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TUESDAY, DECEMBER 5, 1978



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Monday	Tuesday	Wednesday	Thursday	Friday
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CSA	CSC		CSA	CSC
	LABOR			LABOR
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

NOTE: As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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A complete listing for the full session was published as Part II of the issue of December 4, 1978.

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Title 3—The President

Proclamation 4610 • **November 30, 1978**

Modification of Quotas on Certain Sugars, Sirups, and Molasses

By the President of the United States of America

A Proclamation

1. By Proclamation 4334 of November 16, 1974, the President modified Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202, hereinafter referred to as the "TSUS") to establish, effective January 1, 1975, following expiration of the Sugar Act of 1948, rates of duty and a quota applicable to sugars, sirups and molasses described in items 155.20 and 155.30 of the TSUS. The President subsequently modified the rates of duty by Proclamation 4463 of September 21, 1976, Proclamation 4466 of October 4, 1976, and Proclamation 4539 of November 11, 1977.

2. The President took these actions pursuant to authority vested in him by the Constitution and statutes of the United States, including section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)), and in conformity with Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS, hereinafter referred to as the "Headnote." The Headnote was part of a trade agreement which embodied the results of the "Kennedy Round" of international trade negotiations. That agreement is known formally as the 1967 Geneva Protocol to the General Agreement on Tariffs and Trade, and the agreement includes, as an Annex, "Schedule XX," a schedule of United States trade concessions made during those negotiations. This agreement was concluded pursuant to section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)), and was implemented by Proclamation No. 3822, of December 16, 1967, (82 Stat. 1455) which, *inter alia*, added the Headnote to the TSUS.

3. The Headnote provides, in relevant part, as follows:

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . .

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; . . ."

4. Section 201(a)(2) of the Trade Expansion Act authorizes the President to proclaim the modification or continuance of any existing duty or other import restrictions, or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act, except that pursuant to section 201(b)(2) of

the Act, the President may not by proclamation increase a rate of duty to a rate more than 50 percent above the rate existing on July 1, 1934.

5. I find that the modifications hereinafter proclaimed of the quota applicable to items 155.20 and 155.30 of the TSUS are appropriate to carry out the International Sugar Agreement, 1977, and that portion of the Kennedy Round Trade agreement set forth in the Headnote, and as provided for in the Headnote, give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including section 201 of the Trade Expansion Act of 1962, and in conformity with Headnote 2, Subpart A of Part 10 of Schedule 1, of the TSUS, do hereby proclaim until otherwise superseded by law:

A. Headnote 3 of Subpart A, Part 10, Schedule 1 of the TSUS is modified to provide as follows:

(3) The total amount of sugars, sirups, and molasses described in items 155.20 and 155.30, the products of all foreign countries, entered, or withdrawn from warehouse, for consumption in any calendar year shall not exceed, in the aggregate, 6,900,000 short tons, raw value. Of this quantity, not more than 210,987 short tons, raw value, the product of the Republic of China, and not more than 150,544 short tons, raw value, in the aggregate, the products of all foreign countries other than Argentina, Australia, Bangladesh, Barbados, Belize, Bolivia, Brazil, Bulgaria, Canada, Costa Rica, Cuba, Republic of China, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, German Democratic Republic, Guatemala, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Jamaica, Japan, Kenya, Republic of Korea, Madagascar, Malawi, Mauritius, Mexico, Mozambique, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Singapore, South Africa, St. Christopher-Nevis-Anguilla, Swaziland, Sweden, Thailand, Trinidad and Tobago, Uganda, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia, may be entered, or withdrawn from warehouse for consumption in the period between January 1, 1978 and December 31, 1979, inclusive. For the purposes of this headnote, the term "raw value" means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:

(i) For articles described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).

(ii) For articles described in item 155.30, by mutiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.

(iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.

B. The provisions of this proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after the date of publication of this Proclamation in the FEDERAL REGISTER, except that articles which were released under the provisions of section 448(b) of Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date shall be not be denied entry.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of November, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[FR Doc. 78-33982 Filed 12-1-78; 2:23 pm]

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.

[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Schedule A authority for appointment of not to exceed 4,000 part-time, temporary and intermittent supervisors, assistant supervisors, supervisors' clerks and enumerators in the field service of the Census Bureau is amended to remove the prohibition against employment under the authority after December 31, 1978. Continuing exception of these positions under Schedule A is appropriate because the limited amount of employment involved and need to staff on short notice make examining for the positions impracticable.

EFFECTIVE DATE: November 15, 1978.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533.

Accordingly, 5 CFR 213.3114(d)(1) is amended as set out below:

§ 213.3114 Department of Commerce.

* * * * *

(d) *Bureau of Census.* (1) Not to exceed 4,000 positions of supervisors, assistant supervisors, supervisors' clerks and enumerators in the field service, other than Current Program Interviewers, for temporary, part-time or intermittent employment: *Provided,* That temporary part-time employment will be for periods not-to-exceed 1 year; and that such appointments may be extended for additional periods of not-to-exceed 1 year each: But that prior Commission approval is required for extension for longer than 1 year.

* * * * *

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

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

[FR Doc. 78-33878 Filed 12-4-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of positions at the Environmental Protection Agency from one Secretary to the Deputy Administrator to one Confidential Assistant to the Deputy Administrator and from Special Assistant to the Administrator to Confidential Assistant to the Administrator. These changes more appropriately reflect the duties of the positions. Also changed is Special Assistant (Political Coordination) to the Administrator to Special Assistant to the Deputy Administrator to reflect an organizational redesignation.

EFFECTIVE DATE: October 16, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3318(a) (1), (5), (6) are amended as set out below:

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.* (1) Eight Special Assistants and one Confidential Assistant to the Administrator. * * *

(5) One Confidential Assistant to the Deputy Administrator.

(6) Two Special Assistants to the Deputy Administrator.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 1954-1958 Comp., p. 218.)

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

[FR Doc. 78-33879 Filed 12-4-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Defense, Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment (1) excepts under Schedule C a position at the Department of Defense because it is confidential in nature and (2) changes the title of positions at the Department of Health, Education, and Welfare from one Assistant to the Secretary for Special Programs to one Special Assistant to the Executive Secretary and from one Confidential Assistant to the Under Secretary to one Special Assistant to the Executive Secretary. These changes more appropriately reflect the duties of the positions and also reflect an organizational redesignation. Appointments to these positions may be made without examination by the Civil Service Commission.

EFFECTIVE DATES: Department of Defense—October 30, 1978; Department of Health, Education, and Welfare—October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3306(a)(30) is added and 213.3316(a) (6), (9), and (11) are amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(30) One Private Secretary to the Principal Deputy Assistant Secretary of Defense/Deputy Under Secretary of Defense for Research and Engineering (Communications, Command and Control, and Intelligence).

* * * * *

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(6) Three Confidential Assistants and one Executive Assistant to the Under Secretary. * * *

(9) Three Special Assistants to the Executive Secretary. * * *

(11) Three Assistants to the Secretary for Special Programs.

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

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

[FR Doc. 78-33880 Filed 12-4-78; 8:45 am]

[6325-01-M]

PART 213—EXCEPTED SERVICE

Department of Commerce, General Services Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Commerce and General Services Administration because they are confidential in nature. Appointments to these positions may be made without examination by the Civil Service Commission.

EFFECTIVE DATE: October 19, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(w)(3) is added and 213.3337(a)(20) is amended as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(w) *Industry and Trade Administration.* * * *

(3) One Secretary to each of the following: Deputy Assistant Secretary for East-West Trade; Deputy Assistant Secretary for Field Operations; Deputy Assistant Secretary for Domestic Business Development; Deputy Assistant Secretary for International Economic Policy and Research; Deputy Assistant Secretary for Export Development; and Deputy Assistant Secretary for Trade Regulation.

* * * * *

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *

(20) Three Confidential Assistants to the Director of Congressional Affairs.

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

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

[FR Doc. 78-33881 Filed 12-4-78; 8:45 am]

[3410-05-M]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Proclamations, Determinations, and Announcements of National Marketing Quotas and Referendum Results

1979 NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final Rule.

SUMMARY: The Secretary of Agriculture has determined that the flue-cured tobacco quota shall be 1,095 million pounds, about two percent below last year. The law requires this announcement by December 1, 1978. This and related determinations are being made to effect an orderly marketing of the supplies of flue-cured tobacco which will be available for the 1979-80 marketing year.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, (202) 447-7601, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

SUPLEMENTARY INFORMATION: 7 CFR 725.2 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act"), to determine and announce for flue-cured tobacco for the marketing year beginning July 1, 1979:

1. The amount of the reserve supply level.
2. The amount of the total supply.
3. The amount of the national marketing quota.
4. The national average yield goal.
5. The national acreage allotment.
6. The national acreage reserve.

