the WV-PA State line, and extending along PA Hwy 18 to junction PA Hwy 21, then along PA Hwy 21 to junction U.S. Hwy 119, then along U.S. Hwy 119 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction Interstate Hwy 81, then along Interstate Hwy 81 to junction Interstate Hwy 83, then along Interstate Hwy 83 to the PA-MD State line; in WV south and east of a line beginning at the WV-OH State line and extending along WV Hwy 2 to junction WV Hwy 7, then along WV Hwy 7 to junction WV Hwy 69, then along WV Hwy 69 to the WV-PA State line; in WI north and west of a line beginning at the WI-MI State line, and extending along WI Hwy 77 to junction U.S. Hwy 63, then along U.S. Hwy 63 to junction Interstate Hwy 94, then along Interstate Hwy 94 to the WI-MN State line;

(4) Between points in Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne Counties, GA, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, RI, and VT, and points in the following described States: in DE north of a line beginning at Dover, DE, and extending along DE Hwy 8 to junction DE Hwy 44, then along DE Hwy 44 to the MD-DE State line; in MD north of a line beginning at the MD-DE State line, and extending along MD Hwy 300 to junction U.S. Hwy 301, then along U.S. Hwy 301 to junction DE Hwy 2, then along DE Hwy 2 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the MD-PA State line; in OH east and north of a line beginning at the WV-OH State line, and extending along OH Hwy 7 to junction OH Hwy 45, then along OH Hwy 45 to its terminus at Lake Erie; in PA north and east of a line beginning at the PA-MD State line, and extending along U.S. Hwy 40 to WV-OH State line, in

WV south of a line beginning at the WV-PA State line, and extending along U.S. Hwy 40 to the WV-OH State line.

(5) Between points in Livingston and Monroe Counties, NY, on the one hand, and, on the other, points in AL, AZ, CA, CO, DE, FL, GA, ID, LA, MS, MT, NV, NM, OK, OR, SC, TX, UT, VA, WA, and WY, and points in the following described States: In AR north and east of a line beginning at the AR-MO State line, and extending along U.S. Hwy 63 to junction AR Hwy 18, then along AR Hwy 18 to the AR-TN State line; in KS those points north and east of a line beginning at the NE-KS State line, and extending along U.S. Hwy 77 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction U.S. Hwy 73, then along U.S. Hwy 73 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the KS-MO State line; in KY those points north and east of a line beginning at the TN-KY State line, and extending along U.S. Hwy 27 to junction KY Hwy 92, then along KY Hwy 92 to junction KY Hwy 11, then along KY Hwy 11 to junction KY Hwy 80, then along KY Hwy 80 to junction U.S. Hwy 460, then along U.S. Hwy 460 to the KY-WV State line; in MD south and east of a line beginning at the MD-WV State line, and extending along U.S. Hwy 219 to the MD-PA State line; in MO those points north and east of a line beginning at the KS-MO State line, and extending along U.S. Hwy 40 to junction U.S. Hwy 71, then along U.S. Hwy 71 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction MO Hwy 13, then along MO Hwy 13 to junction U.S. Hwy 160, then along U.S. Hwy 160 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO-AR State line; in NE those points north and east of a line beginning at the SD-NE State line, and extending along U.S. Hwy 183 to junction U.S. Hwy 136, then along U.S. Hwy 136 to junction U.S. Hwy 77, then along U.S. Hwy 77 to the NE-KS State line; in NJ south and east of a line beginning at the PA-NJ State line, and extending along Interstate Hwy 78 to junction NJ Hwy 31, then along NJ Hwy 31 to junction U.S. Hwy 206, then along U.S. Hwy 206 to junction NJ Hwy 70, then along NJ Hwy 70 to junction NJ Hwy 37, then along NJ Hwy 37 to the Atlantic Ocean; in ND those points south and east of a line beginning at Grand Forks, and extending along U.S. Hwy 81 to junction ND Hwy 200, then along ND Hwy 200 to junction ND Hwy 1, then along ND Hwy 1 to junction ND Hwy 13, then along ND Hwy 13 to junction ND Hwy 3, then along ND Hwy 3 to the ND-SD State line; in PA south and east of a line beginning at the PA-MD State line, and extending along U.S. Hwy 219 to junction U.S.

Hwy 22 to the PA-NJ State line; in SD those points south and east of a line beginning at the ND-SD State line, and extending along SD Hwy 3 to junction SD Hwy 10, then along SD Hwy 10 to junction SD Hwy 47, then along SD Hwy 47 to junction U.S. Hwy 18, then along U.S. Hwy 18 to junction U.S. Hwy 183, then along U.S. Hwy 183 to the SD-NE State line; in TN those points north and west of a line beginning at the AR-TN State line, and extending along TN Hwy 88 to junction TN Hwy 20, then along TN Hwy 20 to junction U.S. Hwy 43, then along U.S. Hwy 43 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction U.S. Alt Hwy 31, then along U.S. Alt Hwy 31 to junction TN Hwy 96, then along TN Hwy 96 to junction TN Hwy 56, then along TN Hwy 56 to junction TN Hwy 85, then along TN Hwy 85 to junction TN Hwy 52, then along TN Hwy 52 to junction U.S. Hwy 27, then along U.S. Hwy 27 to the TN-KY State line; in WV those points north and east of a line beginning at the KY-WV State line, and extending along U.S. Hwy 460 to junction WV Hwy 83, then along WV Hwy 83 to junction WV Hwy 16, then along WV Hwy 16 to U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction U.S. Hwy 219, then along U.S. Hwy 219 to the WV-MD State line. (Gateway eliminated: Carlisle, PA)

MC 117574 (Sub-E108) (correction), filed July 4, 1975, published in the FEDERAL REGISTER issue of May 12, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: William A. Chesnutt, P.O. Box 1166, Harrisburg, PA 17108. *Agricultural implements and agricultural machinery, tractors with or without attachments, cranes, industrial and processing machinery, and attachments, accessories and parts of all of the above described commodities, which are also heavy machinery, building and contractors' equipment, materials and supplies which because of size or weight require the use of special equipment*, (1) between points in the PA counties of Carbon and Monroe, on the one hand, and, on the other, points in the States of 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, WI, WY, and points in the following described States: points in MD in and west of the counties of Frederick and Montgomery; points in MI, except those in the counties of Lenawee and Monroe; points in NC on and west of a line beginning at the NC-VA State line on NC Hwy 32, then along NC Hwy 32 to junction with the Albemarle Sound, and then along the south shore of the

Albemarle Sound to the Pamlico Sound and the Atlantic Ocean; points in OH on and south of a line beginning at the MI-OH State line on OH Hwy 15, then along OH Hwy 15 to junction U.S. Hwy 23, then along U.S. Hwy 23 to junction U.S. Hwy 30N, then along U.S. Hwy 30N to junction OH Hwy 39, then along OH Hwy 39 to junction OH Hwy 83, then along OH Hwy 83 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the OH-WV State line; points in VA on and west of a line beginning at the MD-VA State line on U.S. Hwy 15, then along U.S. Hwy 15 to junction U.S. Hwy 17, then along U.S. Hwy 17 to junction VA Hwy 32, then along VA Hwy 32 to the NC-VA State line; points in WV on and south of U.S. Hwy 40. (2) between points in the PA counties of Pike and Wayne, on the one hand, and, on the other, points in the following States: AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, ND, NM, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY and points in the following described States; points in MD in and west of the counties of Frederick and Montgomery; points in MI on, north and west of a line beginning at the IN-MI State line on MI Hwy 66, then along MI Hwy 66 to junction MI Hwy 46, then along MI Hwy 46 to the shore of Lake Huron; points in NC on and west of a line beginning at the NC-VA State line on NC Hwy 32, then along NC Hwy 32 to the Albemarle Sound, then along the south shore of the Albemarle Sound to the Pamlico Sound, and the Atlantic Ocean; points in OH on and south of a line beginning at the IN-OH State line on OH Hwy 34, then along OH Hwy 34 to junction OH Hwy 15, then along OH Hwy 15 to junction OH Hwy 65, then along OH Hwy 65 to junction U.S. Hwy 30S, then along U.S. Hwy 30S 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 40, then along U.S. Hwy 40 to the OH-WV State line; points in VA on and west of a line beginning at the MD-VA State line on U.S. Hwy 15, then along U.S. Hwy 15 to junction U.S. Hwy 17, then along U.S. Hwy 17 to junction VA Hwy 32, then along VA Hwy 32 to the NC-VA State line; points in WV on and south of U.S. Hwy 40. (3) between points in the PA counties of Lackawanna, Luzerne, Susquehanna, and Wyoming, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, WY, and those points in IN on and west of a line beginning at the IN-OH State line, and extending along IN Hwy 28, then along IN Hwy 28 to junction IN Hwy 9, then along IN Hwy 9 to junc-

tion IN Hwy 18, then along IN Hwy 18 to junction U.S. Hwy 31, then along U.S. Hwy 31 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction IN Hwy 49, then along IN Hwy 49 to Lake Michigan; points in MD in Washington County, those points in MI on and north of MI Hwy 55; points in OH on, south and west of a line beginning at the OH-WV State line, and extending along U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 33, then along U.S. Hwy 33 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction OH Hwy 29, then along OH Hwy 29 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction OH Hwy 571.

Then along OH Hwy 571 to the IN-OH State line; points in VA on and south and west of a line beginning at the MD-VA State line, and extending along U.S. Hwy 15, then along U.S. Hwy 15 to junction VA Hwy 234, then along VA Hwy 234 to the Potomac River (except points in Accomack or Northampton Counties, VA); points in WV on and south of U.S. Hwy 50. (4) between points in the PA counties of Bradford and Sullivan and east of a line beginning at the MD-PA State line on PA Hwy 851, then along PA Hwy 851 to junction Interstate Hwy 83, then along Interstate Hwy 83 to junction Interstate Hwy 81, then along Interstate Hwy 81 to junction PA Hwy 147, then along PA Hwy 147 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction U.S. Hwy 6, then along U.S. Hwy 6 to PA Hwy 14, then north along PA Hwy 14 to the PA-NY State line, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, WY, and DC and points in IN on and south of a line beginning at the IN-OH State line, and extending along U.S. Hwy 40, then along U.S. Hwy 40 to junction IN Hwy 1, then along IN Hwy 1 to junction IN Hwy 38, then along IN Hwy 38 to junction U.S. Hwy 52, then along U.S. Hwy 52 to the IL-IN State line; points in IL on, south and west of a line beginning at the IL-IN State line on U.S. Hwy 52, then along U.S. Hwy 52 to junction IL Hwy 17, then along IL Hwy 17 to junction IL Hwy 18, then along IL Hwy 18 to junction U.S. Hwy 51, then along U.S. Hwy 51 to the IL-WI State line; points in MD on and south of a line beginning at the MD-PA State line, and extending along U.S. Hwy 15, then along U.S. Hwy 15 to junction Interstate Hwy 70S, then along Interstate Hwy 70S to junction Interstate Hwy 495, then along Interstate Hwy 495 north of Washington, DC to junction MD Hwy 4, then along MD Hwy 4 to the Chesapeake Bay; points in the Upper Peninsula of MI; points in OH

on and south of a line beginning at the OH-WV State line on U.S. Hwy 35, then along U.S. Hwy 35 to junction OH Hwy 28, then along OH Hwy 28 to junction OH Hwy 73, then along OH Hwy 73 to junction OH Hwy 123, then along OH Hwy 123 to junction OH Hwy 725, then along OH Hwy 725 to junction OH Hwy 122, then along OH Hwy 122 to junction U.S. Hwy 35, then along U.S. Hwy 35 to the IN-OH State line; points in VA (except those in Accomack and Northampton Counties); points in WV on and south of a line beginning at the VA-WV State line, and extending along WV Hwy 39, then along WV Hwy 39 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction U.S. Hwy 35, then along U.S. Hwy 35 to the OH-WV State line; points in WI on and north and west of a line beginning at the IL-WI State line, and extending along U.S. Hwy 51, then along U.S. Hwy 51 to junction WI Hwy 15, then along WI Hwy 15 to the city line of Milwaukee, WI, then along the southern boundary of the city of Milwaukee to Lake Michigan. (5) between points in the PA county of Columbia, and those in the PA counties of Lycoming, Montour, Northumberland, east of a line beginning at the PA-MD State line near New Freedom, PA on PA Hwy 851, then along PA Hwy 851 to junction Interstate Hwy 83, then along Interstate Hwy 83 to junction Interstate Hwy 81, then along Interstate Hwy 81 to junction PA Hwy 147, then along PA Hwy 147 to U.S. Hwy 220, then along U.S. Hwy 220 to junction U.S. Hwy 6, then along U.S. Hwy 6 to PA Hwy 14, then along PA Hwy 14 to the NY-PA State line near South Waverly, PA, on the one hand, and, on the other, all points in the States of AL, AZ, AR, CA, CO, FL, GA, ID, IL, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, WY, and points in the following described States; points in IN on and south of a line beginning at the IN-OH State line on U.S. Hwy 35, then along U.S. Hwy 35 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the IL-IN State line; points in MI on and north of MI Hwy 55; points in OH on and south of U.S. Hwy 35; points in VA on and south of a line beginning at the VA-WV State line on U.S. Hwy 250, then along U.S. Hwy 250 to junction Interstate Hwy 64, then along Interstate Hwy 64 to the Chesapeake Bay; points in WV on and south of a line beginning at the WV-VA State line on U.S. Hwy 250, then along U.S. Hwy 250 to junction WV Hwy 42, then along WV Hwy 42 to junction WV Hwy 39, then along WV Hwy 39 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction U.S. Hwy 35, then along U.S. Hwy 35 to the OH-WV State line. (Gateways eliminated:

Waynesboro, PA, and a point on Interstate Hwy 83 near Shrewsbury, PA, just north of the MD-PA State line within the 25 mile radius of Baltimore, MD, and located in York County, PA.)

**NOTE.**—The purpose of this republication is to publish part 3 and 4, previously omitted.

MC 121060 (Sub-E104), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition board, fibreboard, pulpboard, and materials and supplies used in the installation of such commodities, except commodities in bulk, as are also ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, from the facilities of Flintkote Co. at Meridian, MS, to points in NY. (Gateway eliminated: the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., of Scottsboro, AL.)*

MC 121060 (Sub-E105), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition board, fibreboard, pulpboard, and materials and supplies used in the installation of such commodities, except commodities in bulk, as are also ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, from the facilities of Flintkote Co. at Meridian, MS, to points in NJ. (Gateway eliminated: the facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., of Scottsboro, AL.)*

MC 121060 (Sub-E106), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition board, fibreboard, pulpboard, and materials and supplies used in the installation of such commodities, except commodities in bulk, as are also ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, from the facilities of Flintkote Co., at Meridian, MS, to points in MA. (Gateway eliminated: the facilities of Litecraft-Luminous*



roofing caps, from the facilities of Flintkote Co. at Meridian, MS, to points in WI except those points in Vernon, Crawford, and Grant counties. (Gateway eliminated: The facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corp., at Scottsboro, AL.)

MC 121060 (Sub-E117), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such composition board, fibreboard, pulpboard, and materials and supplies used in the installation of such commodities, except commodities in bulk, as are also ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, from the facilities of Flintkote Co. at Meridian, MS, to points in MN in and north of Lincoln, Lyon, Redwood, Brown, Nicollet, Le Sueur, Rice, Goodhue and Wabasha Counties. (Gateway eliminated: the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corp., at Scottsboro, AL.)*

MC 121060 (Sub-E118), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials, except commodities in bulk, from the facilities of Bird & Son, Inc., at Shreveport, LA, to points in NC. (Gateway eliminated: the facilities of Celotex Corp. at Birmingham, AL.)*

MC 121060 (Sub-E119), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials, except commodities in bulk, from the facilities of Bird & Son, Inc., at Shreveport, LA, to points in SC. (Gateway eliminated: The facilities of Celotex Corp. at Birmingham, AL.)*

MC 121060 (Sub-E120), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials, except commodities in bulk, from the facilities of Bird & Son, Inc., at Shreveport, LA, to points in GA. (Gateway eliminated: the facilities of Celotex Corp. at Birmingham, AL.)*

MC 121060 (Sub-E121), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials, except commodities in bulk, from the facilities of Bird & Son, Inc., at Charleston, SC, to points in PA, NJ, MD, DE, and DC. (Gateway eliminated: the facilities of Celotex Corp. in Wayne County, NC.)*

MC 121060 (Sub-E125), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials, except commodities in bulk, from the facilities of Bird & Son, Inc., at Charleston, SC, to points in IL in and north of Henderson, Warren, Fulton, Peoria, Woodford, La Salle, Grundy, and Will Counties. (Gateway eliminated: facilities of Celotex Corp. in Wayne County, NC.)*

MC 121060 (Sub-E126), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials, except commodities in bulk, from the facilities of Bird & Son, Inc., at Charleston, SC, to points in IN in and north of Lake, Porter, La Porte, St. Joseph, Marshall, Kosciusko, Whitley, and Allen Counties. (Gateway eliminated: facilities of Celotex Corp. in Wayne County, NC.)*

MC 121060 (Sub-E127), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Roofing materials, except commodities in bulk, from the facilities of Bird & Son, Inc., at Charleston, SC, to points in MO in and north of Holt, Andrew, De Kalb, Daviess, Grundy, Sullivan, Schuyler, and Scotland Counties. (Gateway eliminated: facilities of Celotex Corporation in Wayne County, NC.)*

MC 121060 (Sub-E128), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such aluminum articles, except commodities in bulk, as are also ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, and materials, and supplies*

used in the installation of ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, from facilities of Carolina Aluminum Co., Inc., at Winton, NC, to points in TX. (Gateway eliminated: facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at Scottsboro, AL.)