A. For establishing acreage allotments for new farms.

B. For making corrections and adjusting inequities in old farms.

7. The national acreage factor.
8. The national yield factor.

Marketing quotas on an acreage-poundage basis were proclaimed for flue-cured tobacco for the 1977-78; 1978-79; and 1979-80 marketing years (41 FR 52430). Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for the 1977-78, 1978-79, and 1979-80 marketing years (42 FR 10996).

The determinations by the Secretary contained in § 725.2 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others pursuant to a notice (43 FR 44862) given in accordance with the provisions of 5 U.S.C. 553.

DISCUSSION OF COMMENTS

During the flue-cured comment period, 32 written responses were received. Included were comments from farmers, members of the trade including trade associations, and farm groups. Twelve favored no change in quota, and 5 recommended increases ranging from 5 to 8 percent. The major thrust of these responses centered around a need for adequate supplies to maintain markets. Two responses recommended no increase in quota and two others recommended a 10 percent reduction in quota, noting that supplies of flue-cured tobacco are excessive. Twelve other respondents gave no specific quota recommendations.

Three meetings were held in the producing area to give farmers and others the opportunity to express their views verbally. At one meeting, most of the attendants generally favored a small increase in the quota so that supplies would be adequate to maintain markets. At the other two meetings, most of the attendants generally favored a quota decrease of not more than 10 percent, noting that supplies are excessive.

In keeping with the Secretary's obligations to effect an orderly reduction of total supply to the reserve supply level, a marketing quota of 1,095 million pounds is hereby determined and announced for the 1979-80 marketing year.

Section 317(a) (1) of the Act provides, in part, that for flue-cured tobacco, the national marketing quota for a marketing year is the amount of flue-cured tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the re-

serve supply level. The Act further provides that any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The yearly average domestic consumption during the 10 marketing years preceding the 1978-79 marketing year was 655 million pounds, and the yearly average exports during such period amounted to 531 million pounds. Both domestic disappearance and exports have fluctuated in relatively narrow bands with no predominate trends. Accordingly, a normal year's domestic consumption and a normal year's exports equal the respective 10 year averages. These normals result in a reserve supply level of 2,811 million pounds.

Total supply is defined as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The carryover of flue-cured tobacco in the inventories of manufacturers and dealers (including CCC loan stocks) on July 1, 1978, amounted to 2,046 million pounds, farm sales weight. The 1978 crop marketings plus 1977 crop tobacco marketed during the 1978-79 marketing year is currently estimated at 1,200 million pounds. The sum of these, 3,246 million pounds, represents the total supply of flue-cured tobacco for the 1978-79 marketing year, an amount which exceeds the proposed reserve supply level by 435 million pounds.

It is estimated that 605 million pounds of flue-cured tobacco will be utilized in the United States during the 1979-80 marketing year and 535 million pounds will be exported. Because it is deemed desirable to effect an orderly reduction of supplies to the reserve supply level, the sum of these amounts, 1,140 million pounds, is adjusted downward by 45 million pounds in establishing the quota. This reduction is less than the maximum reduction of 15 percent permitted by the Act, and is the reduction which is deemed desirable under the present supply-demand situation. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1979, is determined to be 1,095 million pounds.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Reserach Service of the Department and one of the land-grant colleges in the flue-cured tobacco area.

The community average yields have been determined for flue-cured tobacco and published in the FEDERAL REGISTER (30 FR 6207, 9875, 14487).

The national acreage allotment is 590,614.89 acres, determined in accordance with provisions of the Act by dividing the national marketing quota by the national yield goal.

In accordance with the Act, a national reserve, from the national acreage allotment, is established in the amount of 500 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is determined that the reserve acreage will be adequate.

It has been determined that types 11, 12, 13, and 14 constitute one kind of tobacco for the 1977-78, 1978-79, and 1979-80 marketing years. It has been determined also that no substantial difference exists in the usage or market outlets for any one or more of the types of flue-cured tobacco (30 FR 6144). Therefore, no action is being taken under section 313(i) of the Act for the 1979-80 marketing year.

Since farmers are now making their plans for 1979 production of flue-cured tobacco and need to know the acreage allotments and marketing quota for their farms for the 1979-80 marketing year, it is hereby found that compliance with the provisions of Executive Order 12044 and the notice of proposed rule making, public participation procedure and 30-day effective date requirements in 5 U.S.C. 553 is impossible and contrary to the public interest. Therefore, this revision is issued without following such procedure.

FINAL RULE

Part 725 of Title 7 is amended by revising § 725.2 and the centerhead which precedes it to read as set forth below, effective for the 1979 crop of flue-cured tobacco. The material previously appearing in this section under centerhead DETERMINATIONS AND ANNOUNCEMENTS—1978-79 MARKETING YEAR remains in full force and effect as to the crop to which it was applicable.

DETERMINATIONS AND ANNOUNCEMENTS—1979-80 MARKETING YEAR

§ 725.2 Flue-cured tobacco.

For flue-cured tobacco for the marketing year beginning July 1, 1979:

(a) *Reserve supply level.* The reserve supply level is determined and announced to be 2,811 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 655 million pounds and a normal year's exports of 531 million pounds.

(b) *National marketing quota.* A national marketing quota on an acreage-poundage basis for the marketing year is hereby determined and announced to be 1,095 million pounds. This quota is based on estimated utilization in the United States in such marketing year of 605 million pounds and estimated exports in such marketing year of 535 million pounds, with a downward adjustment of 45 million pounds which is determined to be desirable for the purpose of effecting an orderly reduction of supplies to the reserve supply level.

(c) *National average yield goal.* The national average yield goal is determined and announced to be 1,854 pounds. This goal is based on the yield per acre which, on a national average basis, is determined will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment on an acreage-poundage basis is determined and announced to be 590,614.89 acres. This allotment was determined by dividing the national marketing quota of 1,095 million pounds by the national average yield goal of 1,854 pounds.

(e) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm acreage allotments and for establishing allotments for new farms in determined and announced to be 500 acres.

(f) *National acreage factor.* The national acreage factor is determined and announced to be .98.

(g) *National yield factor.* The national yield factor is determined and announced to be .9307.

(Sec. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66 (7 U.S.C. 1301, 1313, 1314c, 1375))

NOTE.—An approved Impact Analysis Statement is available from Thomas A. VonGarlem, Acting Director, Price Support and

Loan Division, Room 3741—South Building, P.O. Box 2415, Washington, D.C. 20013.

NOTE.— Based on an assessment of the environmental impacts of the proposed actions, it has been determined that an Environmental Impact Statement need not be prepared since the proposals will have no significant effect on the quality of human environment.

Signed at Washington, D.C., on November 29, 1978.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-33866 Filed 11-30-78; 12:23 pm]

[3410-34-M]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine portions of San Luis Obispo County in California because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed by Veterinary Services Laboratories in California. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested areas.

EFFECTIVE DATE: November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment quarantines portions of San Luis Obispo County in California because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, a new paragraph (c) relating to the State of California is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(c) Notice is hereby given that cattle in certain portions of the State of California are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) The premises of the Stinton Feedlot, San Luis Obispo County, Shandon, R. 15 E., T. 27 S., secs. 10 and 15.

(2) The premises of the Phelan Feedlot, San Luis Obispo County, Arroyo Grande, R. 13 E., T. 12 N., N. ½ sec. 35.

(3) The premises of the Camatti Ranch, San Luis Obispo County, Santa Margarita, R. 15 E., T. 27 S., secs. 1, 2, 11, 12, 13, 14, 22, 24, 25, 26, 35; R. 16 E., T. 27 S., secs. 18, 19, 20, 28, 29, 30, 31, 32, 33, 34; R. 16 E., T. 28 S., secs. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35; R. 16 E., T. 29 S., secs. 2, 3, 4, 5, 6, 8, 9, 10.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE.—This regulation has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations" and has not been designated to be "significant" under these criteria.

Done at Washington, D.C., this 30th day of November 1978.

PIERRE A. CHALOUX,
Deputy Administrator, Veterinary Services.