MC 121060 (Sub-E129), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such aluminum articles, except commodities in bulk, as are also ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, and materials, and supplies used in the installation of ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, from facilities of Carolina Aluminum Co., Inc., at Winton, NC, to points in OK. (Gateway eliminated: facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at Scottsboro, AL.)*

MC 121060 (Sub-E130), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such aluminum articles, except commodities in bulk, as are also ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, and materials, and supplies used in the installation of ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, from facilities of Carolina Aluminum Co., Inc., at Winton, NC, to points in KS. (Gateway eliminated: facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at Scottsboro, AL.)*

MC 121060 (Sub-E131), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such aluminum articles, except commodities in bulk, as are also ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, and materials, and supplies used in the installation of ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, from facilities of Carolina Aluminum Co., Inc., at Winton, NC, to points in MO. (Gateway eliminated: facilities of Litecraft-Luminous Ceilings, Division of Celotex Corp., at Scottsboro, AL.)*

MC 121060 (Sub-E132), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such aluminum articles, except commodities in bulk, as are also ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, and materials and supplies used in the installation of ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, from facilities of Carolina Aluminum Co., Inc., at Winton, NC, to points in IA. (Gateway eliminated: facilities of Litecraft-Luminous Ceilings, division of Celotex Corp., at Scottsboro, AL.)*

MC 121060 (Sub-E133), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such aluminum articles, except commodities in bulk, as are also ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, and materials and supplies used in the installation of ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, from facilities of Carolina Aluminum Co., Inc., at Winton, NC, to points in MN. (Gateway eliminated: facilities of Litecraft-Luminous Ceilings, division of Celotex Corp., at Scottsboro, AL.)*

MC 121060 (Sub-E134), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such aluminum articles, except commodities in bulk, as are also ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, and materials and supplies used in the installation of ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, from facilities of Carolina Aluminum Co., Inc., at Winton, NC, to points in WI in, north, and west of Bayfield, Washburn, Barron, Dunn, Pepin, Buffalo, Trempealeau, and La Crosse Counties. (Gateway eliminated: facilities of Litecraft-Luminous Ceilings, division of Celotex Corp., at Scottsboro, AL.)*

MC 121060 (Sub-E135), filed July 8, 1977. Applicant: ARROW TRUCK LINES, INC., 1220 West Third Street, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Such aluminum articles, except commodities in bulk, as are also ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, and materials and supplies used in the installation of ceiling systems, furring, fasteners, lighting systems, moldings, applicators, and roofing caps, from facilities of Carolina Aluminum Co., Inc., at Winton, NC, to points in IL in south and west of Wabash, Richland, Clay, Effingham, Shelby, Moultrie, Macon, Logan, Tazewell, Peoria, Stark, Bureau, Putnam, Henry and Rock Island Counties. (Gateway eliminated: facilities of Litecraft-Luminous Ceilings, division of Celotex Corp., at Scottsboro, AL.)*

MC 141969 (Sub-E34), filed April 13, 1975. Applicant: NOBLE TRANSPORT, INC., 1555 Tremont Place, Denver, CO 80217. Representative: Richard P. Kissinger, Suite 140 Cherry Creek Center, 360 South Monroe, Denver, CO 80209. (A) *Iron and steel articles, as described in appendix V to the report of the Commission in Ex parte No. 45, in Descriptions in Motor Carrier Certificates, 61 MCC 209: (1) Between points in WY, on the one hand, and, on the other, points in WA (points in UT or MT\*). (2) Between points in WY, on the one hand, and, on the other, points in OR (points in UT\*). (3) Between points in NM, on the one hand, and, on the other, points in WA (points in UT\*). (4) Between points in NM, on the one hand, and, on the other, points in OR (points in UT\*). (5) Between points in AZ, on the one hand, and, on the other, points in WA (points in UT\*). (6) Between points in AZ, on the one hand, and, on the other, points in OR on and north and east of a line beginning at the Pacific Ocean, and extending along U.S. Hwy 20 to junction U.S. Hwy 97, then along U.S. Hwy 97 to junction OR Hwy 31, then along OR Hwy 31 to junction U.S. Hwy 395, then along U.S. Hwy 395 to the OR-CA State line (points in UT\*). (7) Between those points in AZ on and north and east of a line beginning at the AZ-CA State line, and extending along Interstate Hwy 10 to junction U.S. Hwy 95, then along U.S. Hwy 95 to junction unmarked Hwy near Dome, AZ, then*

along unmarked Hwy to junction Interstate Hwy 8, then along Interstate Hwy 8 to junction AZ Hwy 85, then along AZ Hwy 85 to the International Boundary line between AZ and MX (points in UT\*). (8) Between points in CO, on the one hand, and, on the other, points in WA (points in UT\*). (9) Between points in CO, on the one hand, and, on the other, points in OR (points in UT\*).

(B) *Such iron and steel articles, as described in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, when such articles are also contractor's equipment and supplies: (1) Between points in OR, on the one hand, and, on the other, points in KS (WY or CO and MT or UT\*). (2) Between points in WA, on the one hand, and, on the other, points in KS (WY or CO and MT or UT\*). (3) Between points in WA, on the one hand, and, on the other, points in MO (WY or CO and MT or UT\*). (4) Between points in OR, on the one hand, and, on the other, points in MO (WY or CO and MT or UT\*). (5) Between points in WA, on the one hand, and, on the other, points in IA (WY or CO and MT or UT\*). (6) Between points in WA, on the one hand, and, on the other, points in NE (WY and MT\*). (7) Between points in OR, on the one hand, and, on the other, points in IA (WY or CO and MT or UT\*). (8) Between points in OR, on the one hand, and, on the other, points in NE (WY or CO and MT or UT\*). (9) Between points in WA, on the one hand, and, on the other, points in SD (WY or CO and MT or UT\*). (10) Between points in OR, on the one hand, and, on the other, points in SD (MT or CO and WY or UT\*).*

(C) *Cast iron pressure pipe (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products and by-products) and fittings and accessories therefore when moving with such pipe: (1) From Council Bluffs, IA to points in WA (Logan, UT\*). (2) From Council Bluffs, IA, to points in OR (points in UT\*). (Gateway eliminated: indicated by the asterisks above.)*

By the Commission.

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

[FR Doc. 78-20689 Filed 7-25-78; 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. 552(e)(3).

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### [6320-01]

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[M-150, Amdt. 2, July 20, 1978]

#### CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the July 21, 1978, agenda and addition to July 25 agenda.

**TIME AND DATE:** 10 a.m., July 21, 1978.

**PLACE:** Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

**SUBJECT:** 3. Dockets 32523, 32581, and 32673, Applications for exemption by World, National and Capitol, respectively, to provide scheduled passenger service in selected U.S./Netherlands/Belgium markets pending the outcome of the U.S. Benelux Case (Docket 30790) (BIA).

**STATUS:** Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-672-5068.

**SUPPLEMENTARY INFORMATION:** Because of additional time needed to coordinate on the staff level, the staff has requested that Item 3 be deleted from the July 21 calendar and added as Item 12a on the July 25, 1978 agenda. Accordingly, the following Members have voted that agency business requires the deletion of Item 3 from the July 21 agenda and the addition of Item 12a on the July 25 agenda:

Chairman, Alfred E. Kahn  
Vice Chairman, G. Joseph Minetti  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey

[S-1514-78 Filed 7-24-78; 10:07 am]

### [6320-01]

3

[M-151 Amdt. 2, July 20, 1978]

#### CIVIL AERONAUTICS BOARD.

Notice of addition of items to the July 25, 1978, meeting agenda.

**TIME AND DATE:** 2:45 p.m., July 25, 1978.

**PLACE:** Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

#### SUBJECT:

11a. Docket 30598 (*CIE Tours International, Inc., and Emerald International Travel, Inc., Enforcement Proceeding*), discretionary review on Board initiative of initial decision approving a settlement of alleged unauthorized acts and unfair practices violations (OGC).

11b. Docket 30681, *Nicholson Air Services, Inc., d.b.a. Cumberland Airlines, Enforcement Proceeding*, discretionary review on Board initiative of initial decision and order terminating proceedings alleging failure to file reports pursuant to Act and regulations (OGC).

11c. Docket 30613, *Pan American World Airways Inc., and MacKenzie Tours Hawaii, Enforcement Proceeding*, discretionary review on Board initiative of initial decision and order dismissing complaint alleging unlawful tariff practice (OGC).

**STATUS:** Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

#### SUPPLEMENTARY INFORMATION:

These are matters that require Board action before August 17, 1978. Because of the individual Members' schedules, there will be no opportunity to hold a regularly scheduled meeting between July 25 and August 17, 1978. Accordingly, the following Members have voted that agency business requires the additions of these items to the July 25, 1978, meeting agenda and that no earlier announcement of these additions was possible:

Chairman, Alfred E. Kahn  
Vice Chairman, G. Joseph Minetti  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey

[S-1515-78 filed 7-24-78; 10:07 am]

### [6355-01]

4

#### CONSUMER PRODUCT SAFETY COMMISSION.

**DATE AND TIME:** July 26, 1978, 9:30 a.m.

**LOCATION:** Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C. 20207.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**  
(See attached copy of agenda.)

**CONTACT PERSON FOR ADDITIONAL INFORMATION:**

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

Commission briefing, Wednesday, July 26, 1978, 9:30 a.m., Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

**AGENDA**

Open to the public:

*Chain saw voluntary standard development.*—In June, the Commission signed an agreement with the Chain Saw Manufacturers Association (CSMA), under which CPSC staff are participating in CSMA's development of a voluntary safety standard for chain saws. At this briefing, the staff will report on the status of that development process.

Agenda approved July 18, 1978.

[S-1519-78 Filed 7-24-78; 2:24 pm]

[6355-01]

5

**CONSUMER PRODUCT SAFETY COMMISSION.**

**DATE AND TIME:** Thursday, July 27, 1978, 9:30 a.m.

**LOCATION:** Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C. 20207.

**STATUS:** Partly open, partly closed.

**MATTERS TO BE CONSIDERED:**  
(See attached copy of agenda.)

**CONTACT PERSON FOR ADDITIONAL INFORMATION:**

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

Commission meeting, Thursday, July 27, 1978, 9:30 a.m., Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

**REVISED AGENDA<sup>1</sup>**

A. Open to the public:

1. *Decision on cellulose home insulation standards.*—The Commission will consider possible CPSC actions arising from a bill which requires CPSC to mandate the flame-resistance and corrosion provisions of GSA's specification on cellulose home insulation. The Commission and staff previously dis-

<sup>1</sup>Agenda revised July 21, 1978. The order of Items 3 and 4 has been changed, and portions of Item 4 may be considered in closed session.

cussed this matter at the July 19 briefing, and the July 20 meeting.

2. *Proposed classification of tetrachlorethylene under the CPSC carcinogen policy.*—Under procedures established by CPSC's Carcinogen Policy, the Commission will consider the staff's preliminary screening and provisional classification of tetrachlorethylene (perchloroethylene).

3. *Operating plan.*—The Commission will continue discussion of its operating plan for fiscal year 1979. The Commission and Staff previously discussed the operating plan at the July 19 briefing.

B. Possibly closed in part:

4. *Briefing on unvented gas-fired space heaters.*—In February, 1978, the Commission proposed to ban unvented gas-fired space heaters. At this meeting, the Commission and staff will continue to discuss options for possible action on the proposal. The Commission and staff also discussed this matter at the July 20 Commission meeting; and the Commission plans to decide the issue at the August 17 Commission meeting. It is possible that portions of today's discussion may be closed to the public.

[S-1520-78 Filed 7-24-78; 2:25 pm]

[6570-06]

6

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.**

**TIME AND DATE:** 9:30 a.m. (eastern time), Friday, July 28, 1978.

**PLACE:** Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

**STATUS:** Part of the meeting will be open to the public and part will be closed to the public.

**MATTERS TO BE CONSIDERED:**

Open to the public:

1. Proposed organization for implementation of Executive Order 12067, concerning coordination of Federal Equal Employment Opportunity Programs.
2. Recommendations on policy and criteria for funding State and local agencies.
3. Private Bar Loan Fund.
4. Report on Commission operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

**CONTACT PERSON FOR MORE INFORMATION:**

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued July 21, 1978.

[S-1512-78 Filed 7-24-78; 10:07 am]

[6740-02]

7

JULY 24, 1978.

**FEDERAL ENERGY REGULATORY COMMISSION.**

**DATE:** July 26, 1978.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**  
Initiation of a Private Investigation.

**CONTACT PERSON FOR MORE INFORMATION:** Kenneth F. Plumb, telephone 202-275-4166.

KENNETH F. PLUMB,  
Secretary,

[S-1517-78 Filed 7-24-78; 11:11 am]

[7030-01]

8

**INDIAN CLAIMS COMMISSION.**

**TIME AND DATE:** 10:15 a.m., August 2, 1978.

**PLACE:** Room 600, 1730 K Street, NW., Washington, D.C.

**STATUS:** Open to the public:

Docket 13-E, *James Strong et al.*  
Docket 15-D, *Poitawatomie.*  
Docket 295-A, *Mojave.*  
Docket 332-C, *Yankton Sioux.*

**FOR MORE INFORMATION:**

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-1521-78 Filed 7-24-78; 2:24 pm]

[7035-01]

9

**INTERSTATE COMMERCE COMMISSION.**

**TIME AND DATE:** 2 p.m., Monday, July 31, 1978.

**PLACE:** Hearing Room C, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

**STATUS:** Open Special Conference.

**MATTER TO BE CONSIDERED:**  
Corrected Revised Service Order No. 1309—Railroad Operating Regulations for Freight Car Movement.

**CONTACT PERSON FOR MORE INFORMATION:**

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media

representatives on conference issues at the conclusion of the meeting.

[S-1526-78 Filed 7-24-78; 3:52 pm]

[7550-01]

10

**NATIONAL MEDIATION BOARD.**

**TIME AND DATE:** 2 p.m., Wednesday, August 2, 1978.

**PLACE:** Board Hearing Room, 8th Floor, 1425 K Street N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Ratification of Board actions taken by notation voting during the month of July 1978.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

**CONTACT PERSON FOR MORE INFORMATION:**

Mr. Rowland K. Quinn, Jr., Executive Secretary, telephone 202-523-5920.

Date of notice: July 21, 1978.

[S-1516-78 filed 7-24-78; 10:07 am]

[4910-58]

11

**NATIONAL TRANSPORTATION SAFETY BOARD.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 43 FR 31503, July 21, 1978.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** Thursday, July 27, 1978; 9 a.m. [NM-78-30].

**CHANGE IN MEETING:** A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

**STATUS:** The first six items will be open to the public; the seventh will be closed under Exemption 10 of the Government in the Sunshine Act.

**MATTERS TO BE CONSIDERED:**

1. *Aircraft Accident Report*—United Air Lines, Inc., Douglas DC-8, near Kaysville, Utah, December 18, 1977.

2. *Marine Accident Report*—SS Sansinena Explosion and Fire, at the Union Oil Terminal, Berth 47, Los Angeles Harbor, Calif., December 17, 1977.

3. *Request to cancel special study, "Human Error" in Air Carrier Accidents and Incidents.*

4. *Discussion of determining probable cause.*

5. *Discussion of proposed letter to PATCO re dispositions taken in Memphis,*

Tenn., midair collision between a Falcon Fanjet and a Cessna 150, May 18, 1978.

6. *Discussion of deposition proceedings in the National Airlines B-727 accident, Pensacola, Fla., May 8, 1978.*

7. *Opinion and Order—Administrator v. Lewis, Dkt. SE-3664; disposition of respondent's appeal.*

**CONTACT PERSON FOR MORE INFORMATION:**

Sharon Flemming, 202-472-6022.

[S-1523-78 Filed 7-24-78; 3:19 am]

[7600-01]

12

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.**

**TIME AND DATE:** 10 a.m., July 28, 1978.

**PLACE:** Room 1101, 1825 K Street NW., Washington, D.C.

**STATUS:** This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Discussion of specific cases in the Commission adjudication process.

**CONTACT PERSON FOR MORE INFORMATION:**

Ms. Lottie Richardson, 202-634-7970.

Dated: July 24, 1978.

[S-1518-78 Filed 7-24-78; 11:50 am]

[7710-12]

13

**POSTAL SERVICE.**

The Committee on Postal Rates of the Board of Governors of the United States Postal Service, pursuant to the bylaws of the Board (39 CFR 5.2, 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 8 a.m. on Tuesday, August 1, 1978, in the Postal Employee Development Center, Fourth Floor, Room 4105, Main Post Office Building, 715 Hoyt NW., Portland, Oreg. The meeting is open to the public. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

The Committee will discuss the following recommended decisions:

1. Recommended Decision of June 19, 1978, to Reject a Proposal of the Direct Mail Marketing Association for Multiple Address Correction Rates (Docket No. MC76-3).

2. Recommended Decision of June 21, 1978, Rejecting Proposals for Varying Discounts on Presorted Third-Class Bulk Mail (Docket No. MC76-3).

3. Recommended Decision of June 23, 1978, to Allow the Enclosure of Multiple Special Purpose Order Forms in Fourth-Class Special Rate Mailings of Books (Docket No. MC76-4).

LOUIS A. COX,  
Secretary.

[S-1524-78 filed 7-24-78; 3:29 pm]

[7710-12]

14

**POSTAL SERVICE.**

The Board of Governors of the United States Postal Service, pursuant to its bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Tuesday, August 1, 1978, in the Postal Employee Development Center, Fourth Floor, Room 4105, Main Post Office Building, 715 Hoyt NW., Portland, Oreg. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

**AGENDA**

1. Minutes of the previous meeting.  
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Quarterly report on Financial Performance. (Mr. Biglin, Senior Assistant Postmaster General, Finance Group, will present the Quarterly Summary of Financial Performance.)

4. Report of the Regional Postmaster General. (Mr. Morris, Regional Postmaster General, will report on postal conditions in the Western Region.)

5. Proposed modification of "Annual Agenda Calendar." (The Board will discuss possible modifications to the annual schedule for certain topics to be included in the agendas for the monthly meetings of the Board.)

6. Proposed filing with Rate Commission re test of Electronic Computer Originated Mail (ECOM) service. (The Board will consider a possible filing with the Postal Rate Commission to request the advice of the Commission under 39 U.S.C. 3661 on a possible test of a new Electronic Computer Originated Mail service.)

7. Recommended decisions of the Postal Rate Commission on proposals for changes in the Mail Classification Schedule:

a. Recommended Decision of June 19, 1978, to Reject a Proposal of the Direct Mail Marketing Association for Multiple Address Correction Rates (Docket No. MC76-3).

## SUNSHINE ACT MEETINGS

b. Recommended Decision of June 21, 1978, Rejecting Proposals for Varying Discounts on Presorted Third-Class Bulk Mail (Docket No. MC76-3).

c. Recommended Decision of June 23, 1978, to Allow the Enclosure of Multiple Special Purpose Order Forms in Fourth-Class Special Rate Mailings of Books (Docket No. MC76-4).

(The Governors will consider the foregoing Decisions. Only one of these—that dealing with Multiple Special Purpose Order Forms in Fourth-Class Special Rate Mailings of Books—recommends that a substantive change be made in the Mail Classification Schedule.)

8. Capital Investment Project—New Brunswick, N.J. (Mr. Biglin will present a proposed project for a General Mail Facility and Vehicle Maintenance Facility near New Brunswick, N.J.)

9. Review of Legislative Matters. (Mr. Finch, Assistant Postmaster General, Government Relations, will report on current legislative activities involving the Postal Service.)

10. Review of Public Affairs and Communications Program. (Mr. Duka, Assistant Postmaster General, Public and Employee Communications Department), will report

on developments in the communications area.)

Louis A. Cox,  
Secretary.

[S-1525-78 Filed 7-24-78; 3:29 pm]

[8240-01]

15

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: August 2, 1978, 9 a.m.

PLACE: Board Room, Room 2-500, Fifth Floor, 955 L'Enfant Plaza North SW., Washington, D.C. 20595.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS OR ITS EXECUTIVE COMMITTEE:

Portions closed to the public (9 a.m.):

1. Consideration of internal personnel matters.
2. Review of ConRail proprietary and financial information for monitoring and investment purposes.
3. Review of Delaware and Hudson Railway Co. proprietary and financial information for monitoring and investment purposes.
4. Review of Missouri-Kansas-Texas RR Co. proprietary and financial information for monitoring and investment purposes.
5. Litigation Report.

Portions open to the public (11 a.m.):

6. Approval of minutes of the June 29, 1978, Board of Directors meeting.
7. Consideration of advances to D&H.
8. Report on ConRail Monitoring.
9. Consideration of ConRail Drawdown Request for August 1978.
10. Consideration of selection of a USRA nominee to serve on ConRail's Board.
11. Consideration of 211(h) program.
12. Consideration of ConRail waiver request.
13. Adoption of fiscal 1979 pay policy.
14. Contract Actions (extensions and approvals).

[S-1522-78 Filed 7-24-78; 3:19 pm]

**Federal Register**

WEDNESDAY, JULY 26, 1978

PART II



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**DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE**

**Office of Education**

■

**DESEGREGATION OF  
PUBLIC EDUCATION**

[4110-02]

## Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION,  
DEPARTMENT OF HEALTH, EDUCA-  
TION, AND WELFAREPART 180—DESEGREGATION OF  
PUBLIC EDUCATION

AGENCY: Office of Education, HEW.

ACTION: Final regulations.

**SUMMARY:** These regulations amend existing regulations governing awards made under Title IV of the Civil Rights Act of 1964. The awards are made to help solve problems related to eliminating discrimination on the basis of race, sex, and national origin. The purpose of these regulations is to insure that these awards more effectively facilitate the desegregation of public elementary and secondary schools.

**EFFECTIVE DATE:** These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **FEDERAL REGISTER**. The effective date is changed by statute if Congress disapproves the regulations or takes certain adjournments. If you want to know the effective date of these regulations, call or write the Office of Education contact person.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Elton Ridge, U.S. Office of Education, Room 2001, 400 Maryland Avenue SW., Washington, D.C. 20202, telephone 202-245-8484.

**SUPPLEMENTARY INFORMATION:** On March 20, 1978, a Notice of Proposed Rulemaking was published in the **FEDERAL REGISTER** (43 FR 11676). The public had 30 days to submit written comments on the proposed regulations. During this period the Office of Education held public hearings in five cities (Portland, Oregon; Albuquerque, New Mexico; Milwaukee, Wisconsin; Miami, Florida; and Washington, D.C.) to receive comments on the regulations.

Numerous comments, criticisms, and suggestions were received. A summary of these comments appears in this preamble. All comments were considered in the development of the final regulations. Many changes suggested by the comments have been incorporated in the regulations. Additional changes have been made for the purpose of clarification. A summary of the significant changes in the regulations follows.

SUMMARY OF CHANGES IN THE  
REGULATIONS

## SUBPART A—GENERAL PROVISIONS

For the purpose of clarification, the regulations contain a revised definition of "national origin desegregation". According to the new definition, national origin desegregation is the provision of special services designed to help students whose dominant language is not English participate fully in educational activities despite any lack of proficiency in the English language. A definition of "dominant language" ("the language most relied upon for communication in the home") has been added to the definitions section.

A new section has been added to define the eligibility requirements for any school board or other responsible governmental agency that requests race desegregation assistance from State educational agencies (SEA's), desegregation assistance centers (DAC's), and training institutes (TI's), or that applies for direct financial assistance under Subpart F.

Under the proposed regulations, only school boards that were desegregating under court or agency orders were eligible to receive race desegregation assistance from SEA's, DAC's, and TI's. Under the final regulations, each of these agencies and institutions may provide race desegregation assistance to a school board that is correcting conditions of racial separation resulting from State or local law or official action, regardless of whether that school board is subject to a court or agency order to desegregate. These conditions of racial separation may be the result of actions by agencies or officials other than the school board.

Sections have also been added to the regulations to make clear that any school board or other responsible governmental agency is eligible to receive assistance for sex and national origin desegregation.

Finally, Subpart A now includes sections concerning stipends and travel allowances for participants in technical assistance and training activities provided under title IV. The proposed regulations authorized stipends and travel allowances only for participants in TI's. The final regulations authorize stipends, under specified conditions, for public school personnel who participate in activities under each of the title IV programs. The regulations also authorize travel allowances, under specified conditions, for any person (including public school personnel, parents, students, and community members) who participates in these activities.

## SUBPART B—STATE EDUCATIONAL AGENCIES

Under the proposed regulations, an SEA could provide assistance to students, parents, and community members only if "necessary to the success of assistance provided to public school personnel, and if the recipient assists them in conjunction with those personnel." The final regulations delete this restriction. However, a school board or other responsible governmental agency must still request the assistance, as required by the statute.

The provision of the proposed regulations requiring an SEA to refer to DAC agencies which it is unable to assist has been expanded to include additional forms of coordination. A similar provision has been added for DAC's.

The requirement of the proposed regulations that SEA's provide race desegregation assistance only to responsible governmental agencies which are desegregating pursuant to formal findings of segregation has been deleted. Instead, agencies that request race desegregation assistance from SEA's must be eligible under the standard set out in § 180.04. See summary of Subpart A.

The requirement that race desegregation assistance be provided only to persons "directly affected by the preparation, adoption, or implementation of a race desegregation plan" has been amended to include persons who are affected by "problems that have resulted from the implementation of that plan". The purpose of this amendment is to make it clear that agencies that have implemented desegregation plans but continue to experience educational problems arising from the desegregation process may receive assistance in coping with those problems.

The requirement that SEA's providing race desegregation assistance give priority to any agency that is in the first year of implementing a desegregation plan pursuant to a formal finding of segregation has been revised. The final regulations require that these SEA's give priority to agencies that need help in coping with problems resulting from the implementation of a desegregation plan adopted within the 3 years immediately preceding the provision of assistance. A desegregation plan will be considered to have been adopted on the date that it is accepted by a court or agency (in the case of a plan adopted pursuant to a formal finding) or when it is officially accepted by the school board (in the case of a voluntary plan). This provision will not limit assistance to agencies that have adopted desegregation plans within the preceding 3 years. Other agencies may be served to the extent funds are available under an SEA's award. However, the final regu-

lations permit race desegregation assistance to agencies that have adopted desegregation plans more than 5 years before the provision of assistance only when the Commissioner determines in advance that the need for assistance is unusually severe and that the proposed assistance is likely to be effective in meeting that need.

The proposed regulations required SEA's providing national origin desegregation assistance to give priority to agencies that are in the first year of implementing national origin desegregation plans. This requirement has been deleted.

The sections authorizing activities for SEA's providing race, sex, and national origin desegregation assistance have been revised. They now authorize several new activities, including, in the case of race, assistance in the development of human relations activities to facilitate racial harmony in public schools and in the identification of race stereotypes in curricular materials. SEA's are also authorized to help develop procedures to prevent discrimination on the basis of race, sex, or national origin in public school employment practices. SEA's providing national origin desegregation assistance may provide assistance with educational problems that may arise in meeting the requirements of title VI.

The funding criteria in the proposed regulations have been clarified. The criterion assessing commitment to race desegregation now provides that any steps taken by an SEA to facilitate the elimination of conditions of racial separation in public schools are relevant regardless of the cause of this separation. In the case of sex desegregation assistance, the extent to which an SEA has taken steps to eliminate sex bias and sex role stereotypes from textbooks and curricular materials has been deleted as a separately weighted criterion for evaluating commitment to sex desegregation. The Commissioner will instead consider steps taken by an SEA that has authority under State law in this area as one element in assessing its leadership in facilitating the elimination of sex discrimination in public schools.

Provisions concerning the amount of an SEA's award have been expanded to include the cost of providing assistance as well as the magnitude of expected needs for assistance. This new criterion permits evaluation of such factors as the size of the geographic area to be served, travel costs, and salary scales. Provisions relating to the Commissioner's assessment of needs have been revised to place the greatest weight, in the case of race desegregation assistance, on the needs of agencies that have recently adopted desegregation plans.

Finally, the recordkeeping provisions have been amended to require

that an SEA maintain a record of the requests for assistance and the assistance provided in response to those requests.

#### SUBPART C—RACE, SEX, AND NATIONAL ORIGIN DESEGREGATION ASSISTANCE CENTERS

Many of the changes in the regulations concerning DAC's reflect changes made in parallel sections of the regulations concerning SEA's. See summary of subpart B. These changes include revisions of the sections regarding the participation of parents, students, and community members; coordination of assistance; eligibility for race desegregation assistance; authorized activities; criteria for setting the amount of an award; and recordkeeping requirements.

The priorities for DAC's providing race desegregation assistance have been amended to require these DAC's to provide assistance first in the preparation of desegregation plans. In other respects, DAC priorities reflect those of SEA's. The final regulations authorize DAC's to assist agencies that have adopted race desegregation plans more than 5 years before the provision of assistance only when the Commissioner determines in advance that the need for assistance is unusually severe and that the assistance is likely to be effective.

#### SUBPART D—RACE AND SEX DESEGREGATION TRAINING INSTITUTES

The requirements pertaining to the eligibility of public school personnel to participate in a race desegregation TI have been revised. The final regulations permit a race desegregation TI to serve only the personnel of an agency that meets the requirements of §180.04 (see summary of subpart A) and that has adopted a desegregation plan within the 2 years immediately preceding the start of the training.

In addition, changes have been made in the funding criteria for both race and sex desegregation to reflect changes in these criteria under Subparts B and C.

#### SUBPART E—GRANTS TO SCHOOL BOARDS FOR SEX DESEGREGATION

Changes have been made in the funding criteria to reflect changes in the criteria under Subparts B, C, and D.

#### SUBPART F—SPECIAL GRANTS TO SCHOOL BOARDS FOR RACE AND NATIONAL ORIGIN DESEGREGATION ASSISTANCE

The eligibility requirements for school boards applying for race desegregation assistance are contained in §180.04. See summary of Subpart A.

In the case of national origin desegregation, the eligibility of an applicant no longer depends on its being under a requirement to carry out a plan. Also deleted from the regulations is the requirement that an applicant for either race or national origin desegregation assistance has not fully implemented a desegregation plan. A school board that has implemented a plan but is still having problems incident to that implementation is now eligible for assistance under this subpart.

In the case of race desegregation assistance, the eligibility section has been revised to make it clear that a combination of school boards may apply for the purpose of meeting problems incident to interdistrict desegregation plans. The authorized activities section has been revised to incorporate the prohibition against using funds under a race desegregation award in connection with compensatory education or the development of basic skills. This change makes this subpart consistent with Subparts B, C, and D.

Finally, the applications and funding procedures sections have been revised to conform with changes in the eligibility provisions and to clarify the proposed regulations.

#### COMMENTS AND RESPONSES

The following comments, criticisms, and suggestions were submitted in response to the proposed regulations. After the summary of each comment, a response is included stating the changes that have been made in the regulations or the reasons why no change is considered appropriate. The comments are grouped according to the sections of the proposed regulations to which they pertain. Comments concerning similar provisions in two or more sections of the proposed regulations appear under the first section to which they pertain. Other sections to which they are also applicable are noted in parentheses.

#### § 180.03—"National origin desegregation"

*Comment:* Several commenters stated that the definition of "national origin desegregation" in the proposed regulations was unclear. Some commenters asked whether Native Americans and Alaskan Natives of limited English-speaking ability could be served under a "national origin desegregation" plan. One commenter was uncertain about the overlap of the assistance to be provided under the headings of national origin desegregation and race desegregation.

*Response:* The definition of "national origin desegregation" has been revised. The final regulations define this term as "providing whatever special services are necessary to insure that a student whose dominant language is

not English is not limited in his or her participation in educational activities by a lack of proficiency in English." "Dominant language" is defined as "the language most relied upon for communication in the home". Thus, Native American and Alaskan Native students may benefit from national origin desegregation assistance if their dominant language is not English and they are not proficient in the English language.

There should not be a great deal of overlap between assistance provided by national origin desegregation programs and that provided by race desegregation programs. The national origin desegregation assistance program is designed to assist in meeting the needs of students who lack English language proficiency. The race desegregation assistance program is designed to assist in developing and carrying out plans to reassign segregated students and to cope with problems arising from that process. However, there may be situations in which it will be appropriate for a national origin desegregation program to assist in the preparation of a race desegregation plan to the extent of insuring that the needs of students who lack proficiency in English are taken into account in the plan for student reassignment.

#### § 180.03—"Public school personnel"

*Comment.* One commenter suggested that the definition of "public school personnel" be expanded to include student-teachers, teachers' aides and other people who are not paid for their services and hence are not "employed" by an agency.

*Response:* The definition has been expanded to include "persons . . . who work in the schools of a responsible governmental agency."

#### § 180.12(a) (§ 180.32(a))—Requests for SEA and DAC assistance

*Comment:* One commenter suggested eliminating the requirement that SEA's and DAC's serve only those agencies that request assistance. Other commenters suggested that applicants be required to include in their applications letters requesting assistance from agencies they propose to serve (as is required under the present regulations).

*Response:* No change has been made. The final regulations permit SEA's and DAC's to serve only those agencies that request assistance, but do not require them to solicit requests before filing an application. The title IV legislation authorizes technical assistance only upon the request of a "governmental unit legally responsible for operating a public school or schools." However, the Commissioner believes that requiring applicants to solicit re-

quests to include in their applications is an unnecessary burden on them and is inconsistent with the requirement that SEA's and DAC's meet desegregation needs as they arise, rather than serve agencies identified before an application is filed.

#### § 180.12(b) (§ 180.32(b))—Assistance to parents, students, and community members

*Comment:* Several commenters suggested the elimination of the requirement that an SEA or a DAC provide assistance to parents, students, and community members only if the involvement of those persons is necessary to the success of assistance provided to public school personnel and if they are assisted in conjunction with public school personnel.

*Response:* The requirement has been deleted. The Commissioner believes that participation of parents, students, and community members in the desegregation process is important. Because it may be desirable in some cases for an SEA or a DAC to assist them without the participation of public school personnel, the final regulations do not contain the requirement. However, assistance to these individuals must be within the scope of the request of a responsible governmental agency.

#### § 180.12(c)—Notice of availability of assistance

*Comment:* Two commenters suggested that an SEA be required to notify parents, students, and community members of the availability of title IV assistance and how it may be requested.

*Response:* No change has been made. SEA's are required to notify only responsible governmental agencies because they are the only agencies that are authorized by the title IV legislation to request technical assistance.

#### § 180.13(a) (§§ 180.33(a), 180.52(a))—Eligibility for race desegregation assistance

*Comment:* Many commenters objected to the provisions restricting eligibility for race desegregation assistance to responsible governmental agencies that are desegregating "pursuant to a finding by a court, agency, or official, with jurisdiction to make such a finding, of conditions of racial separation which are the result of State or local law or official action". These commenters stated that districts that are desegregating voluntarily, without any official finding having been made, should be eligible for assistance under title IV.

*Response:* The Commissioner has revised the eligibility requirement for agencies requesting race desegregation assistance. The requirement that

agencies be desegregating pursuant to findings of courts, agencies, or officials has been deleted. However, the regulations retain the requirement that these agencies be correcting conditions of de jure, and not de facto, racial separation. This requirement is based on the definition of "desegregation" contained in section 401(b) of the title IV legislation:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race . . . but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance. (Emphasis added, 42 U.S.C. 2000c(b).)

Both legislative history and judicial precedent indicate that the italicized portion of this definition excludes assistance in overcoming de facto racial separation from coverage under title IV. For example, the Fifth Circuit Court of Appeals interpreted the definition as follows:

The affirmative portion of this definition, down to the "but" clause, describes the assignment provision necessary in a plan for conversion of a de jure dual system to a unitary, integrated system. The negative portion, starting with "but", excludes assignment to overcome racial imbalance, that is acts to overcome de facto segregation. As used in the Act, therefore, "desegregation" refers only to the disestablishment of segregation in de jure segregated schools . . . (United States v. Jefferson County Board of Education, 372 F.2d 836, 878 (5th Cir. 1966), cert. den. 389 U.S. 840 (1967).)