[FR Doc. 78-33916 Filed 12-4-78; 8:45 am]

[3410-34-M]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Restrictions on Importation of Horses From Belgium and the Federal Republic of Germany

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document extends to Belgium and the Federal Republic of Germany the prohibitions previously placed on the importation into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM). This action is necessary to protect the livestock of the United States from such disease.

EFFECTIVE DATE: The foregoing amendment shall become effective November 30, 1978, except for horses then in transit to the United States from Belgium and the Federal Republic of Germany (i.e., loaded aboard a commercial carrier and en route to the United States).

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, Md. 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On September 9, 1977 (42 FR 45895) a prohibition was placed on the importation into the United States of certain horses from England, Ireland, and France and the importation into the United States of certain horses that have been in such countries within the 60 days immediately preceding their export to the United States because of the existence of CEM in such countries. On September 16, 1977 (42 FR 48327-48328), the prohibition was extended to include Australia and all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man). On December 8, 1977 (42 FR 63384-63385) an amendment extended the specified period as a condition for entry of such horses which have been in countries infected with CEM listed under § 92.2(i) from 60 days to 12 months. This action was taken to protect the livestock of the

United States against the introduction and dissemination of CEM, a communicable disease of horses, into the United States. CEM is now known to exist in Belgium and the Federal Republic of Germany and prohibitions on the importation of certain horses from or that have been in that country within 12 months immediately preceding their export to the United States are hereby placed in effect. The same restrictions that now apply to horses from Australia, Ireland, France and the United Kingdom are hereby placed on the importation of certain horses from or that have been in Belgium and the Federal Republic of Germany. Dr. E. C. Sharman, Senior Staff Veterinarian, Import/Export Staff, has determined this amendment to be of an emergency nature and should be placed in effect immediately.

Accordingly, part 92, Code of Federal Regulations, is amended in the following respects:

In § 92.2, paragraph (i)(1) is amended to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i)(1) Except as provided in subparagraph (2) of this paragraph, notwithstanding the other provisions of this part concerning the importation of horses into the United States, the importation of all horses from the following listed countries and the importation of all horses which have been in any such country within the 12 months immediately preceding their export to the United States is prohibited because of the existence of CEM in such countries: Australia, Belgium, Ireland, Federal Republic of Germany, France, and the United Kingdom (England, Scotland, Northern Ireland, Wales, and the Isle of Man).

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132 (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141.)

This amendment imposes additional restrictions on the importation of certain horses from Belgium and the Federal Republic of Germany into the United States. The amendment is of an emergency nature and should be placed in effect immediately in order to protect the livestock of the United States from the introduction and dissemination of disease.

Therefore, for such good cause the Department finds that notice and other public procedure regarding this amendment are impracticable, unnecessary and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE.—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044. We have determined that the possibility of the introduction of CEM from Belgium and the Federal Republic of Germany is severe enough to warrant the publication of this quarantine without waiting for public comment. An impact analysis statement is being prepared and will be available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8695. In addition, the regulations covering CEM will be scheduled for review under provisions of E.O. 12044.

Done at Washington, D.C., this 30th day of November 1978.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 78-33917 Filed 12-4-78; 8:45 am]

[6210-01-M]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg Z; FC-0159]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretation of Regulation Z, regarding § 226.9(g)(6) exception to general rescission requirements. The agency is taking this action in response to a request for interpretation of this regulation.

EFFECTIVE DATE: On or after January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3867).

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

(2) An opportunity for public comment on an official staff interpretation may be provided upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2)(ii). As provided by 12 CFR Part 226.1(d)(3) every request for public comment must be in writing, should clearly identify the number of the official staff interpretation in question, should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 and must be post marked or received by the Secretary's office before the effective date of the interpretation. The request must also state the reasons why an opportunity for public comment would be appropriate.

(3) The publication of this official staff interpretation was inadvertently delayed.

(4) Authority: 15 U.S.C. 1640(f).

§ 226.9(g) Creditor that extends nonsale credit directly to customer under open end credit plan may qualify for § 226.9(g)(6) exception to general rescission requirements.

OCTOBER 13, 1978.

This is in response to your letter of * * *, in which you request an official staff interpretation of the Board's recent amendment to the rescission provisions of Regulation Z. That amendment, § 226.9(g)(6) of the regulation, provides an exception to the regulation's general requirements regarding the right of rescission for individual transactions under an open end credit account, provided the specific requirements of the amendment are satisfied.

Specifically, you ask for clarification of § 226.9(g)(6)(i). Under that provision, the exception from the right of rescission for individual transactions under an open end credit account applies (assuming the amendment's other requirements are met) provided "[t]hat the creditor and the seller are not the same or related persons." You are concerned that this provision may be interpreted to mean that, for the exception to apply, an open end credit transaction must involve a *seller* that is not the same person as the creditor or related to the creditor. Under such an interpretation, the exception could not apply to a nonsale open end credit transaction (e.g., a cash advance loan made pursuant to an open end line of credit).

The staff is of the opinion that, in adopting this amendment to Regulation Z, the Board intended to allow creditors to qualify for an exception to the regulation's general rescission requirements for any open end credit transaction, whether involving sale or nonsale credit, except for the limited class of transactions in which the creditor of an open plan is the same person as or is related to the seller of property or services purchased by means of the plan. Thus, for example, a creditor of an open end plan could extend nonsale credit under the plan directly to a customer (in which case the creditor and the *lender* would be the same person and there would be no *seller* involved in the transaction at all) and could still qualify for the amendment's exception.

In accordance with your request, this is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(2) of the regulation and limited to the facts and issues discussed above. It will become effective 30 days after publication in the FEDERAL REGISTER unless a request for public comment, made in accordance with the Board's proce-

dures, is received and granted. We will notify you if the effective date of the interpretation is suspended because such a request is received.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, November 27, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-33868 Filed 12-4-78; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. PR-182; Amdt. No. 44 of Part 302; Docket 29880]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Intervention

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In PR-181, also issued today, the Board set up a program of payments to eligible participants in its proceedings. For the reasons set forth in PR-181, the Rules of Practice are amended to state that an Administrative Law Judge's grant of a petition to intervene in a hearing case will not affect the intervenor's eligibility for payments under the new program.

DATES: Adopted: October 26, 1978. Effective: November 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: Since this amendment is administrative in nature, affecting a rule of agency practice and procedure, the Board finds that notice and public procedure are unnecessary and the amendment may be effective immediately.

Accordingly, the Civil Aeronautics Board amends Rule 15 of its Rules of Practice (14 CFR 302.15) as follows:

A sentence is added at the end of paragraph (b), so that it reads:

§ 302.15 Formal intervention in hearing cases.

* * * * *

(b) *Considerations relevant to determination of petition to intervene.* In passing upon a petition to intervene, the following factors, among other things, will be considered: (1) The nature of the petitioner's right under the statute to be made a party to the proceeding; (2) the nature and extent of the property, financial or other interest of the petitioner; (3) the effect of the order which may be entered in the proceeding on petitioner's interest; (4) the availability of other means whereby the petitioner's interest may be protected; (5) the extent to which petitioner's interest will be represented by existing parties; (6) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record; and (7) the extent to which participation of the petitioner will broaden the issue or delay the proceeding. These criteria will be liberally interpreted to facilitate the effective participation by members of the public Board proceedings. The grant of a petition under this section will not affect the intervenor's eligibility under Part 304 of this chapter.

* * * * *

(Secs. 203 and 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 742 and 743; 49 U.S.C. 1323 and 1324.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33925 Filed 12-4-78; 8:45 am]

[6320-01-M]

[Reg. PR-181; Docket 29880]

PART 304—COMPENSATION OF PARTICIPANTS IN BOARD PROCEEDINGS

Adoption of New Part

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB establishes a program of payments to participants in its proceedings. Compensation will be paid to applicants who otherwise would be unable to participate, and who are expected to contribute substantially to a fair decision. Applicants' interest in the outcome must be small compared to the burden of participation.

DATES: Adopted: October 26, 1978. Effective: November 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington D.C. 20428, Phone: 202-673-5442.

SUPPLEMENTARY INFORMATION: This rulemaking began in October 1976, when the Aviation Consumer Action Project (ACAP) and the Institute for Public Interest Representation petitioned the Board to set up a program to promote public participation in Board proceedings. They recommended compensation for attorneys' fees, expert witness fees, and other costs of participation incurred by qualifying participants. To qualify, a participant would need to represent "an interest which will substantially contribute to a full and fair determination of the issues involved in the proceeding" and meet a criterion of financial need.