Under the final regulations, the only agencies eligible for race desegregation assistance are those that are correcting conditions of racial separation that are the result of State or local law or official action. Eligibility could be established on several bases, including court or Office for Civil Rights (OCR) findings of noncompliance with title VI of the Civil Rights Act of 1964, court findings of noncompliance with Fourteenth Amendment requirements, court findings of noncompliance with State laws prohibiting discrimination on the basis of race in education (but not merely racial imbalance), or OCR findings of noncompliance with the nondiscrimination requirements in section 706(d)(1) (B), (C), or (D) of the Emergency School Aid Act. However, court or agency findings are not a prerequisite to establishing eligibility.

In the absence of clear evidence to the contrary, an agency's representation that conditions of racial separation in its schools are the result of State or local law or official action, including action by other governmental agencies, will suffice to establish its eligibility for assistance.

§ 180.13(b) (§ 180.33(a)(2))—Persons who may receive race desegregation assistance

*Comment:* Several commenters objected to the limitation of race desegregation assistance to persons "who are, or are reasonably likely to be, directly affected by the preparation, adoption, or implementation of a race desegregation plan". They stated that persons employed by an agency that has already implemented a plan but which is still experiencing problems resulting from the desegregation process should not be excluded.

*Response:* The regulations have been revised to include persons affected by "problems that have resulted from the implementation of (a race desegregation) plan".

§§ 180.13(c), 180.15(b) (§§ 180.33(a)(3), 180.33(c)(2))—Priorities for race and national origin desegregation assistance

*Comment:* Many commenters stated that the priorities for race and national origin desegregation assistance provided by SEAs and DACs were overly restrictive. Several of these commenters stated that, in many cases, problems are not recognized in the first year of implementing a plan and that assistance in the following year is therefore necessary.

*Response:* The priorities have been revised for race desegregation assistance and deleted for national origin desegregation assistance. Under the final regulations, an SEA providing race desegregation assistance must give priority to agencies that need help in coping with problems resulting from the implementation of a desegregation plan adopted within the 3 years preceding the provision of assistance. A DAC must give priority to agencies that need help in preparing and adopting desegregation plans and then to those that need help in coping with problems resulting from the implementation of a plan adopted within the 3 years preceding the provision of assistance.

An SEA or a DAC may provide race desegregation assistance to an agency that adopted a desegregation plan more than 5 years before assistance is to be provided only when the need for assistance is unusually severe and the proposed assistance is likely to be effective.

The Rand evaluation of race desegregation assistance under Title IV found that it was "too small a program to tolerate the burden of a virtually unrestricted mandate to serve the largest number of school districts in the largest variety of ways." The final regulations maintain the focus of the proposed rules on assisting agencies in the initial stages of the desegregation

process, while enabling SEA's and DAC's that are working with these agencies to continue to provide assistance to them on a priority basis for 3 years.

The decision to delete priorities for national origin desegregation assistance, and to continue to provide no priorities for sex desegregation assistance, is based in part on the absence of long-term evaluations of these programs.

§ 180.13(d) (§§ 180.33(a)(4), 180.52(b))—Prohibition against providing race desegregation assistance relating to compensatory education

*Comment:* Several commenters objected to the prohibition against providing race desegregation assistance in connection with the provision of "compensatory education, the development of basic skills, or the general improvement of the instructional program in any school." Other commenters supported the prohibition but were concerned that the language "general improvement of the instructional program" not preclude such activities as assistance in the development of multicultural curricula that could improve a school's instructional program.

*Response:* The language has been revised to prohibit assistance relating to "compensatory education or the development of basic skills." Other assistance that is directly related to the desegregation process and that may also result in a general improvement of the instructional program may be provided if it is specifically authorized in the regulations or approved in advance by the Commissioner.

§§ 180.13(d), 180.15(c) (§§ 180.33(a)(4), 180.33(c))—Explicit authority for assistance in meeting Title VI requirements

*Comment:* Several commenters questioned the absence of explicit authority for assistance with educational problems associated with meeting the requirements of Title VI in the race and national origin desegregation programs. They pointed out that assistance with educational problems associated with meeting the requirements of Title IX is expressly authorized for the sex desegregation program, and suggested that the same approach be adopted in all programs.

*Response:* The suggestion has been adopted for national origin desegregation assistance. The final regulations authorize recipients to provide assistance in identifying and resolving educational problems arising from meeting the requirements of Title VI, and in preparing and disseminating materials explaining those requirements to parents and students in their dominant language.

In the case of race desegregation, no change has been made. The regulations authorize assistance in the preparation and adoption of race desegregation plans and in the identification of educational problems arising from the implementation of these plans. Because a race desegregation plan is the remedy to de jure segregation, and because these plans must meet the requirements of Title VI and other laws imposing similar requirements, the type of assistance suggested by the commenters is already authorized.

§§ 180.13(d), 180.14, 180.15(c)—(All authorized activity sections)—Assistance in problems of minority females

*Comment:* Several commenters suggested that addressing the special problems of minority females be included as an authorized activity for providers of race, sex, and national origin desegregation assistance.

*Response:* No change has been made. To the extent that minority females have special problems relating to areas already expressly authorized under the regulations, these problems may be addressed. Assistance may be provided in other areas if the Commissioner approves it in advance.

§ 180.13(d)(5) (§ 180.33(a)(4))—Assistance in establishing eligibility for Emergency School Aid Act grants

*Comment:* Two commenters objected to the inclusion of authority to assist in developing procedures to prevent the transfer of public school property and services to a private school that operates on a racially segregated basis. They stated that this activity was relatively unimportant and unlikely to be requested.

*Response:* The authorized activities section has been revised to encompass assistance in meeting any of the civil rights related requirements of section 706(d) of the Emergency School Aid Act. One of the requirements relates to the transfers described in the proposed regulations. The Commissioner believes that SEA's and DAC's should be familiar with, and available to help agencies meet, the statutory civil rights related requirements of the major desegregation assistance program he administers.

§ 180.13(d) (§ 180.33(a)(4))—Assistance in preventing racial bias and stereotyping

*Comment:* Several commenters suggested that assistance in preventing racial bias and stereotyping be specifically authorized.

*Response:* The suggestion has been adopted. The final regulations authorize assistance in identifying race stereotypes in materials and countering

their effects on students. They also authorize assistance in human relations activities to facilitate racial harmony in public schools.

§ 180.13(d)(10) (§ 180.33(a)(4))—Assistance in preparing applications for financial aid

*Comment:* Many commenters suggested that the prohibition against SEA's and DAC's providing assistance in the preparation of applications for financial assistance (except in the case of applications for assistance under Subpart F) be eliminated. Several commenters identified the Emergency School Aid Act (ESAA) as a source of support for desegregating school districts and suggested that assistance in preparing applications under that statute be available.

*Response:* The provision has been amended to prohibit any assistance in preparing applications, including applications under Subpart F. A similar amendment has been made relating to assistance in preparing applications under Subpart E. The Commissioner believes that the limited resources available for Title IV programs should be used for more direct assistance in the desegregation process. Moreover, assisting some agencies in preparing applications for competitive programs such as ESAA and Title IV provides those agencies with an unfair advantage over other applicants. Under the regulations, an SEA or a DAC may assist an agency in determining what other sources of assistance are available to meet its desegregation needs, but may not use Title IV resources in preparing applications for that assistance. In the case of ESAA, the SEA or DAC may assist the agency in meeting the civil rights related eligibility requirements of section 706(d) of that statute.

§ 180.14 (§ 180.33(b))—Prior approval of activities not specifically authorized in the regulations

*Comment:* Some commenters objected to the requirement that assistance in areas other than those set out in the regulations be authorized in advance by the Commissioner.

*Response:* No change has been made. An applicant may satisfy this requirement by including in its application a description of the activities that it believes it will need to undertake to provide aid in the preparation, adoption, and implementation of sex desegregation plans, and in coping with educational problems occasioned by sex desegregation. If, however, an SEA or a DAC determines that it is necessary to introduce an activity that was not described in its application, it would have to submit a description of the proposed activity to the Commissioner for prior approval. The Commissioner

believes that this requirement is necessary to ensure that funds available for Title IV programs are used in the most effective manner.

§ 180.14 (§ 180.33(b))—Assistance in preventing employment discrimination

*Comment:* Several commenters suggested that the authorized activities for sex desegregation assistance be expanded to include the development of procedures to prevent discriminatory employment practices in the public schools.

*Response:* The suggestion has been adopted. The regulations authorize assistance in the development of procedures to prevent discrimination on the basis of sex in public school employment practices. In addition, authority to provide assistance in the development of procedures to prevent discrimination on the basis of race and national origin in public school employment practices has been added to the authorized activities for race and national origin desegregation assistance.

§§ 180.17, 180.18, 180.19 (§§ 180.36, 180.37, 180.38)—Points for an evaluation plan

*Comment:* Several commenters suggested that points be awarded in the funding criteria for the applicant's plan for evaluating the success of its assistance. One commenter asked whether the removal of this criterion from the current regulations means that evaluations are no longer required under title IV awards.

*Response:* No change has been made. All recipients of title IV awards are required to provide for evaluation of their assistance under § 100a.276 of the General Provisions for Office of Education Programs (45 CFR 100a.276). The Commissioner believes an applicant's plans for evaluating the success of its proposed assistance do not bear directly on its capability of providing that assistance.

§§ 180.17, 180.18, 180.19 (all criteria for awards sections)—Uniformity of point allocations

*Comment:* Many commenters suggested that the funding criteria for race, sex, and national origin desegregation assistance under the various title IV programs be assigned identical scores unless there are good reasons for differentiating among types of assistance. In particular, several commenters questioned the allocation of fewer points to commitment to desegregation in the criteria for sex and national origin desegregation assistance than in the criteria for race desegregation assistance.

*Response:* The regulations have been revised to provide greater uniformity in the assignment of points. However,

no change has been made in the allocation of points to the criteria for commitment to race, sex, and national origin desegregation. The points assigned to these criteria reflect the fact that problems associated with discrimination in public schools on the basis of sex and national origin have begun to be dealt with more recently than those associated with racial discrimination. As a result, applicants have not had as long to develop a record of commitment in these areas. In addition, the Commissioner believes that because the creation of programs to combat discrimination on the basis of sex and national origin are recent developments, applicants are likely to have greater difficulty in finding staff with experience in those areas. Therefore, substantial points are allotted for staff with the experience and training needed to provide assistance in the area of sex or national origin desegregation.

§§ 180.17(a), 180.18(a), 180.19(a)—SEA commitment to desegregation

*Comment:* Some commenters stated that the funding criteria should include the applicant's internal policies, such as its staffing patterns, as a measure of its commitment to desegregation.

*Response:* No change has been made. The Commissioner does not believe the factors suggested by the commenters have a sufficiently direct bearing on the merits of an SEA's application to be included in the criteria. In addition, criteria addressing staffing patterns would require the SEA to include considerable statistical information in its application and thereby place an undue burden on it.

§§ 180.17(c), 180.18(c), 180.19(c) (§§ 180.35(b), 180.36(b), 180.37(b))—Criteria relating to staffing

*Comment:* Many commenters objected to criteria addressing the inclusion on an applicant's proposed staff of members of racial minority groups (for race desegregation assistance), women and men (for sex desegregation assistance), and members of national origin minority groups (for national origin desegregation assistance). Some commenters suggested that the criteria for each type of assistance address the inclusion of individuals in each of these categories. Several commenters stated that a criterion addressing the inclusion of both women and men on proposed staffs of applicants for sex desegregation assistance is unnecessary to insure the inclusion of women, since most people with experience in addressing problems of sex discrimination in education are women. They suggested that this criterion be deleted.

*Response:* The criteria for race and national origin desegregation assistance have been changed to address the inclusion of members of the minority groups with respect to which assistance is likely to be requested. The criterion addressing the inclusion of both women and men on sex desegregation assistance staffs has been deleted.

The Commissioner believes that the inclusion of members of the racial minority groups expected to be served on the staffs of providers of race desegregation assistance is likely to enhance the effectiveness of that assistance. Similarly, the inclusion of members of the appropriate national origin minority groups on staffs of providers of national origin desegregation assistance is likely to make that assistance more effective. In the case of sex desegregation assistance, the Commissioner believes the effectiveness of that assistance will be enhanced by the inclusion of women on the staffs of providers. However, in view of the comments received, the Commissioner believes that the inclusion of women on the staffs of sex desegregation assistance providers will be achieved by relying on criteria assessing only relevant experience and training.

§§ 180.17(d), 180.18(d), 180.19(d) (§§ 180.35(e), 180.36(e), 180.37(e))—Criteria relating to resource management

*Comment:* Two commenters objected to the criterion that addressed the extent to which costs are reasonable in relation to expected benefits. They stated that the funding criteria should be concerned with the quality of a proposal.

*Response:* No change has been made. The Commissioner believes that the relationship between benefits and costs is relevant to the merits of a title IV application and useful in allocating limited program resources in the most effective manner.

§§ 180.18(b)(3), 180.19(b)(3) (§§ 180.36(a)(3), 180.37(a)(3))—Criteria relating to materials

*Comment:* Several commenters questioned the desirability of measuring the extent to which the applicant would use existing materials designed to meet desegregation needs. They stated that, in the case of sex and national origin desegregation, there may not be any high quality materials available, and that an applicant should not be penalized for not using low quality materials.

*Response:* The criterion has been revised to address the applicant's familiarity with available materials, rather than whether it plans to use existing materials.

§ 180.20 (§ 180.38)—Separate SEA and DAC awards for race and sex desegregation assistance

*Comment:* Some commenters objected to the provision that separate awards would be made for race and sex desegregation assistance. Other commenters supported this provision.

*Response:* No change has been made. The Commissioner believes that separate awards for race and sex desegregation assistance will make it easier to assess the effectiveness of each type of assistance. While one organization may submit applications to provide both types of assistance, the applicant will be evaluated separately on its ability to provide each type of assistance. By providing separate awards, the Commissioner will better insure that applicants with the greatest expertise in each area are designated to provide assistance. If any applicant demonstrates this expertise in both areas, it will, of course, receive both awards.

§ 180.20 (§ 180.38)—Period of awards

*Comment:* One commenter felt that continuation awards should be available to SEA's as well as DAC's to reduce paperwork, reward effective programs, and permit long-range planning.

*Response:* No change has been made. The purpose of authorizing continuation awards for DAC's is to permit the recipient of a DAC award to establish its credibility and develop stable relationships with the school districts in its service area. Evaluations of the title IV program indicate that this process takes longer than 1 year. As a result, it is desirable that the same institution receive a DAC award for more than 1 year, so long as it continues to provide effective assistance. By contrast, the fact that an SEA has a relationship with the school districts in its State makes it less likely than a DAC to have difficulty establishing and maintaining relationships with those districts. In addition, SEA's do not compete with other applicants for title IV awards. If an SEA demonstrates its capability under the funding criteria, it can be assured of receiving an award to provide title IV assistance. A DAC must demonstrate that it is more capable than any other applicant in its service area.

§ 180.20(b) (§ 180.38(d))—Amount of awards

*Comment:* Several commenters suggested that the criterion for determining the amount of an award for an SEA or a DAC (magnitude of expected needs for assistance) be changed or expanded. Among the suggestions for alternative or additional criteria were the applicant's level of commitment to desegregation (in the case of SEA's), the demand for assistance, the appli-

cant's demonstrated ability to provide assistance, the size of the geographic area, the number of ethno-linguistic groups (in the case of national origin desegregation assistance), student population (in the case of sex desegregation assistance), and level of OCR activity.

Other commenters objected to the requirement that the Commissioner give the greatest weight to the needs of agencies that are in the first year of implementing plans (for SEA awards for race and national origin desegregation) and to agencies that are required to adopt, but have not yet adopted, or are in the first year of implementing those plans (for DAC awards for race and national origin desegregation).

*Response:* The criterion has been expanded to include the comparative cost of providing assistance in a State or service area, in addition to the magnitude of needs in that State or service area. This criterion permits the Commissioner to take into account such factors as higher travel costs in one State or service area because of the size of the geographic area to be served, and differences in salary scales. If a State or service area contains a greater number of different ethno-linguistic groups than other States or service areas and this results in a higher cost for providing assistance, the Commissioner would take this factor into account in setting the amount of an award.

The Commissioner has not expressly included student population (in the case of sex desegregation) or OCR activity as separate criteria because he believes that they are already included in the criterion relating to magnitude of need.

The Commissioner has not included criteria that are based upon the capability of the recipient to provide desegregation assistance (in the case of DAC's) or of the recipient's commitment to desegregation (in the case of SEA's) because he believes that these factors are treated in the funding criteria. Only DAC applicants that demonstrate their capability under these criteria will receive awards. Similarly, an SEA that fails to demonstrate commitment is unlikely to receive an award.

The Commissioner has not adopted the suggestion that the demand for assistance be considered because of the difficulty of ascertaining in advance which agencies will request assistance during the period of the award.

The regulations have also been revised to provide that in assessing the magnitude of needs for race desegregation assistance, the Commissioner will give the greatest weight to needs of agencies which have recently adopted desegregation plans (or which need assistance in preparing plans, in the case

of DAC awards). This revision is based upon the revised priorities for SEA's and DAC's providing race desegregation assistance. The provision of the proposed regulations that, in assessing the magnitude of needs for national origin desegregation assistance, the Commissioner will give greatest weight to the needs of agencies in their first year of implementing plans has been deleted to reflect the deletion of priorities for providing this type of assistance.

**§ 180.22 (§ 180.40)—Stipends and travel allowances**

*Comment:* Many commenters objected to the bar against using funds under an SEA or DAC award to pay the costs of stipends or travel allowances to participants in technical assistance or training activities. They stated that this prohibition might limit participation in these activities.

*Response:* The regulations have been revised to permit the payment of stipends and travel allowances to public school personnel who participate in a title IV technical assistance or training activity. In addition, travel allowances are authorized for parents, students, and community members, so that they will not be precluded from participating in assistance activities by the expense of transportation.

**§ 180.34—Service areas for DAC's**

*Comment:* With respect to race DAC's, many commenters objected to the fiscal year 1978 service areas that were set out in the notice of closing date for applications published in the FEDERAL REGISTER on March 20, concurrently with the proposed regulations. In particular, they objected to the reduction in the number of race DAC's from 27 to 15 and to the larger geographic area to be served by many DAC's as a result. These commenters suggested that the present service areas for race DAC's be retained.

Other commenters objected to the creation of only 10 service areas for sex DAC's. They suggested that this number be increased.

*Response:* No change has been made. The service areas were not described in the proposed regulations as they are in current Title IV regulations. Their removal from the program regulations is designed to permit flexibility in redefining the boundaries of areas to be served as needs for assistance change. Service areas for race DAC's in this year's notice were drawn on the basis of anticipated desegregation needs, especially needs for assistance with new desegregation.

Service areas for sex DAC's were drawn to coincide with the 10 HEW regions. Because appropriations for sex desegregation assistance under Title IV are at present significantly less

than those for race desegregation assistance (\$8 million for sex desegregation, \$21.7 million for race desegregation), the Commissioner believes that the available funds will be more effectively used if concentrated in 10 centers, rather than spread more thinly over a larger number of centers. The level of funding for each service area will vary according to its relative need for assistance and the cost of providing that assistance.

**§ 180.34—DAC applications**

*Comment:* Several commenters suggested that applicants for DAC's be required to conduct needs assessments of the agencies they propose to serve, and that the needs assessments be included in their applications. One commenter suggested that the funding criteria be revised to include points for the quality of a needs assessment. Another commenter suggested that the Commissioner consider this factor in setting the amount of an award for a service area.

*Response:* The regulations no longer list the information that an applicant must provide in its application. That information is contained in the notice of closing date that appears in this issue of the FEDERAL REGISTER. This notice instructs applicants for DAC's to provide in their applications information concerning the needs for assistance that they expect to arise during the award period. Formal needs assessments are not required. The Commissioner will consider this information in determining the amount of the award, but not in evaluating applications under the funding criteria. Those criteria are designed to assess an applicant's ability to respond to needs for assistance as they arise.

**§§ 180.35, 180.36, 180.37 (§§ 180.55, 180.56)—Criteria for DAC and TI awards**

*Comment:* Several commenters questioned the failure to include criteria for commitment to desegregation in the funding criteria for DAC's and training institutes. They noted that commitment is addressed in the criteria for SEA's.

*Response:* No change has been made. The funding criteria for SEA's address an applicant's commitment to desegregation, as indicated by its leadership in facilitating desegregation in its State, because of the SEA's legal responsibility for the supervision of public schools in its State. Applicants for DAC and TI awards do not have such a role. In addition, the Rand study of Title IV programs found that commitment to desegregation was a more important element in predicting the effectiveness of an SEA's assistance than in predicting the effective-

ness of assistance provided by DAC's and TI's.

**§ 180.51—Eligibility for training institute awards**

*Comment:* Several commenters objected to the fact that only institutions of higher education are eligible to apply for grants to operate training institutes. They suggested that any nonprofit institution be allowed to submit an application, as is the case for DAC's.

*Response:* No change has been made. The Title IV legislation authorizes the Commissioner to arrange for the operation of training institutes only with institutions of higher education. (42 U.S.C. 2000c-3.) The section of the statute authorizing DAC's does not contain this restriction. (42 U.S.C. 2000c-2.)

**§§ 180.51—Type of assistance available from training institutes**

*Comment:* Several commenters requested the creation of an additional category of training institutes for national origin desegregation.

*Response:* No change has been made. In the past, awards have been made only for race and sex desegregation training institutes in part because training in related areas has been available under other Federal programs designed to meet the needs of children with limited English proficiency. Given the limited funds available under Title IV, the Commissioner believes that national origin desegregation assistance can be provided most effectively through arrangements with SEA's, DAC's, and school boards.

**§ 180.52—Eligibility to participate in race desegregation training**

*Comment:* Several commenters objected to the requirement that a race desegregation training institute provide training only to personnel from agencies that are required to adopt but have not yet adopted race desegregation plans pursuant to formal findings of segregation, or agencies that are in the first year of implementing these plans.

*Response:* The requirement has been revised to provide for training to personnel from agencies that are eligible under § 180.04 and that have adopted desegregation plans within the 2 years preceding the start of the training. Confining training to personnel from these agencies is based on a finding of the Rand study that only institutes that provide training to school districts in the early stages of the desegregation process have been effective. The requirement that these agencies have already adopted plans is for the purpose of insuring that personnel

most directly affected by a plan receive available training.

**§ 180.53—Eligibility to participate in sex desegregation training**

*Comment:* One commenter suggested that training institutes be authorized to provide training to parents, students, and community members, in addition to public school personnel.

*Response:* No change has been made. The Title IV legislation authorizes training "designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation." (42 U.S.C. 2000c-3.) The statute does not address training of parents, students, or community members.

**§ 180.55—Commitment of agencies served by race desegregation TI's**

*Comment:* One commenter suggested that an applicant for a race desegregation training institute be required to demonstrate the commitment to race desegregation of the agencies it proposes to serve.

*Response:* No change has been made. The purpose of limiting training from TI's to personnel from agencies that have adopted desegregation plans within the 2 preceding years is to insure commitment to desegregation on the part of participating agencies. The fact that these agencies have recently begun the desegregation of their schools is a strong indication that they are committed to the desegregation process.

**§ 180.56—Commitment of agencies served by sex desegregation TI's**

*Comment:* One commenter objected to the inclusion of a criterion relating to a participating agency's commitment to sex desegregation in the funding criteria for sex desegregation training institutes. The commenter noted that commitment is not required of agencies receiving sex desegregation assistance from an SEA or a DAC.

*Response:* No change has been made. Applicants for training institutes designate the agencies they plan to serve in their applications. The institutes are tailored to meet the particular needs of the designated agencies, and applications are evaluated, in part, on the magnitude of needs of these agencies for sex desegregation assistance (as well as the applicant's ability to address those needs). Because the training institute is tailored to address the needs of specific agencies, the Commissioner believes that it is appropriate to consider the commitment of these agencies to sex desegregation in determining whether to make an

award to an applicant proposing to serve them. By contrast, SEA's and DAC's are required to serve needs for sex desegregation assistance as they arise during the period of the award. Since they do not designate in advance the agencies to be served, it is not possible to evaluate the commitment of those agencies.

**§ 180.62—Eligibility to participate in training under school board grants**

*Comment:* One commenter suggested that school boards be authorized to provide training to students, parents, and community members, in addition to school personnel.

*Response:* No change has been made. The legislation authorizes inservice training only for "teachers and other school personnel." (42 U.S.C. 2000c-4.) It does not provide for training students, parents, and community members.

**§ 180.71—Eligibility for School Board Grants**

*Comment:* Several commenters objected to limiting eligibility for a grant under subpart F to school boards that either have not yet adopted a race desegregation plan or have not yet fully implemented such a plan. They stated that while a school board may have fully implemented a desegregation plan by reassigning students, it may still be experiencing problems incident to the implementation of that plan, and that title IV assistance should be available to address those problems.

*Response:* The suggestion has been adopted. The eligibility requirement in § 180.04, that applies to all applicants for race desegregation assistance under title IV, provides that a school board is eligible if it has already implemented a race desegregation plan but is still experiencing problems resulting from desegregation.

**§ 180.74—Commitment of Applicants for School Board Grants**

*Comment:* Some commenters felt that any applicant for a school board grant for race desegregation assistance should be required to show commitment to desegregation.

*Response:* No change has been made. Subpart F, under which the Commissioner may make grants to school boards for race desegregation assistance, provides flexibility to meet acute desegregation related needs in a timely fashion. The Commissioner believes that the amended funding criteria (including the gravity of desegregation-related problems, the degree to which problems are directly related to desegregation, and the promise of the applicant's proposed activities in solving those problems) together with

sound discretion, will insure that available funds are used most effectively.

Accordingly, 45 CFR part 180 is amended to read as set forth below.

(Catalog of Federal Domestic Assistance Program No. 13.405, Civil Rights Technical Assistance and Training Program)

Dated: June 28, 1978.

ERNEST L. BOYER,  
U.S. Commissioner of Education.

Approved: July 19, 1978.

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

**PART 180—DESEGREGATION OF PUBLIC EDUCATION**

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**Subpart A—General Provisions**

§ 180.01 Scope and purpose.

(a) *Scope.* The regulations in this part govern awards under sections 403, 404, and 405 of title IV of the Civil Rights Act of 1964, as amended.

(b) *Purpose.* The purpose of awards under this part is to help solve problems related to the race, sex, and national origin desegregation of public elementary and secondary schools.

(42 U.S.C. 2000c-2000c-5.)

§ 180.02 Other applicable regulations.

Awards under this part are subject to the general provisions for Office of Education programs (subchapter A of this chapter, 45 CFR 100.1 et seq.), except the provisions of § 100a.26(b) of that subchapter.

(42 U.S.C. 2000c-2000c-5.)

§ 180.03 Definitions.

The following definitions apply to the terms used in this part:

"Dominant language" means the language most relied upon for communication in the home.

(42 U.S.C. 2000c-2000c-5.)

"Institution of higher education" means an educational institution in any State that is legally authorized to provide, and does provide, education above the secondary school level in that State.

(42 U.S.C. 2000c-3.)

"National origin desegregation" means providing whatever special services are necessary to insure that a student whose dominant language is not English is not limited in his or her participation in educational programs by a lack of proficiency in English.

(42 U.S.C. 2000c(b); *Lau v. Nichols*, 414 U.S. 563 (1974).)

"Public school" means any elementary or secondary educational institution operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(42 U.S.C. 2000c(e).)

"Public school personnel" means school board members and persons who are employed by or who work in the schools of a responsible governmental agency, as that term is defined in this section.

(42 U.S.C. 2000c(c); 2000c-2000c-5.)

"Race desegregation" means the assignment of students to public schools and within those schools without regard to their race. "Race desegregation" does not mean the assignment of students to public schools to correct conditions of racial separation that are not the result of State or local law or official action.

(42 U.S.C. 2000c(b); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 878-880 (5th Cir. 1966), cert. den. 389 U.S. 840 (1967).)

"Race stereotype" means an assumption that members of a racial group share common abilities, interests, values, or roles because they are members of that group.

(42 U.S.C. 2000c-2000c-5.)

"Responsible governmental agency" means any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools.

(42 U.S.C. 2000c-2.)

"School board" means any agency or agencies that administer a system of one or more public schools and any other agency that is responsible for the assignment of students to or within that system.

(42 U.S.C. 2000c(d).)

"Sex bias" means an attitude that supports structuring the educational development of boys and girls differently on any basis other than physiological differences.

(42 U.S.C. 2000c-2000c-5.)

"Sex desegregation" means the assignment of students to public schools and within those schools without regard to their sex, including providing students with a full opportunity for participation in all educational programs regardless of their sex.

(42 U.S.C. 2000c(b).)

"State role stereotype" means an assumption that females or males, because they share a common gender, also share common abilities, interests, values or roles.

(42 U.S.C. 2000c-2000c-5.)

"State educational agency" means the State board of education or any other agency that is primarily responsible for the State supervision of public schools.

(42 U.S.C. 2000c-2000c-5.)

"Title VI" means Title VI of the Civil Rights Act of 1964, as amended.

(42 U.S.C. 2000d et seq.)

"Title IX" means Title IX of the Education Amendments of 1972, as amended.

(20 U.S.C. 1681-1683, 1685, 1686.)

§ 180.04 Eligibility for race desegregation assistance.

(a) A school board or other responsible governmental agency is eligible to receive race desegregation assistance under this part only if—

(1) It is preparing a plan to correct conditions of racial separation in its schools that are the result of State or local law or official action; or

(2) It has prepared, but has not yet begun to implement, a plan to correct those conditions; or

(3) It is implementing a plan to correct those conditions; or

(4) It has completed the implementation of a plan to correct those conditions and is still experiencing problems resulting from the correction of those conditions.

(b) In demonstrating its eligibility under this section, a school board or other responsible governmental agency need not show that it is subject to the order of a court or agency to correct the conditions described in paragraph (a).

(42 U.S.C. 2000c(b); 42 U.S.C. 2000c-2000c-5; *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 878-880 (5th Cir. 1966), cert. den. 389 U.S. 840 (1967).)

§ 180.05 Eligibility for sex desegregation assistance.

Any school board or other responsible governmental agency is eligible to receive sex desegregation assistance under this part.

(42 U.S.C. 2000c-2000c-5.)

§ 180.6 Eligibility for national origin desegregation assistance.

Any school board or other responsible governmental agency is eligible to receive national origin desegregation assistance under this part.

(42 U.S.C. 2000c-2000c-5.)

§ 180.07 Stipends.

(a) The recipient of an award under this part may pay stipends to public school personnel who participate in technical assistance or training activities funded under this part for the period of their attendance. The payment of a stipend is authorized only if—

(1) The person to whom the stipend is paid receives no other compensation for that period;

(2) The period of attendance for which the stipend is paid is not less than 5 hours a day; and

(3) The Commissioner has determined in advance that the payment of a stipend is necessary to the success of the technical assistance or training activity.

(b) If a responsible governmental agency pays substitutes for public school personnel who attend a technical assistance or training activity provided by a recipient under this part and who are being compensated by that agency for the period of their attendance, the recipient may reimburse that agency for the costs of paying substitutes for those persons for the period of their attendance.

(c) The amount of a stipend or of a reimbursement to a responsible governmental agency authorized under this section is up to \$6 for each hour of a participant's attendance. However, the recipient may not pay a stipend to, or a reimbursement for, any participant in an amount that exceeds either—

- (1) \$30 for any day; or
- (2) \$150 for any week.

(42 U.S.C. 2000c-2000c-5.)

§ 180.08 Travel allowances.

(a) The recipient of an award under this part may pay a travel allowance to a person who attends a technical assistance or training activity funded under this part only if—

(1) The period of the participant's attendance at the technical assistance or training activity is not less than 5 hours a day; and

(2) The Commissioner has determined in advance that the payment of a travel allowance to that person is necessary to the success of the technical assistance or training activity.

(b) The amount of a travel allowance authorized under this section is the reasonable round trip cost of transportation between the location at which the technical assistance or training activity is provided and the participant's place of residence or employment (whichever is closer) and the cost of lodging and meals. These costs may be charged on an actual basis, or a per diem and mileage basis, or on a combination of the two, so long as the charge is reasonable. The difference in

cost between first-class and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available.

(c) If a participant leaves before completing the scheduled technical assistance or training activity, the recipient may pay the cost of the participant's transportation to his or her residence or place of employment only if the participant left because of circumstances not reasonably within his or her control.

(42 U.S.C. 2000c-2000c-5.)

§ § 180.09-180.10 [Reserved]

Subpart B—State Educational Agencies

§ 180.11 Eligible applicants.

Any State educational agency is eligible to submit an application under this subpart.

(42 U.S.C. 2000c-2.)

§ 180.12 General requirements.

(a) The recipient of an award under this subpart may use funds under the award only to provide technical assistance (including training) in the preparation, adoption, and implementation of plans for race, sex and/or national origin desegregation, including assistance in coping with educational problems occasioned by that desegregation.

(b) The recipient may provide assistance under the award only if assistance is requested by a responsible governmental agency (other than the State educational agency) in its State.

(c) The recipient may provide assistance under the award only to the following persons:

- (1) Public school personnel; and
- (2) Students enrolled in public schools, parents of those students, and other community members.

(d) Upon receiving an award, the recipient shall notify all responsible governmental agencies in its State of the availability of assistance authorized under the award and of the means by which that assistance may be requested.

(e) The recipient shall coordinate assistance that it provides under the award with assistance provided in its State by any desegregation assistance center funded under subpart C of this part to provide the same type of assistance as the recipient. As part of this coordination, the recipient shall—

(1) Provide any such center with access to the records described in § 180.21;

(2) Develop plans to prevent duplication of assistance when a responsible governmental agency requests assistance from both the recipient and the center; and

(3) Refer responsible governmental agencies requesting assistance to the center when funds available under the award do not permit the recipient to provide assistance.

(42 U.S.C. 2000c-2.)

§ 180.13 Authorized assistance—race desegregation.

(a) The recipient of an award to provide race desegregation assistance may provide assistance under the award only to a responsible governmental agency that is eligible under § 180.04.

(b) The recipient may provide assistance under the award only to persons described in § 180.12(b) who are, or are reasonably likely to be, directly affected by the preparation, adoption, or implementation of a race desegregation plan or by problems that have resulted from the implementation of that plan.

(c) The recipient may provide assistance in coping with problems resulting from the implementation of a race desegregation plan adopted more than 5 years before the provision of assistance only when the Commissioner determines in advance that those problems are unusually severe, and that the proposed assistance is likely to be effective. If funds available under the award do not permit the recipient to provide assistance to all eligible responsible governmental agencies that have requested authorized assistance, the recipient shall give priority to assistance in coping with problems resulting from the implementation of a race desegregation plan adopted within the 3 years immediately preceding the provision of assistance.

(d) The recipient may provide technical assistance (including training) under the award only in the areas listed in this paragraph and in other areas that the Commissioner determines in advance will aid in the preparation, adoption, and implementation of race desegregation plans and in coping with educational problems resulting from race desegregation. The recipient may not provide assistance in connection with the provision of compensatory education or the development of basic skills. The recipient may provide assistance in the following areas:

- (1) The preparation and adoption of race desegregation plans;
- (2) The identification of educational problems that have arisen, or that may arise, from the implementation of a race desegregation plan;
- (3) The development of methods of encouraging student, parent, and community support for, and involvement in, the race desegregation process;
- (4) The recruitment of members of racial minority groups for employment in public schools;
- (5) The development of procedures to prevent discrimination on the basis

of race in public school employment practices, such as hiring, assignment, promotion, transfer, termination, and payment;

(6) The development of procedures to prevent student assignments within public schools (including assignments to ability groups) that discriminate on the basis of race;

(7) The development of disciplinary procedures that do not discriminate on the basis of race;

(8) Meeting other civil rights related requirements of the Emergency School Aid Act (sec. 706(d) of the Pub. L. 92-318, as amended);

(9) The development of methods of encouraging the participation of students of all races in school activities;

(10) The identification of race stereotypes in textbooks and other curricular materials and the development of methods of countering their effects on students;

(11) The development of human relations activities designed to facilitate racial harmony in public schools; and

(12) The identification of Federal, State, and other resources that would assist in coping with educational problems occasioned by race desegregation, except that the recipient may not assist in the preparation of applications for financial assistance.