Responding to the petition, we published PDR-45, an advance notice of proposed rulemaking.[1] We agreed in principle with the petition's aims and, in general terms, asked for comment on various questions of detail that it raised. The comments primarily addressed the threshold question of whether we ought to set up a compensation program at all. Supporters argued that participation by "public interest groups" and others can improve the balance of views presented to us and thus enhance the decision-making process, but that the cost of effective participation has often been a practical barrier. Opponents argued that a compensation program is unnecessary, impracticable to administer, and an improper and illegal use of public money.

In PDR-50, a notice of proposed rulemaking,[2] we discussed these arguments at length, resolved the general question in favor of having such a program, and asked for comments on a specific new Part 304 of our Procedural Regulations to govern it.

Twenty-five agencies, "public interest" groups, other organizations, and individuals filed comments on this proposal.[3] Since the general arguments

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[1] February 8, 1977 (42 FR 8663, February 11, 1977).

[2] March 16, 1978 (43 FR 14045, April 4, 1978).

[3] Supporting comments were filed by the Board's Office of the Consumer Advocate, U.S. Department of Transportation, Federal Trade Commission, Airline Passengers Associations, Americans for Democratic Action, Common Cause, Public Citizen, Public Interest Economics Foundation, Washington Legal Foundation, Nebraska Department of Aeronautics, Senators Warren G. Magnuson and Edward M. Kennedy (jointly), and Mr. Donald Pevsner. A joint supporting comment was filed by ACAP, the Institute for Public Interest Representation, Consumer Federation of America, Council for Public Interest Law, and the Center for Law and Social Policy ("the ACAP commenters"). Opposing comments were filed by the Air Transport Association of America, National Association of Manufacturers, National Legal Center for the Public Interest, Missouri Department of Transportation, Chamber of Commerce of the United States, and

Footnotes continued on next page

for and against the program were essentially repetitions of those made in the comments on PDR-45, they will not be addressed again here. We are now adopting a new Part 304. A thorough discussion of the basis and purpose of the compensation program can be found in PDR-50. The discussion below deals with our legal authority to conduct the program and the details addressed by the commenters.

LEGAL AUTHORITY FOR THE PROGRAM

PDR-50 stated our tentative conclusion that authority to conduct a compensation program was implicit in the Federal Aviation Act and our then-current appropriation act. In a series of opinions, the Comptroller General had interpreted similar governing statutes of other agencies as authorizing compensation when (1) the participation "can reasonably be expected to contribute substantially to a full and fair determination" of the issues in a proceeding, and (2) the participant is "indigent or otherwise unable to finance its participation." Agreeing with those interpretations, we tentatively applied them to our own governing statutes. PDR-50 distinguished *Greene County Planning Board* v. *FPC*, 559 F. 2d 1237 (2d Cir. 1977), a case in which the U.S. Court of Appeals for the Second Circuit had agreed with the FPC that the Federal Power Act did not allow that agency to compensate participants without a more explicit statutory authorization.

Several commenters, relying primarily on the *Greene County* decision, argued that authority was lacking. We have examined those comments in detail and they have not persuaded us that the tentative conclusion announced in PDR-50 was incorrect. Therefore, we are hereby adopting our tentative finding that the Federal Aviation Act confers implied authority to establish a compensation program.[4] In addition, as a separate and totally independent legal basis, we conclude that Congress has since conferred authority by enacting the Department of Transportation and Related Agencies Appropriations Act, 1979.[5] The Conference Committee's report stated that:

> The conferees approve the expenditure of not to exceed $150,000 of the funds provided to the Board for the expenses of a one year demonstration project involving the participation of public interest groups and individuals in the Board's proceedings.[6]

ADMINISTRATION OF THE PROGRAM

PDR-50 invited comments on a variety of forms of administration. One was to have eligibility and authorization decisions made by an Evaluation Committee made up of the Managing Director, the General Counsel, and Director of the Office of Economic Analysis. Others included having a Board member on the committee, giving this function to the Administrative Law Judges or the Managing Director's office, and setting up a separate office to administer the program. ACAP, Common Cause, and Americans for Democratic Action favored the committee, with the composition described above. They stated that such a committee should be independent enough to avoid conflict with interested staff members. Consumer Federation of America and Public Citizen suggested a separate office. Although this approach could conceivably provide even greater independence, the $150,000 budget for the program's first year does not appear to justify it. The Office of the Consumer Advocate suggested that the program be administered by the Chief Administrative Law Judge, with the help of the other ALJ's. Involvement of the ALJ's would be particularly useful only in hearing cases, however. Rather than have a dual system of administration that depends on the type of case in which money is sought, we have selected the committee approach as the most workable one.

PDR-50 stated that, after selecting the persons who would administer the program, we would amend Part 385 of the Organization Regulations (14 CFR Part 385) to delegate the necessary authority. The ATA, nothing that the proposal did not discuss appeals to the Board from persons whose applications are disapproved, stated that we should specify whether §§ 380.50 through 385.54 of that part would govern such appeals. The review procedure set out in those sections, since it is designed primarily for staff actions that can meaningfully be said to have an "effective date", is not well suited to review of compensation decisions. We have therefore decided to place the delegation of authority to the Evaluation Committee directly in the new Part 304, along with a special review procedure.

A person whose application for compensation has been disapproved by the Committee will have 10 days to petition for discretionary review by the Board. Any person may submit an answer to a petition for review; we will consider answers to the extent practicable. To prevent delay, the rule specifies that submission of a petition for review will not stay the proceeding in which the petitioner has applied for compensation. We could nevertheless issue a stay if persuaded by the equities of a particular situation. However, we expect to do this only in extraordinary cases, if at all. OR-135, also issued today, amends Part 385 to exclude the delegation to the Evaluation Committee from the coverage of that part.

As proposed in PDR-50, applications for compensation and written decisions of the Evaluation Committee will be placed in the relevant docket and in a new "Compensation of Participants" file to be maintained in the Public Reference Room. The Committee will similarly file copies of any written communications with applicants, along with summaries of oral communications.

PDR-50 proposed no procedure for disclosing the recommendations that Board staff members make to the Committee. The ATA stated that all such recommendations should be in writing and docketed immediately. We agree that they should be made available to the public without delay. To require all communications between the staff and the Committee to be in writing is too restrictive, however, since it would prohibit meetings and telephone conversations about applications. These can be especially helpful when time is short. Therefore, we are permitting such oral communications with staff members. As with oral communications between the Committee and applicants, however, summaries will be placed in the docket and the "Compensation of Participants" file promptly. Also, to limit the chance of undue influence by interested staff members, communications between the Committee and those staff members who are participating in a proceeding will be limited to whatever is necessary for the Committee to ascertain whether the applicant's presentation is likely to duplicate that of the staff.

We are adding a provision to allow the Evaluation Committee to communicate with the staff of other Federal agencies in whose proceedings an applicant has participated. These communications will be limited to discussion of the effectiveness of the applicant's contribution to a full and fair determination of the other agency's proceeding. Such discussions can be helpful to the Committee in deciding whether compensation of the applicant is likely to be worthwhile. These communications will be summarized (if oral) and docketed, as described above for those with applicants and Board staff.

We are also adding procedures to allow public answers to applications for funding. Answers may provide the Evaluation Committee with information that is useful in its funding decisions. There is therefore no reason to preclude them, as long as the procedure does not hinder the administration of the program. In proceedings

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Footnotes continued from last page

Senator Howard S. Cannon. The Securities and Exchange Commission and the Seattle Parties also filed comments.

[4] See the May 8, 1978, Memorandum from the General Counsel to the Board, filed in this docket.

[5] P.L. 95-335, 92 Stat. 435, August 4, 1978.

[6] Rep. No. 95-1329, June 29, 1978, p. 12.

where the Board invites applications for compensation, if there appears to be enough time to specify a period for filing answers, the invitation will announce a closing date for applications and a second date for answers. Any answers filed after that second date will be considered by the Committee only to the extent practicable. Similarly, when the invitation announces only a closing date for applications, and in cases where there is no invitation at all (and so no deadline even for applications), any answers filed will be considered only to the extent practicable.

APPLICATIONS FOR COMPENSATION

PDR-50 proposed to require that applicants list the proceedings of other Federal agencies in which they participated in the preceding year and the amount of any compensation that they received from the Federal government in connection with those proceedings. Americans for Democratic Action agreed that the list of proceedings would be helpful to the Board's staff in evaluating the quality of an applicant's past performance. ADA objected to any listing of previous compensation, however, arguing that this information would lead to discrimination against applicants who had already received money from other agencies. We do not agree. There would be no reason for such discrimination. The fact that an applicant has received money from another agency in the past, taken alone, is of no relevance to that applicant's eligibility for compensation from the Board. The amount becomes particularly relevant, however, in evaluating whether the other agency received good value for what it paid. That information, in turn, will be very useful to the Evaluation Committee.

Therefore, we are adopting the requirements for applications as proposed. Section 304.3 specifies the information that must be included, but does not prescribe a form. Our staff is preparing a pamphlet describing the compensation program to prospective applicants, for wide distribution to consumer groups and other interested persons around the country. The pamphlet will include an application form, whose use will be optional.

INTEREST ELIGIBILITY

The interest eligibility standard enunciated by the Comptroller General is that the applicant's participation "can be reasonably expected to contribute substantially to a full and fair determination" of the issues in a proceeding. In PDR-50, we proposed to implement this standard as follows:

(1) The applicant must represent an interest whose representation can reasonably be expected to contribute substantially to a full and fair determination of the proceeding, in light of the number and complexity of the issues presented, the importance of public participation, and the need for representation of a fair balance of interests;

(2) Participation by the applicant must be reasonably necessary to represent that interest adequately; and

(3) It must be reasonably probable that the applicant can represent the interest competently within the time available for the proceeding.

These three requirements, taken together, embody the Comptroller General's standard. Public Citizen and the ACAP commenters argue that the second one should be deleted because it is not only repetitive of the first, but susceptible to an interpretation that is too restrictive. In particular, they suggest that any given applicant is arguably unnecessary, since another participant could conceivably come forward to represent the same interest.

The second test described above is not redundant, however. The first addresses only the interest, and not the applicant itself. No matter how important the interest, one cannot say that the applicant's participation will contribute substantially to the proceeding if the same interest is already adquately represented by another party. Hence the need for the second test—that the applicant's participation must be reasonably necessary to represent the interest adequately. Since this requirement is intended only to preclude funding of participation that is likely to duplicate that which is already expected, the commenters need not fear the restrictive interpretation that they have suggested. Therefore, we are adopting the first three eligibility requirements as proposed.

The Public Interest Economics Foundation and the Air Transport Association stated that the "substantial contribution" standard should be elaborated on. ATA particularly argued that this standard is too vague. We disagree. In fact, the rule adopted today is already more specific on this subject than the language of S. 270, the bill in Congress that would give explicit statutory authority to most Federal agencies to conduct similar compensation programs.

The Airline Passengers Association and the Air Transport Association argued that applicants should have to demonstrate that they actually represent the groups they purport to represent. The APA surveys its members to ensure its representativeness. The ATA states that an organization applying for funds should specify which of its members affirmatively support the organization's position. If the program were based on the idea that applicants have a right to compensation, there would be merit in this argument. These commenters have misunderstood the point of the program, however. Compensation is based on the usefulness of applicants' expected presentations to the Board in making its decisions. Although membership support may give some weight to an organization's position, an applicant need not even have an identifiable constituency as long as the views that it will present are likely to be useful.

PDR-50 invited comments on the extent to which the Evaluation Committee should favor applicants who propose to develop new evidence and accompanying arguments over applicants who offer novel arguments based on existing evidence. OCA suggested that new evidence can be better developed by the Board's staff because the time available in the public phase of a proceeding is relatively short. The Federal Trade Commission, however, observed that the new information supplied by funded participants in its rulemaking proceedings has been particularly useful. We agree with the Public Interest Economics Foundation, which suggested that this question cannot really be answered in advance. Only with actual experience in a variety of proceedings can we decide which type of offering should be preferred. Perhaps there can be no general rule.

We wish to clarify the relation, in hearing cases, between formal intervention under Rule 15 and awards of compensation under the new Part 304, since a person may be seeking both. Under Rule 15 of the Rules of Practice (14 CFR § 302.15), an administrative law judge may grant a petition to intervene after considering several factors, one of which is "the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record." This factor is similar to, but much more lenient than, the "substantial contribution" criterion for compensation eligibility. If an ALJ's grant of a petition to intervene carried any weight in the Evaluation Committee's decision on the same applicant's request for money, the judges would be inhibited in their decisions on intervention. This would run counter to our policy of liberal interpretation of Rule 15. Therefore, PR-182, also adopted today, amends Rule 15 to state that a grant of intervention will not affect the Evaluation Committee's decision. Conversely, § 304.1 establishes that the Committee cannot give intervention rights to an applicant who does not already have them, whether by statute or by discretionary grant under Rule 15.

FINANCIAL ELIGIBILITY

The financial eligibility test enunciated by the Comptroller General is that the applicant be "indigent or oth-

erwise unable to finance its participation." In PDR-50, this was embodied in proposed § 304.7(a)(4) as follows:

> The applicant does not have available, and cannot reasonably obtain in other ways, enough money to participate effectively in the proceeding without compensation under this part.

Public Citizen and the ACAP commenters stated that the words "and cannot reasonably obtain in other ways" should be deleted, because this provision could otherwise be read as requiring a group to try first to obtain a bank loan or a grant elsewhere, which would be burdensome. The key word here is "reasonably". Deletion is unnecessary, however, since we intend to interpret this eligibility requirement liberally. In the ordinary case, it would not be reasonable to expect a consumer group to obtain a bank loan, or to demonstrate that it had unsuccessfully appealed to a number of foundations for grants. On the other hand, it might be reasonable to expect an applicant with a direct commercial interest in the outcome of a proceeding to seek a loan, or to divert funds from other projects before obtaining money from this program. Therefore, we are adopting this test as proposed.

PDR-50 also proposed to specify an income level below which individual applicants would be presumed financially unable to participate without compensation. It suggested $30,000, but also invited comment on other possible levels. One commenter suggested that this figure is too low, while several stated that it is too high. Since participation costs can vary widely, depending on the type and complexity of a proceeding, it appears unwise to set any specific income threshold for presuming financial eligibility of individual applicants. An individual's ability to participate without compensation will depend not only on his or her own income, but also on the cost of participating in the particular case. Therefore, no threshold appears in the final rule adopted today.

The fifth proposed prerequisite to eligibility was the "small economic interest" requirement. Under this criterion, the applicant's economic interest in the outcome of the proceeding must be small in comparison with the cost of effective participation. Groups and organizations would satisfy this criterion as long as a substantial majority of their members did. The National Legal Center for the Public Interest objected to this provision, arguing that it had been rejected in a decision of the Comptroller General. The NLCPI has misunderstood that decision. The Comptroller General only rejected the "small economic interest" criterion for use as an alternative to the "inability to participate without compensation" criterion in determining which applicants would qualify for funds. PDR-50 proposed to use the two tests in conjunction: the latter to stay within the bounds of our legal authority, and the former to limit eligibility further by excluding those whose economic stake is large enough to warrant either the use of personal funds or the borrowing of money to pay for participation. There is no legal bar to such a conjunction of eligibility tests.

The Public Interest Economics Foundation suggested that the small economic interest test be restated so that consumer groups with a large aggregate interest would not be excluded. Such a restatment is unnecessary, however, since for groups this test is already stated in terms of the interest of a substantial majority of the group's individual members.

Accordingly, we are adopting the small economic interest test as proposed, except for a change prompted by the comment of the Seattle parties. A civic party, as a representative of a large number of people, may have an economic interest that is large in comparison with the cost of participation, but still be unable to meet that cost because of competing demands on local municipal budgets. We did not intend to exclude civic parties from eligibility for compensation under this program. Therefore, the small economic interest test adopted today balances the applicant's interest against the "burden" of participation, instead of the "cost" of participation. The change will permit a more flexible interpretation of the test, which will not automatically exclude civic parties.