(42 U.S.C. 2000c-2.)

#### § 180.14 Authorized assistance—sex desegregation.

The recipient of an award to provide sex desegregation assistance may provide technical assistance (including training) under the award only in the areas listed in this section and in other areas that the Commissioner determines in advance will aid in the preparation, adoption, and implementation of sex desegregation plans and in coping with educational problems resulting from sex desegregation. The recipient may provide assistance in the following areas:

(a) The development of programs to increase the understanding of public school personnel concerning the problems of sex bias in education and to avoid this bias in their work;

(b) The identification of sex bias and sex role stereotypes in textbooks and other curricular materials and the development of methods of countering their effects on students;

(c) The identification and resolution of educational problems that have arisen, or that may arise, in meeting the requirements of title IX (and, in connection with that activity, of State laws prohibiting discrimination on the basis of sex in education);

(d) The preparation and dissemination to parents and students of materials explaining the requirements described in paragraph (c);

(e) The development of methods of encouraging student, parent, and community support for, and involvement in, the sex desegregation process;

(f) The recruitment of women and men for employment in public schools in positions in which they are underrepresented;

(g) The development of procedures for preventing discrimination on the basis of sex in public school employment practices, such as hiring, assignment, promotion, transfer, termination, and payment;

(h) The use of counseling materials and techniques that do not discriminate on the basis of sex; and

(i) The identification of Federal, State, and other resources that would assist in sex desegregation, except that the recipient may not assist in the preparation of applications for financial assistance.

(42 U.S.C. 2000c-2.)

#### § 180.15 Authorized assistance—national origin desegregation.

The recipient of an award to provide national origin desegregation assistance may provide technical assistance (including training) under the award only in the areas listed in this section and in other areas that the Commissioner determines in advance will aid in the preparation, adoption, and implementation of national origin desegregation plans and in coping with educational problems resulting from national origin desegregation. The recipient may provide assistance in the following areas:

(a) The development of procedures to identify students whose dominant language is not English and to assess their English language proficiency;

(b) The development of instructional programs for students whose dominant language is not English and who lack English language proficiency;

(c) The development of methods of encouraging student, parent, and community support for, and involvement in, the national origin desegregation process;

(d) The recruitment of members of national origin minority groups for employment in public schools;

(e) The development of procedures to prevent discrimination on the basis of national origin in public school employment practices, such as hiring, assignment, promotion, transfer, termination, and payment;

(f) The identification and resolution of educational problems that have arisen, or that may arise, in meeting the requirements of title VI relating to discrimination on the basis of national origin (and, in connection with that activity, of State laws guaranteeing equal educational opportunity to students whose dominant language is not

English and who lack English language proficiency);

(g) The preparation and dissemination of materials explaining the requirements described in paragraph (f) to parents and students in their dominant language;

(h) The development of procedures to insure that tests that purport to measure anything other than language skills (for example, social studies skills) do not in fact measure language skills; and

(i) The identification of Federal, State and other resources that would assist in national origin desegregation, except that the recipient may not assist in the preparation of applications for financial assistance.

(42 U.S.C. 2000c-2.)

#### § 180.16 Applications.

A State educational agency may submit an application for an award under this subpart in response to a notice of closing date published in the FEDERAL REGISTER. That notice describes the information to be included in the application.

(42 U.S.C. 2000c-2.)

#### § 180.17 Criteria for awards—race desegregation.

In assessing the merits of an application to provide race desegregation assistance under this subpart, the Commissioner applies the criteria in this section.

(a) *Commitment to race desegregation* (45 points). The extent to which (1) the State educational agency demonstrates its leadership in facilitating the elimination of racial separation in public schools in its State as indicated by policies, and procedures for their implementation, adopted by the agency to assist in that process (40 points); and (2) the project director would have access to the Chief State School Officer (5 points).

(b) *Proposed assistance* (35 points). The extent to which (1) the agency demonstrates its familiarity with the needs of responsible governmental agencies in its State for race desegregation assistance (9 points); (2) the assistance that the agency would provide is designed to meet those needs (15 points); (3) the agency demonstrates its familiarity with available technical assistance and training materials (3 points); (4) the agency demonstrates its ability to respond to requests for assistance to meet needs that may arise after it receives an award (4 points); and (5) the agency provides for effective coordination of its assistance with related activities, including those of the race desegregation assistance center serving its State (4 points).

(c) *Staffing* (15 points). (1) The extent to which the project director

and professional staff who would be employed under the award have the experience and training needed to provide race desegregation assistance (12 points); and (2) whether these persons include members of the racial minority groups with respect to which assistance is likely to be requested (3 points).

(d) *Resource management* (5 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

**§ 180.18 Criteria for awards—sex desegregation.**

In assessing the merits of an application to provide sex desegregation assistance under this subpart, the Commissioner applies the criteria in this section.

(a) *Commitment to sex desegregation* (25 points). The extent to which (1) the State educational agency demonstrates its leadership in facilitating sex desegregation in its State as indicated by policies, and procedures for their implementation, adopted by the agency to assist in the sex desegregation process (15 points); (2) the agency has taken steps to inform parents and students of the requirements of title IX and of State laws prohibiting discrimination on the basis of sex in education (5 points); and (3) the project director would have access to the Chief State School Officer (5 points).

(b) *Proposed assistance* (45 points). The extent to which (1) the agency demonstrates its familiarity with the needs of responsible governmental agencies in its State for sex desegregation assistance (10 points); (2) the assistance that the agency would provide is designed to meet those needs (20 points); (3) the agency demonstrates its familiarity with available technical assistance and training materials (5 points); (4) the agency demonstrates its ability to respond to requests for assistance to meet needs that may arise after it receives an award (5 points); and (5) the agency provides for effective coordination of its assistance with related activities, including those of the sex desegregation assistance center serving its State (5 points).

(c) *Staffing* (25 points). The extent to which the project director and professional staff who would be employed under the award have the experience and training needed to provide sex desegregation assistance.

(d) *Resource management* (5 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

**§ 180.19 Criteria for awards—national origin desegregation.**

In assessing the merits of an application to provide national origin desegregation assistance under this subpart,

the Commissioner applies the criteria in this section.

(a) *Commitment to national origin desegregation* (25 points). The extent to which (1) the State educational agency demonstrates its leadership in facilitating national origin desegregation in its State as indicated by policies, and procedures for their implementation, adopted by the agency to assist in the national origin desegregation process (20 points); and (2) the project director or would have access to the Chief State School Officer (5 points).

(b) *Proposed assistance* (45 points). The extent to which (1) the agency demonstrates its familiarity with the needs of responsible governmental agencies in its State for national origin desegregation assistance (10 points); (2) the assistance that the agency would provide is designed to meet those needs (20 points); (3) the agency demonstrates its familiarity with available technical assistance and training materials (5 points); (4) the agency demonstrates its ability to respond to requests for assistance to meet needs that may arise after it receives an award (5 points); and (5) the agency provides for effective coordination of its assistance with related activities, including those of the national origin desegregation assistance center serving its State (5 points).

(c) *Staffing* (25 points). (1) The extent to which the project director and professional staff who would be employed under the award have the experience and training needed to provide national origin desegregation assistance (20 points); and (2) whether these persons include members of the national origin minority groups with respect to which assistance is likely to be requested (5 points).

(d) *Resource management* (5 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

**§ 180.20 Funding procedures.**

(a) *Approval of applications*. The Commissioner assesses the merits of applications to provide race, sex, and national origin desegregation assistance on the basis of the criteria in § 180.17, § 180.18, and § 180.19, respectively. On the basis of these assessments the Commissioner makes separate awards to provide race, sex and national origin desegregation assistance. The Commissioner approves only those applications that receive a score of at least 60 points on the basis of the criteria in § 180.17, § 180.18, or § 180.19 (as applicable).

(b) *Amount of award*. (1) The Commissioner sets the amount of an award on the basis of the magnitude of the expected needs of responsible govern-

mental agencies for race, sex, or national origin desegregation assistance (as applicable), and the cost of providing assistance to meet those needs, in the State for which an application is approved, compared with the magnitude of the expected needs for that assistance, and the cost of providing it, in all States for which applications are approved.

(2) In assessing the magnitude of expected needs, the Commissioner considers the needs described in the applications submitted under this subpart and such other information concerning those needs as may be relevant. In setting the amount of an award to provide race desegregation assistance, the Commissioner gives the greatest weight to the expected needs of responsible governmental agencies that have recently adopted race desegregation plans.

(c) *Period of awards*. The Commissioner makes an award under this subpart for a period of not more than one year.

(42 U.S.C. 2000c-2.)

**§ 180.21 Records.**

The recipient of an award under this subpart shall maintain a record of all requests for assistance it receives from responsible governmental agencies in its State, and of the assistance provided in response to those requests.

(42 U.S.C. 2000c-2.)

**§§ 180.22-180.30 [Reserved]**

**Subpart C—Race, Sex and National Origin Desegregation Assistance Centers**

**§ 180.31 Eligible applicants.**

Any public agency (other than a State educational agency or a school board) or private, nonprofit organization is eligible to submit an application under this subpart.

(42 U.S.C. 2000c-2.)

**§ 180.32 General requirements.**

(a) The recipient of an award under this subpart may use funds under the award only to provide technical assistance (including training) in the preparation, adoption, and implementation of plans for race, sex, and/or national origin desegregation. This includes assistance in coping with educational problems resulting from that desegregation.

(b) The recipient may provide assistance under the award only if assistance is requested by a responsible governmental agency.

(c) The recipient may provide assistance under the award only to the following persons:

- (1) Public school personnel; and

(2) Students enrolled in public schools, parents of those students, and other community members.

(d) The recipient shall coordinate the assistance that it provides under the award with assistance provided in its service area by any State educational agency funded under subpart B of this part that provides the same type of assistance as the recipient. As part of this coordination, the recipient shall—

(1) Provide any such agency with access to the records described in § 180.39; and

(2) Develop plans to prevent duplication of assistance when a responsible governmental agency requests assistance from both the recipient and a State educational agency.

(42 U.S.C. 2000c-2.)

#### § 180.33 Authorized assistance.

(a) *Race desegregation.* (1) The recipient of an award to provide race desegregation assistance may provide assistance under the award only to a responsible governmental agency that is eligible under § 180.04

(2) The recipient may provide assistance under the award only to persons described in § 180.32(b) who are, or are reasonably likely to be, directly affected by the preparation, adoption, or implementation of a race desegregation plan or by problems that have resulted from the implementation of that plan.

(3) The recipient may provide assistance in coping with problems resulting from the implementation of a race desegregation plan adopted more than 5 years before the provision of assistance only when the Commissioner determines in advance that the problems are unusually severe, and that the proposed assistance is likely to be effective. If funds available under the award do not permit the recipient to provide assistance to all eligible responsible governmental agencies that have requested authorized assistance, the recipient shall:

(i) First provide assistance in the preparation and adoption of race desegregation plans; and

(ii) Then give priority to assistance in coping with problems resulting from the implementation of a race desegregation plan adopted within the 3 years immediately preceding the provision of assistance.

(4) The recipient may provide technical assistance (including training) under the award only in the areas listed in § 180.13(d) and in other areas that the Commissioner determines in advance will aid in the preparation, adoption, and implementation of race desegregation plans and in coping with educational problems resulting from race desegregation. The recipient may not provide assistance in connection with the provision of compensatory

education or the development of basic skills.

(b) *Sex desegregation.* The recipient of an award to provide sex desegregation assistance may provide technical assistance (including training) under the award only in the areas listed in § 180.14 and in other areas that the Commissioner determines in advance will aid in the preparation, adoption, and implementation of sex desegregation plans and in coping with educational problems resulting from sex desegregation.

(c) *National origin desegregation.* The recipient of an award to provide national origin desegregation assistance may provide technical assistance (including training) under the award only in the areas listed in § 180.15 and in other areas that the Commissioner determines in advance will aid in the preparation, adoption, and implementation of national origin desegregation plans and in coping with educational problems resulting from national origin desegregation.

(42 U.S.C. 2000c-2.)

#### § 180.34 Applications.

An agency or organization described in § 180.31 may submit an application for an award to provide assistance under this subpart in a geographical service area in response to a notice of closing date published in the FEDERAL REGISTER. The Commissioner includes in the notice of closing date a description of the geographical service areas for which applications may be submitted, and the information to be included in an application.

(42 U.S.C. 2000c-2.)

#### § 180.35 Criteria for awards—race desegregation.

In assessing the merits of an application to provide race desegregation assistance under this subpart, the Commissioner applies the criteria in this section.

(a) *Proposed assistance* (35 points). The extent to which (1) the applicant's approach to providing assistance in each of the areas listed in § 180.13(d) shows promise of success and its approach to providing assistance in coping with other educational problems resulting from race desegregation is designed to address those problems (30 points); and (2) the applicant demonstrates its familiarity with available technical assistance and training materials (5 points).

(b) *Staffing* (25 points). (1) The extent to which the project director, professional staff, and consultants who would be employed under the award have the experience and training needed to provide race desegregation assistance (20 points); and (2) whether these persons include mem-

bers of the racial minority groups with respect to which assistance is likely to be requested (5 points).

(c) *Management* (35 points). The extent to which (1) the applicant's management plan shows promise of effective provision of assistance throughout its service area (15 points); (2) the applicant clearly defines the responsibilities of its professional staff and consultants (7 points); (3) the project director will exercise control over the provision of assistance (5 points); (4) the applicant provides for effective coordination with other related activities, including those of any State educational agency or training institute funded under this part to provide race desegregation assistance in its service area (4 points); and (5) the applicant provides for effective coordination with the sex and national origin desegregation assistance centers funded under this subpart to provide assistance in its service area (4 points).

(d) *Resource management* (5 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

#### § 180.36 Criteria for awards—sex desegregation.

In assessing the merits of an application to provide sex desegregation assistance under this subpart, the Commissioner applies the criteria in this section.

(a) *Proposed assistance* (35 points). The extent to which (1) the applicant's approach to providing assistance in each of the areas listed in § 180.14 shows promise of success and its approach to providing assistance in coping with other educational problems resulting from sex desegregation is designed to address those problems (30 points); and (2) the applicant demonstrates its familiarity with available technical assistance and training materials (5 points).

(b) *Staffing* (25 points). The extent to which the project director, professional staff, and consultants who would be employed under the award have the experience and training needed to provide sex desegregation assistance.

(c) *Management* (35 points). The extent to which (1) the applicant's management plan shows promise of effective provision of assistance throughout its service area (15 points); (2) the applicant clearly defines the responsibilities of its professional staff and consultants (7 points); (3) the project director will exercise control over the provision of assistance (5 points); (4) the applicant provides for effective coordination with other related activities, including those of any State educational agency or training institute funded under this part to

provide sex desegregation assistance in its service area (4 points); and (5) the applicant provides for effective coordination with the race and national origin desegregation assistance centers funded under this subpart to provide assistance in its service area (4 points).

(d) *Resource management* (5 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

**§ 180.37 Criteria for awards—national origin desegregation.**

In assessing the merits of an application to provide national origin desegregation assistance under this subpart, the Commissioner applies the criteria in this section.

(a) *Proposed assistance* (35 points). The extent to which (1) the applicant's approach to providing assistance in each of the areas listed in § 180.15 shows promise of success and its approach to providing assistance in coping with other educational problems resulting from national origin desegregation is designed to address those problems (30 points); and (2) the applicant demonstrates its familiarity with available technical assistance and training materials (5 points).

(b) *Staffing* (25 points). (1) The extent to which the project director, professional staff, and consultants who would be employed under the award have the experience and training needed to provide national origin desegregation assistance (20 points); and (2) whether these persons include members of the national origin minority groups with respect to which assistance is likely to be requested (5 points).

(c) *Management* (35 points). The extent to which (1) the applicant's management plan shows promise of effective provision of assistance throughout its service area (15 points); (2) the applicant clearly defines the responsibilities of its professional staff and consultants (7 points); (3) the project director will exercise control over the provision of assistance (5 points); (4) the applicant provides for effective coordination with other related activities, including those of any State educational agency funded under this part to provide national origin desegregation assistance to responsible governmental agencies in its service area (4 points); and (5) the applicant provides for effective coordination with the race and sex desegregation assistance centers funded under this subpart to provide assistance in its service area (4 points).

(d) *Resource management* (5 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-2.)

**§ 180.39 Funding procedures.**

(a) *New awards*. The Commissioner assesses the merits of applications to provide race, sex, and national origin desegregation assistance on the basis of the criteria in § 180.35, § 180.36, and 180.37, respectively. On the basis of these assessments, the Commissioner makes separate awards to provide race, sex, and national origin desegregation assistance.

(b) *Period of awards*. The Commissioner makes an award under this subpart for a period of not more than 1 year. The Commissioner may provide for the continuation of that award for up to 2 additional years.

(c) *Continuation awards*. The Commissioner may approve the continuation of an award made under paragraph (a) if the recipient has complied with the terms of the award, has provided satisfactory assistance, and continues to show promise of success in providing that assistance.

(d) *Amount of award*. (1) The Commissioner sets the amount of an award for a geographical service area on the basis of the magnitude of expected needs of responsible governmental agencies for race, sex, or national origin desegregation assistance (as applicable) in the service area, and the cost of providing assistance to meet those needs, compared with the magnitude of the expected needs for that assistance, and the cost of providing it, in all service areas. In setting the amount of an award to provide race desegregation assistance, the Commissioner gives greatest weight to the expected needs of agencies that will require assistance in preparing race desegregation plans and of agencies that have recently adopted those plans.