Compensation

PDR-50 proposed that compensation be limited to the reasonable costs of participation, with prevailing market rates ordinarily being considered reasonable. To prevent windfalls, however, it proposed as a ceiling the amount normally paid by the Board for comparable goods or the salaries normally paid by the Board for comparable services. The ACAP commenters objected to this ceiling, stressing that government salaries do not reflect the true cost of private services. Factors like overhead and fringe benefits make a direct comparison of salaries and costs unrealistic. In proposing the ceiling, however, we did not intend to exclude such indirect costs to the Board of employing staff. Including them in the computation of the ceiling will make the comparison legitimate. Several commenters suggested that we establish a schedule of fees. We plan to follow the practice of the Federal Trade Commission, which has published maximum billable rates for attorneys and guidelines for the computation of overhead and fringe benefit costs. These will be included in the pamphlet, discussed above, that our staff is now preparing for prospective applicants.

The proposed rule stated that the Board would not compensate applicants for work already performed or costs already incurred. The ACAP commenters and Senators Magnuson and Kennedy objected to this provision. In particular, ACAP recommended that the costs of preparing successful rulemaking petitions and applications for funding be compensable. The two Senators focused on the cost of preparing petitions. These are as legitimately considered "costs of participation" as those of preparing written comments or presenting expert testimony. We believe, however, that the limited budget for this program can be more effectively applied to promoting participation in proceedings that have already begun. We also do not wish to encourage applicants to incur expenses in reliance on the possibility that they might be reimbursed. Therefore, the final rule limits compensation to prospective awards, as proposed.

PDR-50 also proposed that actual payments be made within 90 days after an approved applicant submits a completed, documented claim for its expenses. The ACAP commenters, stressing the cash flow problems that applicants are likely to have, asked that this period be reduced to 30 days. In case of disputed expenses, however, the staff may need more time to process claims. Therefore, the final rule sets a 45-day period, which should be long enough to cover all cases. We do expect, however, that most claims will be paid within 30 days, as these commenters have suggested.

This program is a one-year demonstration project. Our staff will prepare a detailed report on the results of the project toward the end of the year, in time for us to assess the value of the program and whether to continue it.

Since the procedures for filing answers to applications, docketing the communications of the Evaluation Committee, and our reviewing actions taken by the Committee under delegated authority are incidental to the administration of the program and create no additional burden, we find that notice of proposed rulemaking on them is unnecessary and not in the public interest. Since this program makes money available to eligible applicants and imposes requirements only as conditions on that availability, we also find that an immediate effective date is in the public interest.

This program requires individuals and organizations to prepare and submit certain information to the Evaluation Committee in order to apply. By publishing this final rule, we

have determined that this information is necessary in conducting the program and must be prepared and submitted. Accordingly, this application requirement, found in § 304.5, is adopted subject only to review by the General Accounting Office, pursuant to 44 U.S.C. 3512. This specific requirement will be effective immediately along with the rest of Part 304. Interested persons are not precluded from applying for these funds immediately. However, GAO will conduct its clearance review to ensure that a minimum burden is imposed upon applicants and that the information required is otherwise consistent with the Federal Reports Act. We will publish a notice of GAO's decision.

O'MELIA, MEMBER, CONCURRING AND DISSENTING

When the Board issued its Notice of Proposed Rulemaking in March, 1978 on a program to fund public participation in CAB proceedings, I issued an attached separate statement expressing legal and policy reservations to the proposed program. My legal concern was that the Board, having neither explicit nor implied statutory authority to dispense funds for compensating participants, should await explicit authorization and a clear Congressional endorsement of such a program for this agency before adopting cumbersome procedural regulations to implement it. I remain convinced, after considering the comments filed in this rulemaking, that the legal constraints I outlined in my separate statement are valid and should be observed by Federal agencies. Although, as reported in the Supplementary Information section of this Final Rule, the comments received presented arguments for and against a public funding program, the comments that addressed the legal aspect overwhelmingly took the position that statutory authorization for the Board to sponsor such a program was lacking.

Despite this, I noted in my statement that if Congress were to approve funds to the Board for this purpose in the context of an appropriation bill, that would largely moot, if not remedy, the legal deficiency. Since the Conference Committee has, in the interim, appropriated funds to the Board for a one-year demonstration project for this purpose, I will not restate here my legal considerations. I would only observe, that in the long-debated and recently-enacted *Airline Deregulation Act of 1978*, Congress did not see fit to reassure the Board that it was being granted this authority. The appropriation of funds may indeed have been an aberration.

Aberration or not, since Congress has in fact allocated $150,000 for this project, I concur in the adoption of this new part 304 so that the administrative feasibility of this notion can be tested. I dissent because I question the desirability of a high-level in-house Evaluation Committee to select the public participants for this experiment. I am not convinced that a program of disbursing public money in the circumstances of this agency and of the air transport industry is useful or desirable. We compound the detriment of this program by adopting this method of selecting the participants to be funded.

Nonetheless, since this is supposedly a one-year project, with presumably a chance to review the results toward the end of this period, we will have an opportunity to evaluate the results of public funding and also the effectiveness and aptness of the mechanism for doling out the money. In keeping with my policy reservations, I would urge that during this one-year experiment we keep in mind three very relevant questions to enable us to properly evaluate the success of the program: Is the public participation we are getting through this funding program supplying the Board with a point of view, an insight, the representation of a legitimate interest that would not have been presented in the absence of this program? Has this distinctive point of view contributed substantially to a full and fair determination of the proceeding? Has the selection of the impecunious participants been conducted fairly and without bias by the Evaluation Committee. Since this Committee is to be composed of the Managing Director, the Director of the Office of Economic Analysis, and the General Counsel, it is important for the Board to avoid the inference that might be drawn that this well-entrenched trio is merely seeking advertently or subconsciously to shore up the Board's predetermined policy with compatible testimony.

I realize that it may seem harsh to ask this funding program to live up to the promise that participation by public interest groups and others, in the past allegedly impeded by financial insufficiency, will improve substantially the balance of views presented and enhance the decision-making process. But if we mean to be good stewards of public funds, these are the questions that we must ask ourselves. These questions should form the basis for our review at the end of the one-year experiment.

RICHARD J. O'MELIA

THE RULE

In light of the above, the Civil Aeronautics Board adds a new Part 304 to its Procedural Regulations (14 CFR Part 304), to read as follows:

Sec.
304.1 Scope.
304.2 Purpose.
304.3 Application.
304.4 Definitions.
304.5 Applications for compensation.
304.6 Answers to applications.
304.7 Processing of applications.
304.8 Eligibility and allocation criteria.
304.9 Delegation of authority.
304.10 Petitions for Board review.
304.11 Compensable costs and services.
304.12 Payments to participants.
304.13 Audits.

AUTHORITY: Secs. 203 and 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 742 and 743, 49 U.S.C. 1323 and 1324; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).

§ 304.1 Scope.

This part establishes criteria and procedures for compensation to eligible participants in Civil Aeronautics Board proceedings. It does not, however, create any new right to intervene or otherwise participate in any proceeding.

§ 304.2 Purpose.

The purpose of this part is to assist the Board in making full and fair resolutions of the issues presented in its public proceedings by funding the representation of eligible interests that would otherwise be unrepresented.

§ 304.3 Application.

This part applies to all proceedings before the Board.

§ 304.4 Definitions.

(a) "Applicant" means any person who submits an application in accordance with § 304.5 for compensation under this part.

(b) "Evaluation Committee" or "Committee" means the committee established by § 304.7(a).

(c) "Person" means any person as defined in section 101(29) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(29)) and includes a group of individuals with similar interests.

(d) "Proceeding" means any Board process (including adjudication, licensing, rulemaking, ratemaking, or any other Board process) in which there may be public participation pursuant to statute, rule, order, or Board practice.

§ 304.5 Applications for compensation.

(a) Any person may submit an application for compensation for participation in any Board proceeding. The application should be submitted as early as practicable.

(b) If the Board anticipates that compensated participation would be especially useful to it in a particular proceeding, it may invite applications for compensation. The invitation will include a closing date for the submis-

sion of applications and may include a closing date for answers. It will be published in the FEDERAL REGISTER and may also be publicized in any other media that appear appropriate. Applications submitted after the closing date will be considered only to the extent practicable.

(c) Applications for compensation will not be considered for work already performed or for costs already incurred.

(d) Applications shall be submitted to the Office of the Secretary, Civil Aeronautics Board, Washington, D.C. 20428, marked for the attention of the "Public Participation Evaluation Committee". Three copies are requested but not required.

(e) Applications shall contain the following information, in the order specified:

(1) The applicant's name and address, and in the case of an organization, the names, addresses, and titles of the members of its governing body and a description of the organization's general purposes, structure, and tax status;

(2) An identification of the proceeding for which funds are requested;

(3) A description of the applicant's economic, social, and other interests in the outcome of the proceeding;

(4) A discussion of the reasons why the applicant is an appropriate representative of those interests, including the expertise and experience of the applicant;

(5) A specific explanation of how the applicant's participation would enhance the quality of the decision making process and serve the public interest;

(6) A statement of the total amount of funds requested;

(7) With respect to the proceeding for which funds are requested, an itemized statement of the services and expenses to be covered by the requested funds;

(8) A description of the evidence, activities, studies, or other submissions that the applicant expects to generate;

(9) An explanation of why the applicant cannot use funds that it already has, or expects to receive, for the purpose for which funds are requested, including: (i) A listing of the applicant's anticipated income and expenditures (rounded to the nearest $100) during its current fiscal year, and

(ii) A listing of the total assets and liabilities of the applicant; and

(10) A list of all proceedings of the Federal govenment in which the applicant has participated during the past year (including the interest represented and the naure and extent of the contribution made) and any amount of financial assistance received from the Federal government in connection with those proceedings.

§ 304.6 Answers to applications.

(a) Any person may submit an answer to an application for compensation. Answers shall be submitted in the manner set forth in § 304.5(d) for applications.

(b) If the Board has announced a closing date for the submission of answers, any answers submitted after that date will be considered only to the extent practicable. Otherwise, all answers will be considered only to the extent practicable.

§ 304.7 Processing of applications.

(a) Applications will be processed by an Evaluation Committee composed of the Managing Director, the Director of the Office of Economic Analysis, and the General Counsel, or their respective delegates. Whenever a member of the Evaluation Committee is participating in the proceeding, he or she will not participate in the evaluation of applications for compensation for participation in that proceeding. The member will instead delegate the position on the Committee to a person who is not and will not become substantively involved.

(b) If the Board has invited applications for compensation in a particular proceeding and announced a closing date for answers, the Evaluation Committee will act on the applications as soon as practicable after that date. If the invitation does not include a closing date for answers, the Committee will act on the aplications as soon as practicable after the closing date for applications. If there has been no invitation, the Committee will act on an application as soon as practicable after it is received. In accordance with the criteria set out in § 304.8, the Committee will approve or disapprove the application, in whole or in part.

(c) The Evaluation Committee may communicate with Board staff members whose views appear relevant to the proceeding. Communication with staff members who are participants in a proceeding will be limited to that which is necessary for the Committee to ascertain whether the presentation of an applicant is likely to duplicate the presentation of the staff.

(d) The Evaluation Committee may communicate with staff members of other Federal agencies in whose proceedings an applicant has participated. These communications will be limited to discussion of the effectiveness of the applicant's contribution to a full and fair determination of the other agency's proceeding.

(e) The Evaluation Committee may communicate with applicants.

(f) The Evaluation Committee's determination whether to select any applicant who satisfies the criteria of § 304.8(a) is discretionary. In addition to those criteria, the Committee may consider—

(1) The importance of the applicant's proposed participation in light of the funding available for compensation under this part; and

(2) Whether the application is premature, in light of the stage that the proceeding has reached.

(g) A written decision of the Evaluation Committee will be mailed to each applicant for compensation in the proceeding. The decision will explain the reasons for the Committee's disposition of the application and the amount and computation of any compensation authorized.

(h) Copies of each application, answer, decision, and written communication in accordance with paragraph (c), (d), or (e) of this section will, upon receipt, be filed in the docket for the proceeding and in a "Compensation of Participants" file in the Public Reference Room. The Committee will similarly file a summary of any oral communication in accordance with those paragraphs, and mail a copy to the other party to the communication.

(i) The Committee may, for a good reason given by an applicant, reconsider the disapproval of all or part of an application.

(j) After the beginning of its participation, an applicant may request a supplemental authorization to enable it to complete its work. The committee may approve the request if the applicant shows that, because of an unforeseeable change in circumstances, it or the Committee seriously underestimated the probable costs of participation. Such requests will not be approved for work already performed or for costs already incurred.

(k) The Evaluation Committee may ask the Board or the relevant Board employee, as appropriate, to extend any filing period for all parties or postpone any hearing, in order to afford applicants adequate time to prepare their presentations. The committee, in deciding whether to make such a request, and the Board or Board employee, in considering whether to agree to it, shall balance the Board's need to give time to applicants against the need for a speedy resolution of the proceeding.

§ 304.8 Eligibility and allocation criteria.

(a) The Evaluation Committee may approve an application, in whole or in part, only if it finds that:

(1) The applicant represents an interest whose representation can reasonably be expected to contribute substantially to a full and fair determination of the proceeding, in light of the number and complexity of the issues presented, the importance of public participation, and the need for representation of a fair balance of interests;

(2) Participation by the applicant is reasonably necessary to represent that interest adequately;

(3) It is reasonably probable that the applicant can competently represent the interests it espouses within the time available for the proceeding;

(4) The applicant does not have available, and cannot reasonably obtain in other ways, enough money to participate effectively in the proceeding without compensation under this part; and

(5) The applicant's ecomonic interest in the outcome of the proceeding is small in comparison with the burden of effective participation, except that if the applicant is a group or organization, the committee need only find that the economic interest of a substantial majority of its individual members is small in comparison with the burden of effective participation.

(b) In determining whether an applicant would be unable to participate effectively without compensation, the committee will require the applicant to demonstrate that its current assests (cash, accounts receivable, and marketable securities that are not in reserves, budgeted for other use, or otherwise restricted for withdrawal) less current liabilities, adjusted by any anticipated operating loss or profit over the relevant year, are less than the amount needed for participation. Salaries paid to employees of an applicant in excess of salaries paid to Board employees for comparable services will be disallowed in this computation.

(c) The committee may waive the "small economic interest" requirement of paragraph (a)(5) of this section if it finds that the applicant's participation in the proceeding would be exceptionally important.

(d) If multiple applications that satisfy the criteria of paragraph (a) of this section seek to represent the same or similar interest, but contain significant differences in viewpoint, approach, or proposals, the Evaluation Committee may partially or completely approve one or more of these applications.

(e) In selecting among applications representing the same or similar interests, the Evaluation Committee will consider and compare the applicants' skills and experience and the contents of their proposals. In particular, the committee will consider and compare:

(1) The applicants' experience and expertise in Civil Aeronautics Board matters generally and in the substance of the proceeding particularly;

(2) The applicants' prior general performance and competence;

(3) Evidence of the applicants' relations to the interest they seek to represent;

(4) The specificity, novelty, relevance, and significance of the matters the applicants propose to develop and present; and

(5) The public interest in promoting new sources of public participation.

§ 304.9 Delegation of authority.

The Board delegates to the Evaluation Committee the authority to process, approve, and disapprove applications for compensation as set forth in this part.

§ 304.10 Petitions for Board review.

(a) A person whose application for compensation has been disapproved by the Evaluation Committee, in whole or in part, may petition the Board for review of the committee's decision within 10 days after that decision.

(b) Petitions for review shall be submitted to the Office of the Secretary, Civil Aeronautics Board, Washington, D.C. 20428. They shall be prominently labeled "Petition for Review of a Compensation Denial". Three copies are requested but not required.

(c) Petitions for review shall present the petitioner's arguments as to why the committee's decision is wrong. If a petition includes any new facts, arguments, or other matter, it shall explain why the new matter was not submitted to the committee.

(d) Any person may submit an answer to a petition for review. Answers shall be prominently marked "Answer to Petition for Review of a Compensation Denial" and submitted in the manner set for in paragraph (b) of this section for petitions for review. The Board will consider answers only to the extent practicable.

(e) Petitions for review and answers will be placed in the relevant docket and in the "Compensation of Participants" file in the Public Reference Room.

(f) The Board, in its descretion, may affirm, modify, or reverse the Committee's decision, or decline to review that decision.

(g) The submission of a petition for review under this section will not stay the proceeding in which the petitioner has applied for compensation.

§ 304.11 Compensable costs and services.

(a) The following costs and services are compensable under this part:

(1) Salaries or other remuneration for services performed by participants or their employees;

(2) Fees for consultants, experts, contractual services, and attorneys;

(3) Transportation costs;

(4) Travel-related costs such as lodging, meals, and telephone calls; and

(5) All other costs reasonably incurred.