(2) In assessing the magnitude of expected needs for race, sex, and national origin desegregation assistance, the Commissioner considers the needs described in applications submitted under this subpart and such other information concerning those needs as may be relevant.

(42 U.S.C. 2000c-2.)

**§ 180.39 Records.**

The recipient of an award under this subpart shall maintain a record of all requests for assistance it receives from responsible governmental agencies in its service area, and of the assistance provided in response to those requests.

(42 U.S.C. 2000c-2.)

**§§ 180.40-180.50 [Reserved]**

**Subpart D—Race and Sex Desegregation Training Institutes**

**§ 180.51 Eligible applicants.**

Any institution of higher education is eligible to submit an application under this subpart to operate a race desegregation training institute or a sex desegregation training institute or both.

(42 U.S.C. 2000c-3.)

**§ 180.52 Authorized training—race desegregation.**

(a) The recipient of a grant to operate a race desegregation training institute may provide training under the grant only to the public school personnel of a responsible governmental agency—

(1) That is designated in the application; and

(2) That is eligible under § 180.04; and

(3) That, at the time the training commences, has adopted a race desegregation plan within the two immediately preceding years.

(b) The recipient may provide training under the grant only to public school personnel who are, or are reasonably likely to be, directly affected by the implementation of a race desegregation plan or by problems that have resulted from the implementation of such a plan.

(c) The recipient may provide training under the grant only in areas that will improve the ability of the participants to deal effectively with educational problems resulting from race desegregation. The recipient may not provide training in connection with the provision of compensatory education or the development of basic skills.

(42 U.S.C. 2000c-3.)

**§ 180.53 Authorized training—sex desegregation.**

(a) The recipient of a grant to operate a sex desegregation training institute may provide training under the grant only to the public school personnel of a responsible governmental agency that is designated in the application.

(b) The recipient may provide training under the grant only in areas that will improve the ability of the participants to deal effectively with educational problems resulting from sex desegregation.

(42 U.S.C. 2000c-3.)

**§ 180.54 Applications.**

An institution of higher education may submit an application for a grant under this subpart in response to a notice of closing date published in the

FEDERAL REGISTER. That notice describes the information to be included in the application.

(42 U.S.C. 2000c-3.)

**§ 180.55 Criteria for awards—race desegregation.**

In determining whether to make an award to operate a race desegregation training institute under this subpart, the Commissioner applies the criteria in this section.

(a) *Needs assessment* (30 points). The magnitude of the needs of the proposed participants for training in methods of dealing effectively with educational problems resulting from race desegregation.

(b) *Proposed training* (40 points). The extent to which (1) the training that the applicant proposes to conduct is likely to meet the identified needs of the participants (30 points); (2) the applicant demonstrates its familiarity with available training materials (5 points); and (3) the training is likely to enable the participants to train other public school personnel to deal effectively with educational problems resulting from race desegregation (5 points).

(c) *Staffing* (25 points). (1) The extent to which personnel who would be employed under the grant have the experience and training needed to train public school personnel in dealing effectively with educational problems resulting from race desegregation (20 points); and (2) whether these persons include members of the racial minority groups with respect to which assistance is to be provided (5 points).

(d) *Resource management* (5 points). The extent to which costs of conducting the training are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-3.)

**§ 180.56 Criteria for awards—sex desegregation.**

In determining whether to make an award to operate a sex desegregation training institute under this subpart, the Commissioner applies the criteria in this section.

(a) *Needs assessment* (20 points). The magnitude of the needs of the proposed participants for training in methods of dealing effectively with educational problems resulting from sex desegregation.

(b) *Proposed training* (35 points). The extent to which (1) the training that the applicant proposes to conduct is likely to meet the identified needs of the participants (25 points); (2) the applicant demonstrates its familiarity with available training materials (5 points); and (3) the training is likely to enable the participants to train other public school personnel to deal effectively with educational problems re-

sulting from sex desegregation (5 points).

(c) *Commitment to sex desegregation* (15 points). The extent to which the applicant shows that the responsible governmental agencies listed in the application have taken steps to eliminate discrimination on the basis of sex, sex bias, and sex role stereotypes from their schools.

(d) *Staffing* (25 points). The extent to which the personnel who would be employed under the grant have the experience and training needed to train public school personnel in dealing effectively with educational problems resulting from sex desegregation.

(e) *Resource management* (5 points). The extent to which costs of conducting the training are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-3.)

**§ 180.57 Funding procedures.**

(a) *Awards*. The Commissioner makes separate awards under this subpart to operate race desegregation and sex desegregation training institutes on the basis of the applicants' ranking on the criteria in §§ 180.55 and 180.56, respectively. However, the Commissioner does not make an award to an applicant unless its application receives a score of at least 60 points on the basis of those criteria.

(b) *Period of awards*. The Commissioner makes an award under this subpart for a period of not more than 1 year.

(42 U.S.C. 2000c-3.)

**§§ 180.58-180.60 [Reserved]**

**Subpart E—Grants to School Boards for Sex Desegregation**

**§ 180.61 Eligible applicants.**

Any school board is eligible to submit an application under this subpart.

(42 U.S.C. 2000c-4.)

**§ 180.62 Authorized assistance.**

The recipient of a grant under this subpart may use funds received under the grant only to employ a specialist who advises on educational problems incident to sex desegregation or to provide public school personnel inservice training in dealing with those problems or both.

(42 U.S.C. 2000c-4.)

**§ 180.63 Applications.**

A school board may submit an application for a grant under this subpart in response to a notice of closing date published in the FEDERAL REGISTER.

(42 U.S.C. 2000c-4.)

**§ 180.64. Criteria for awards.**

In determining whether to make an award under this subpart, the Commissioner applies the criteria in this section.

(a) *Needs assessment* (30 points). (1) The magnitude of the applicant's needs for the assistance available under this subpart in addressing educational problems incident to sex desegregation (20 points); and (2) the extent to which the applicant (i) lacks financial and other resources to address these problems (7 points); and (ii) has requested other sex desegregation assistance available under this part (3 points).

(b) *Project design* (25 points). The extent to which (1) the activities that the applicant proposes to undertake are designed to address the educational problems identified in the application, including the extent to which any specialist employed under the grant would have access to the superintendent and school board members (15 points); and (2) parents, students, and community groups have participated in developing the application (10 points).

(c) *Commitment to desegregation* (20 points). The extent to which the applicant demonstrates that (1) the proposed activities are part of a comprehensive, long-range plan for the sex desegregation of its schools (10 points); and (2) it has already taken steps to implement this plan (10 points).

(d) *Staffing* (20 points). The extent to which the personnel who would be employed under the grant have the experience and training needed to provide assistance in dealing with problems incident to sex desegregation.

(e) *Resource management* (5 points). The extent to which costs are reasonable in relation to expected benefits.

(42 U.S.C. 2000c-4.)

**§ 180.65 Funding procedures.**

(a) *Awards*. The Commissioner makes awards for assistance under this subpart on the basis of the applicants' rankings on the criteria in § 180.64. However, the Commissioner does not make an award to an applicant unless its application receives a score of at least 60 points on the basis of those criteria.

(b) *Period of awards*. The Commissioner makes an award under this subpart for a period of not more than 1 year.

(42 U.S.C. 2000c-4.)

§§ 180.66-180.70 [Reserved]

**Subpart F—Special Grants to School Boards for Race and National Origin Desegregation**

**§ 180.71 Eligible applicants.**

(a) *Race desegregation.* Any school board or combination of school boards that is eligible under § 180.04 is eligible to submit an application under this subpart for race desegregation assistance.

(b) *National origin desegregation.* Any school board is eligible to submit an application under this subpart for national origin desegregation assistance.

(42 U.S.C. 2000c-4.)

**§ 180.72 Authorized activities.**

(a) A school board may use funds received under the grant only to pay, in whole or in part, the cost of:

(1) Employing one or more specialists to advise in the school board's preparation, adoption, or implementation of a plan for race or national origin desegregation (as applicable) or in dealing with problems incident to that desegregation; and

(2) Providing public school personnel inservice training in dealing with problems incident to that desegregation.

(b) A school board may not use funds under a grant for race desegregation assistance in connection with the provision of compensatory education or the development of basic skills.

(42 U.S.C. 2000c-4.)

**§ 180.73 Applications.**

(a) A school board may submit an application for a grant under this subpart at any time.

(b) The applicant shall include in its application the following information:

(1) A description of the problems incident to desegregation that the applicant would address with the assistance;

(2) A statement of the financial and other resources that the applicant could use to address those problems and the extent to which it has requested and received other race or national origin desegregation assistance (as applicable) available under this part;

(3) A description of the activities that it proposes to undertake with funds received under this subpart;

(4) A detailed description of the relationship between the proposed activities and problems incident to desegregation to which those activities are addressed;

(5) A timetable for the accomplishment of the proposed activities; and

(6) A detailed budget.

(42 U.S.C. 2000c-4.)

**§ 180.74 Funding procedures.**

(a) The Commissioner may make a grant under this subpart at any time.

(b) In determining whether to make a grant under this subpart, and in fixing the amount of such a grant and the terms and conditions on which it will be made, the Commissioner considers the following factors:

(1) The amount of funds available for grants under this subpart;

(2) Other applications for grants under this subpart that have been, or are likely to be, submitted;

(3) The availability of other financial resources with which the applicant could undertake the proposed activities;

(4) the nature, extent, recency, and gravity of the problems, incident to desegregation to which the proposed activities are addressed, including the extent to which those problems are directly related to desegregation; and

(5) The extent to which the proposed activities would assist the applicant in solving those problems.

(42 U.S.C. 2000c-4.)

§§ 180.75-180.99 [Reserved]

[FR Doc. 78-20565 Filed 7-25-78; 8:45 am]

[4110-02]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Office of Education

**DESEGREGATION OF PUBLIC EDUCATION**

**Extension of Closing Date for Receipt of  
Applications**

The May 19, 1978 closing date for receipt of applications under the Desegregation of Public Education programs is extended to August 25, 1978.

The closing date is extended to give applicants sufficient time to develop applications under the final regulations as published in this issue of the FEDERAL REGISTER, and to amend applications already submitted.

Under the authority of Title IV of the Civil Rights Act of 1964, as amended ("the Act"; 42 U.S.C. 2000c et seq.), the Commissioner invites applications for assistance for the following programs:

1. State Educational Agency programs for race, sex, and national origin desegregation assistance, under section 403 of the act;
2. Desegregation Assistance Center programs for race, sex, and national origin desegregation assistance, under section 403 of the act;
3. Training Institute programs for race and sex desegregation assistance, under section 404 of the act; and
4. School Board Grants for sex desegregation assistance, under section 405 of the act.

Applications by school boards for special grants for race and national origin desegregation assistance under section 405 of the act are not covered by this notice. Applicants for this program may apply at any time, but should first review the eligibility requirements contained in §§ 180.04 and 180.71(a) and (b) of the program regulations published in this issue of the FEDERAL REGISTER.

**A. Application forms and information.**—Application forms are available and may be obtained by writing to the address given under paragraph (E) of this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages and the instructions contained in this paragraph.

(1) An applicant for a State educational agency award under section 403 of the act must include the following information in its application:

(a) A description of the expected needs of responsible governmental agencies in its State for race, sex, or national origin desegregation assistance (as applicable), and a statement of the basis for its identification of those needs;

(b) A description of the assistance that it would provide in response to requests from the responsible governmental agencies expected to need assistance;

(c) A description of the activities it has undertaken that demonstrate its commitment to race, sex, or national origin desegregation (as applicable);

(d) A statement of the qualifications of the project director and professional staff who would be employed under the award and a description of their responsibilities;

(e) An assessment of the materials that are available for providing assistance under the award;

(f) Its plan for coordinating its assistance with related activities, including assistance provided by the race, sex, or national origin desegregation assistance center (as applicable) funded under Subpart C of 45 CFR Part 180 to serve its State; and

(g) A detailed budget.

(2) An applicant for a race, sex, or national origin desegregation assistance center award under section 403 of the act must include the following information in its application:

(a) A description of the expected needs of responsible governmental agencies in its service area for race, sex, or national origin desegregation assistance (as applicable) and a statement of the basis for its identification of those needs;

(b) A description of its approach to providing the assistance described in 45 CFR § 180.13(d) (for race desegregation), § 180.14 (for sex desegregation), or § 180.15 (for national origin desegregation), as applicable;

(c) A description of its approach to providing assistance in coping with other educational problems resulting from race, sex, or national origin desegregation (as applicable) that have arisen or may arise in its service area;

(d) A statement of the qualifications of the project director, professional staff, and consultants who would be employed under the award and a description of their responsibilities;

(e) An assessment of the technical assistance and training materials that are available for providing assistance under the award;

(f) Its management plan for providing assistance, including any plans for the use of satellite centers;

(g) Its plan for coordinating its assistance with related activities, including any assistance funded under 45 CFR Part 180 that is provided in its service area; and

(h) A detailed budget.

(3) An applicant for a race or sex desegregation training institute award under section 404 of the act must include the following information in its application:

(a) A designation of the type of public school personnel who would participate in its training institute, the school or capacity in which they work, and evidence that these personnel would in fact participate in the training institute;

(b) A description of the specific needs of the proposed participants for training to assist them in dealing effectively with educational problems resulting from race or sex desegregation (as applicable);

(c) A detailed description of the training it would provide and of how that training would meet the needs of the participants, including any provisions for assessing their on-the-job performance;

(d) An assessment of the materials that are available for providing training under the award;

(e) A statement of the qualifications of the personnel who would be employed to provide the training;

(f) In the case of an application to operate a race desegregation training institute, a statement of when each responsible governmental agency to which the applicant proposes to provide training adopted a race desegregation plan;

(g) In the case of an application to operate a sex desegregation training institute, a description of steps taken by the responsible governmental agencies listed in the application that demonstrate their commitment to sex desegregation; and

(h) A detailed budget.

(4) An applicant for a school board grant for sex desegregation under section 405 of the act must include the following information in its application:

(a) A description of the specific educational problems for which it is requesting assistance;

(b) A detailed description of the uses to which it would put the requested assistance and how that assistance would address those problems;

(c) A statement of the financial and other resources available to it in addressing educational problems incident to sex desegregation, and the extent to which it has requested and received other sex desegregation assistance available under this part;

(d) A description of its long-range plan for the sex desegregation of its schools, how the requested assistance will help the applicant implement its plan, and what steps the applicant has already taken to implement the plan;

(e) A description of its efforts to involve parents, students, and community groups in developing the application;

(f) A statement of the qualifications of the personnel who would be employed under the grant; and

(g) A detailed budget.

**B. Applications sent by mail.**—An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.405A for Training Institutes, 13.405B for School Board Grants, 13.405C for State Educational Agencies, and 13.405D for Desegregation Assistance Centers, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. It is suggested that applicants consider the use of registered or certified mail.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than August 21, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date, by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

**C. Hand-delivered applications.**—An application may be hand-delivered to the U.S. Office of Education, Application Control Center, room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

**D. Program information.**—(1) An applicant for a race, sex, or national origin desegregation assistance center may apply to provide assistance in one of the following service areas.

(a) *Service areas for race desegregation assistance:*

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

(ii) New York, New Jersey, Puerto Rico, Virgin Islands.

(iii) Pennsylvania, Delaware.

(iv) Maryland, Virginia, West Virginia, District of Columbia.

(v) Kentucky, Tennessee, North Carolina, South Carolina.

(vi) Mississippi, Alabama, Georgia, Florida.

(vii) Minnesota, Wisconsin, Michigan.

(viii) Illinois, Indiana.

(ix) Ohio.

(x) Iowa, Nebraska, Kansas, Missouri.

(xi) Arkansas, Louisiana, Oklahoma.

(xii) New Mexico, Texas.

(xiii) North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.

(xiv) California, Arizona, Nevada, Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands, Commonwealth of the Northern Mariana Islands.

(xv) Oregon, Washington, Idaho, Alaska.

(b) *Service areas for sex desegregation assistance:*

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

(ii) New York, New Jersey, Puerto Rico, Virgin Islands.

(iii) Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia.

(iv) North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee.

(v) Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota.

(vi) Texas, Louisiana, Oklahoma, Arkansas, New Mexico.

(vii) Iowa, Nebraska, Kansas, Missouri.

(viii) North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.

(ix) California, Nevada, Arizona, Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands, Commonwealth of the Northern Mariana Islands.

(x) Oregon, Washington, Idaho, Alaska.

(c) *Service areas for national origin desegregation assistance:*

(i) Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Puerto Rico, Virgin Island.

(ii) Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Florida.

(iii) Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Missouri, Kansas, Iowa, Nebraska.

(iv) Texas, Louisiana, Arkansas.

(v) Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Oklahoma.

(vi) New Mexico, Arizona, Nevada.

(vii) Southern California (that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties).

(viii) Northern California (that part of California not included in Area (vii)).

(ix) Washington, Oregon, Idaho, Alaska, Hawaii, Guam, Trust Territory of the Pacific Islands, American Samoa, Commonwealth of the Northern Mariana Islands.

(2) The fiscal year 1978 appropriation for awards under Title IV is \$34.7 million. It is anticipated that, of that amount, at least \$26 million will be available for new awards. The remainder will be used to ensure continuity of services until the regulations become effective and new awards are made.

**E. For information and forms contact.**—Mr. Elton W. Ridge, room 2001, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-8484.

**F. Applicable regulations.**—Awards made pursuant to this notice will be subject to the following regulations:

(1) Regulations relating generally to programs under Title IV of the Civil Rights Act of 1964 published in this issue of the FEDERAL REGISTER (45 CFR Part 180); and

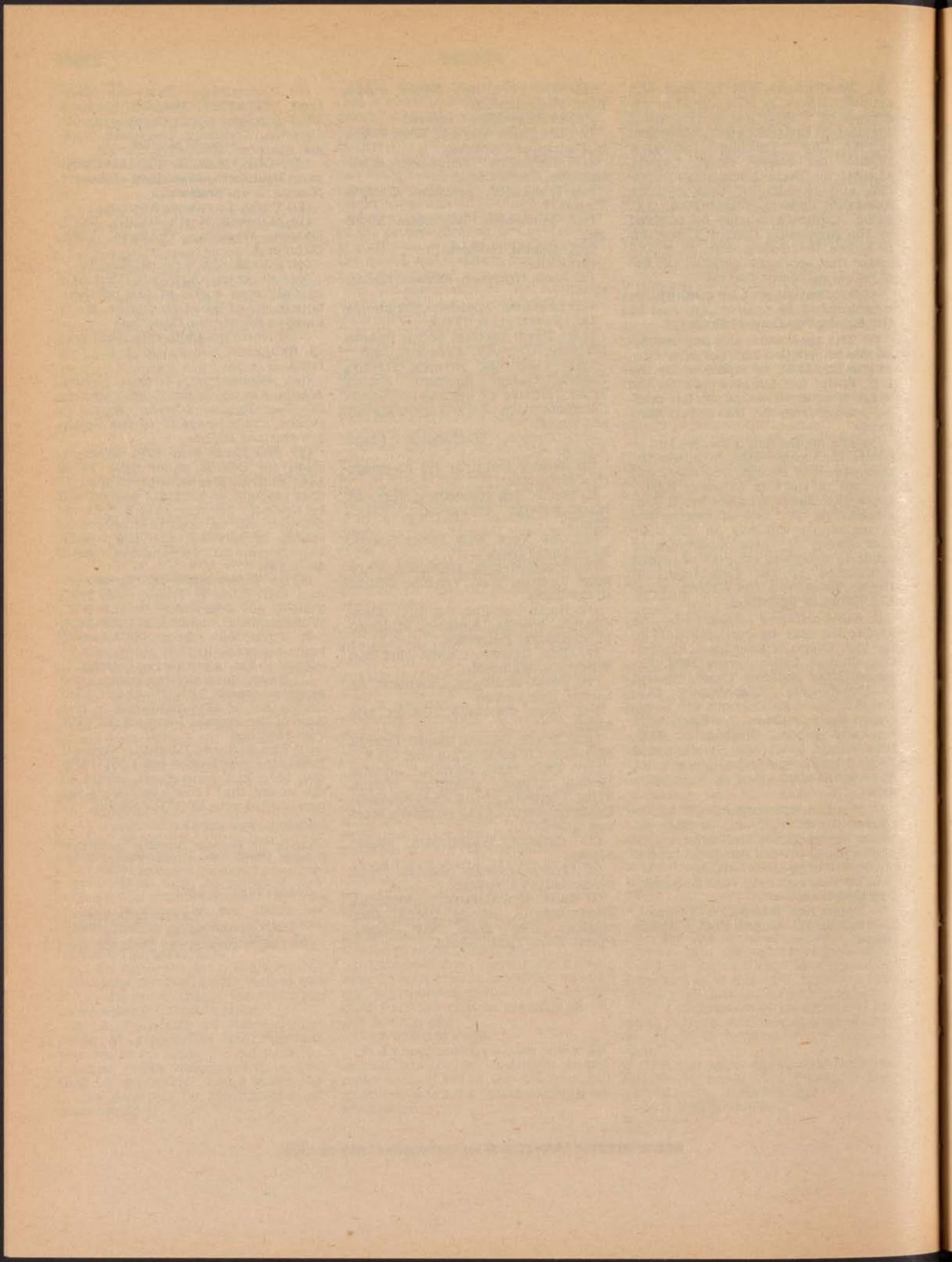
(2) The Office of Education General Provisions regulations (45 CFR Parts 100, 100a, and appendices), except to the extent that those regulations are inconsistent with 45 CFR Part 180.

(42 U.S.C. 2000c-2000c-5.)

(Catalog of Federal Domestic Assistance Number 13.405, Civil Rights Technical Assistance and Training Programs.)

Dated: June 29, 1978.

ERNEST L. BOYER,  
U.S. Commissioner of Education.  
[FR Doc. 78-20566 Filed 7-25-78; 8:45 am]



**Federal Register**

WEDNESDAY, JULY 26, 1978  
PART III



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**CONSUMER  
PRODUCT SAFETY  
COMMISSION**

■  
**IMPROVING  
GOVERNMENT  
REGULATIONS**

## PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on improving Government regulations previously published in the FEDERAL REGISTER:

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| Management and Budget<br>Office.  | May 22 .....       | 21997               |
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## [6355-01]

CONSUMER PRODUCT SAFETY  
COMMISSIONIMPROVING CONSUMER PRODUCT SAFETY  
REGULATIONSResponse to Executive Order 12044:  
"Improving Government Regulations"

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Notice of response to Executive Order: Request for public comments.

SUMMARY: CPSC is issuing this notice to provide information on its efforts to comply with the provisions of Executive Order 12044, "Improving Government Regulations" (the "Order"), and to obtain public comments on the information.

DATE: Comments are requested by September 25, 1978. On the basis of its review of the public comments received, the Commission may revise its response to the Executive Order.

ADDRESS: Comments should be sent to Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, third floor, 1111 18th Street NW., Washington, D.C., during working hours Monday through Friday.

FOR FURTHER INFORMATION  
CONTACT:

David Melnick, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, 202-634-7770.

SUPPLEMENTARY INFORMATION: *Background.* This document reports on the efforts of the Consumer Product Safety Commission (CPSC) to incorporate into the process through which it issues regulations the provisions of Executive Order 12044, entitled "Improving Government Regulations." Although CPSC, as an independent regulatory agency, is excluded from application of the Order, the President has requested that the independent agencies initiate voluntary efforts to achieve the procedural reforms prescribed by the Order. This report describes CPSC's efforts to comply with the provisions and intent of the Executive Order in accordance with the President's request.

## REPORT

Section 2(a) of the Order requires that agencies publish a semiannual agenda of regulations for public guidance, including general descriptions of significant regulations being developed or under consideration. We believe such publication may be useful to better inform the public of the agen-

cy's activities. Such information about CPSC is available now to the public in the form of our Annual Report and numerous other documents pertaining to CPSC's operating plan. Additionally, we have developed a list of priority projects which is published in the FEDERAL REGISTER and updated as the priority list is revised by the Commissioners. The most recent listing of priorities was published on July 10, 1978 (43 FR 29744). This revision takes place at least semiannually.

Section 2(b) of the Order requires that the agency head review all plans for significant new regulations before the agency proceeds to develop the regulations. At CPSC, regulatory projects are initiated only if the project has been approved by the Commissioners as part of the agency's operating plan, which is reviewed semiannually.

Section 2(c) of the Order directs agencies to provide for early and meaningful participation by the public in agency activities. CPSC strongly supports this objective and has already taken steps which demonstrate its commitment to facilitating public participation in our proceedings. We have established a temporary program for financial compensation of participants in informal rulemaking proceedings (see, Interim Policies and Procedures for Financial Compensation of Participants in Informal Rulemaking Proceedings, 43 FR 23560, May 31, 1978), and we are attempting to establish an Office of Public Participation to stimulate and coordinate the participation of the public in our activities. Further, our well-established policies on open meetings and the publication of our weekly Public Calendar are designed to promote maximum involvement of the public.

Aside from our efforts to facilitate public participation, CPSC takes steps to involve other outside parties in its regulatory activities. Through its membership in the Interagency Regulatory Liaison Group (IRLG) established by CPSC, the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration, those staff responsible for regulatory development projects take steps to identify interests of those other agencies in CPSC regulatory activities and to insure coordinated and non-duplicative efforts in addressing chemical and environmental hazards. In addition, CPSC has entered into several agreements with other Federal agencies to clarify jurisdictional issues in order to avoid conflicting and duplicative regulatory activity.

Section 2(d) of the Order requires that all significant regulations be approved by the agency head before publication in the FEDERAL REGISTER for

public comment. The review by the agency head is to include review of eight enumerated issues including the economic effects and reporting and record-keeping burdens associated with the regulation. CPSC substantially complies with the objectives of section 2(d). No decision to regulate is made until after the Commissioners have considered a staff-prepared "briefing package" which routinely includes discussion and analysis of the need for regulation and alternatives available to the Commission, analysis of the economic impact of the regulation, analysis of reporting and recordkeeping burdens associated with the regulation where such burdens are expected to be significant, and in general, all the information which the staff believes is necessary for an informed Commission decision. The collegial decisionmaking process of the Commission further serves to insure that all significant issues involved in a decision to propose a regulation are fully considered.

Section 3 of the Order requires that an analysis of the consequences of alternative regulatory approaches on the general economy, individual industries, geographical regions, levels of government, or specific elements of the population be conducted and made available to the public for those regulations having major economic consequences. The Commission is required by section 9(c) of the Consumer Product Safety Act (15 U.S.C. 2058(c)(1)) to make certain findings for inclusion in the consumer product safety rules, including these:

"(C) the need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need; and (D) any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety."

In addition, the Commission, as a matter of policy, generally considers the same elements before issuing regulations under any of the other acts we administer. Further, the Commission considers on a preliminary basis the costs and benefits of its actions in setting project and program priorities. (See—Commission Policy on Establishing Priorities for Commission Action, 16 CFR 1009.8, 42 FR 53950, October 4, 1977).

Section 4 of the Order requires a review of existing regulations in accordance with procedures similar to those used for developing new regulations. CPSC currently performs such review. Our annual midyear review of regulatory projects and our Annual Report requirements are two regular mechanisms for reviewing current projects and priorities. In addition, whenever the Commission considers amending regulations it also will consider the possibility of modifying, clarifying or eliminating the regulation. Further, the staff has recently initiated an editorial evaluation of a sample of existing proposed and final CPSC regulations. The project, under

the direction of an experienced writer and editor, will analyze and evaluate the regulations for clarity and organization and will review public comments on the regulations. The results of the review will form the basis for a staff training course which will be conducted to ensure that all CPSC regulations are written in plain English and are understandable to those to whom the regulations apply.

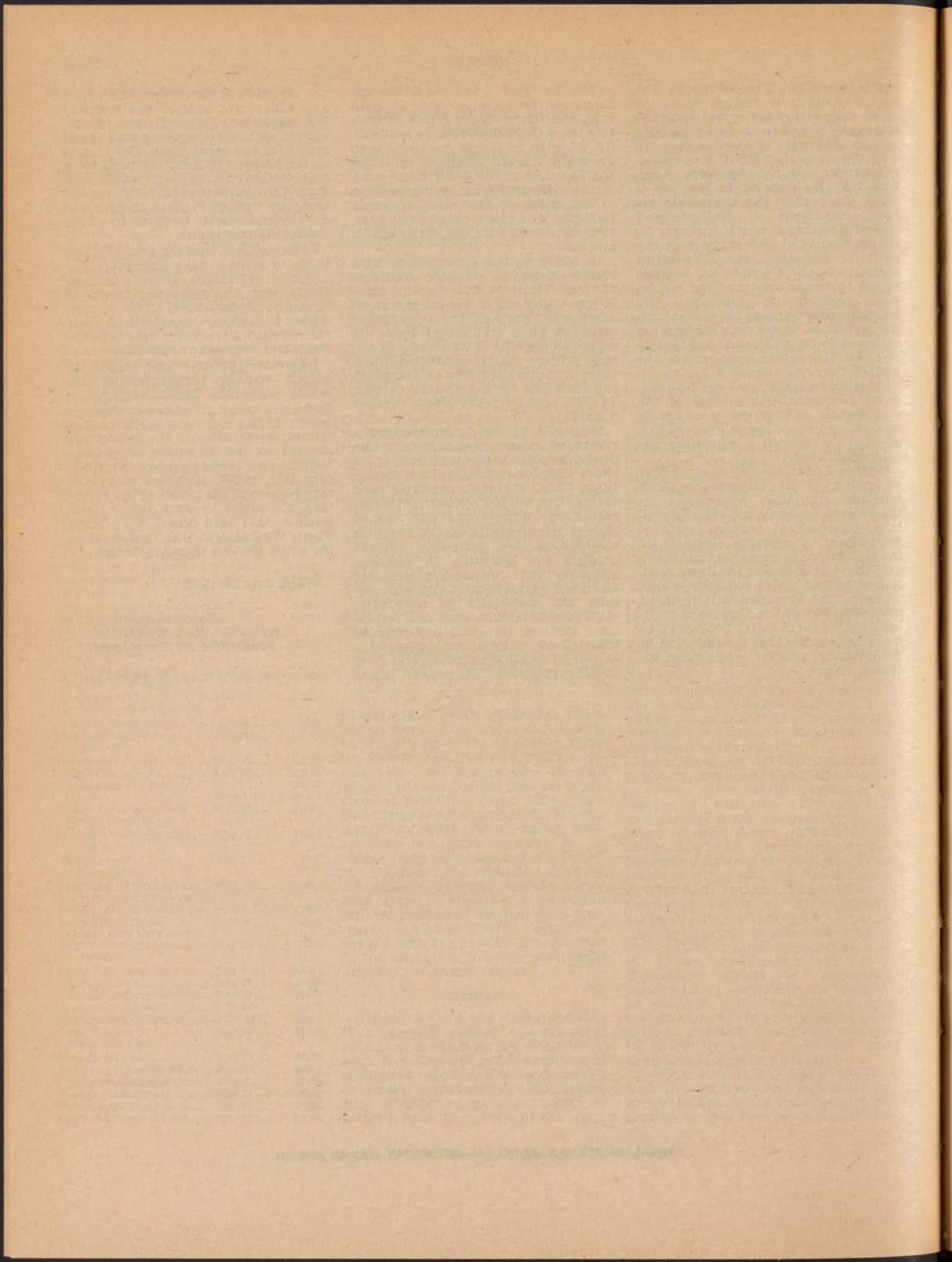
CPSC believes that the actions it has taken or plans to take to improve the agency's regulatory process are in accord with the spirit and intent of Executive Order 12044. CPSC is committed to continue its efforts to make the regulatory process as rational, efficient, and responsive as possible.

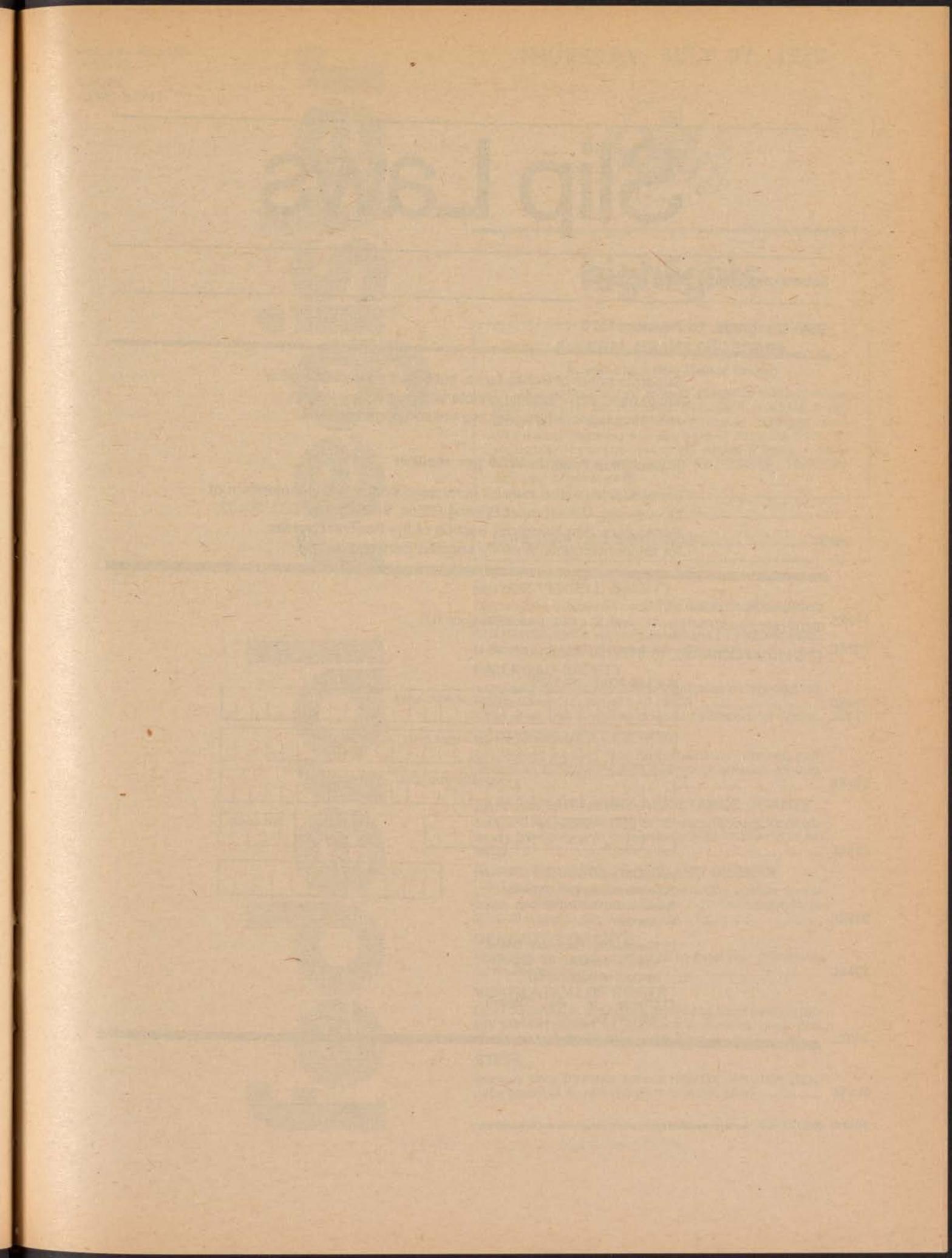
Interested persons are invited to submit written comments on this notice concerning CPSC's response to Executive Order 12044 before September 25, 1978. Comments should be submitted, preferably in five copies addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., Third Floor, Washington, D.C. during working hours Monday through Friday.

Dated: July 21, 1978.

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

[FR Doc. 78-20694 Filed 7-25-78; 8:45 am]





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