(b) Compensation is limited to reasonable services and costs of participation that have been authorized and actually incurred. In no case, however, will compensation be greater than salaries paid by the Board for comparable services or the amounts normally paid by the Board for comparable goods.

§ 304.12 Payments to participants.

Payment of compensable expenses for approved applications will be made by the Board within 45 days after the applicant has submitted a completed claim, including bills, receipts, or other proof of costs incurred or services performed. For good cause shown, partial payments may be made as an applicant's work progresses.

§ 304.13 Audits.

The Board and the General Accounting Office shall have access for the purposes of audit to any pertinent records of a participant receiving compensation under this part. The Board may by order establish additional guidelines for accounting, recordkeeping, and other procedures to be followed by participants.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33924 Filed 12-4-78; 8:45 am]

[6320-01-M]

[Reg. OR-135; Amdt. No. 73 of Part 385; Docket 29880]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Applicability of Part

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: In PR-181, also issued today, the Board set up a program of payments to eligible participants in its proceedings. The delegation of authority to the Evaluation Committee that will administer the program appears in Part 304, the regulation that governs the new program. The Board is therefore amending Part 385 to exclude this particular delegation from its coverage.

DATES: Adopted: October 26, 1978. Effective: November 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: Since this amendment is administrative in nature, affecting a rule of agency practice and procedure, the

Board finds that notice and public procedure are unnecessary and the amendment may be effective immediately.

Accordingly, the Civil Aeronautics Board amends Part 385 of its Organization Regulations, *Delegations and Review of Action under Delegation; Nonhearing Matters (14 CFR Part 385) as follows:*

A sentence is added at the end of § 385.2, so that it reads:

§ 385.2 Applicability.

This part describes the organization of the Board insofar as, pursuant to authority conferred on it by sections 202(a) and 204(a) of the Federal Aviation Act and Reorganization Plan No. 3 of 1961, 26 FR 5989, the Board has adopted rules which grant continuing delegations of authority with respect to any of its functions of making orders or other determinations which are not required to be made on an evidentiary record upon notice and hearing or which are not the subject of contest, and the Chairman has assigned Board personnel to perform such functions. This part also sets forth the procedures governing discretionary review by the Board of action taken under such delegation. Nothing in this part shall be construed as precluding the Board from issuing, by appropriate order, temporary delegations of authority with respect to any of its functions described in this part or with respect to any other of its functions which can be lawfully delegated. However, this part does not apply to the delegation of authority, set forth in § 304.9 of this title, to the Evaluation Committee established in § 304.7(a) of this title.

(Secs. 203 and 204 of the Federal Aviation Act of 1958, 72 Stat. 742, 743, 49 U.S.C. 1323; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33926 Filed 12-4-78; 8:45 am]

[6351-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 31—LEVERAGE TRANSACTIONS

Temporary Moratorium Regarding Gold and Silver Leverage Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission has adopted a rule imposing a temporary moratorium on persons entering the business of offering and selling to the public standardized contracts for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins which are commonly known to the trade as margin accounts, margin contracts, leverage accounts or leverage contracts, or any contracts, accounts, agreements, schemes or devices that serve the same function or functions as such standardized contracts or that are marketed or managed in substantially the same manner as such standardized contracts. (These contracts are hereinafter collectively referred to as "leverage transactions"). The moratorium will remain in effect only until such time as the Commission determines whether leverage transactions, or any class thereof, are contracts for future delivery within the meaning of the Commodity Exchange Act and should be regulated accordingly, or are not contracts for future delivery and the Commission adopts appropriate registration, financial, recordkeeping, disclosure or other regulations as necessary in order to provide adequate customer protection.

The moratorium rule does not affect firms engaged in a leverage transaction business on June 1, 1978. In addition, the rule provides that the Commission may, in its discretion, grant applications for exemption from the moratorium to any person who is able to demonstrate (1) that he had invested substantial resources in the development of a leverage transaction business prior to June 1, 1978, (2) that his business will be conducted in a manner that may reasonably be expected to insure the financial solvency of the transactions to be offered and to prevent manipulation or fraud and (3) that the manner in which the business will be conducted will present no substantial risk to the public and will otherwise be consistent with the public interest.

EFFECTIVE DATE OF RULE: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

David R. Merrill, Office of the General Counsel, 2033 K Street N.W., Washington, D.C. 20581. Telephone: 202-254-9880.

SUPPLEMENTARY INFORMATION: On June 1, 1978, the Commission published a proposed rule imposing a temporary moratorium on the entry into the business of publicly offering and selling leverage transactions. 43 FR 23729. As proposed, the moratorium would be in effect only until such time as the Commission determines whether leverage transactions, or any class thereof, should be regulated as contracts for future delivery within the meaning of the Commodity Exchange Act, or, if not, what regulatory approach is required to insure the financial solvency of these transactions and to prevent fraud and manipulation in these transactions. Interested persons were afforded a thirty-day opportunity in which to submit written comments on the rule.

In the notice of proposed rulemaking, the Commission noted its jurisdiction and regulatory authority over leverage transactions under Section 2(a)(1) of the Commodity Exchange Act, as amended, and Section 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 2 and 15a (1976). The Commission's authority to regulate leverage transactions described in Section 217 of the 1974 Act has now been expanded and incorporated into the Commodity Exchange Act by the enactment, on September 30, 1978, of the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865. Section 23 of the 1978 Act [1] added a new Section 19 to the Commodity Exchange Act which, among other things, broadened the description of a leverage transaction to include not only a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract, but also "any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract." [2]

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[1] Pub. L. No. 95-405, 92 Stat. 870-871.

[2] Section 19 provides in pertinent part:

"No person shall offer to enter into, enter into, or confirm the execution of any transaction for the delivery of silver bullion, gold bullion, or bulk silver coins or bulk gold coins, under a standardized contract described (previously) in * * * this section, contrary to any rule, regulation, or order of the Commission designed to ensure the financial solvency of the transaction or prevent manipulation or fraud * * *."

The Commission's authority under Section 19 encompasses:

"a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or * * * any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract."

Additionally, Section 19(d) continues the Commission's authority, previously set forth in Section 217 of the 1974 Act, to determine to regulate leverage transactions as contracts for future delivery:

"If the Commission determines that any (leverage) transaction * * * is a contract for

Footnotes continued on next page

The notice proposing the moratorium rule also summarized the Commission's regulatory and investigatory experience concerning the offer and sale of leverage transactions in the United States. That summary focused on the Commission's April 1978, in-depth survey of firms then known to be marketing leverage transactions.[3] The survey, a summary of which was set forth in the Commission's notice of proposed rulemaking at 43 FR 23730,[4] revealed, among other things, that (1) outstanding leverage transactions at that time accounted for at least $100 million in open customer interest; (2) while the principal characteristics of a leverage transaction appear to be similar, if not identical, to those of contracts for future delivery, many of the advantages of trading futures on exchanges are not present in leverage transaction trading; (3) leverage customers appear to be inadequately protected, and are totally dependent upon the financial integrity of the leverage transaction dealer for fulfillment of the leverage transaction and for making any buy-sell market for offsetting transactions;[5] (4) leverage market prices and trade information are not widely disseminated; and (5) at least eleven leverage transaction firms experienced financial failure since 1973.

Three written comments on the proposed rule were received, one of which expressed opposition to the moratorium, but provided no meaningful criticism with regard to the Commission's proposal. The other two comments, submitted on behalf of firms engaged in the leverage transaction business, opposed the moratorium concept and suggested that the Commission immediately promulgate a comprehensive regulatory structure to govern the offer and sale of leverage transactions which would include, among other things, registration, net working capital, segregation of customers' funds, disclosure and recordkeeping requirements. While the Commission may ultimately determine that this would be an appropriate regulatory approach, it would be premised on the Commission first concluding that leverage transactions are not contracts for future delivery within the meaning of the Commodity Exchange Act, a conclusion that the Commission has not yet made.

In any event, regardless of the form of regulation the Commission may ultimately decide to adopt concerning leverage transactions, some time will be needed to reach and implement that decision.[6] In the interim, on the basis of the information it now possesses concerning leverage transactions and consistent with the basic policies underlying the Commodity Exchange Act, the Commission believes that the imposition of a moratorium pending the adoption and implementation of a permanent regulatory scheme is necessary to protect the public.

Both of the comments submitted on behalf of leverage transaction firms expressed the view that the proposed rule would be anticompetitive since it would limit the offer and sale of leverage transactions to those firms engaged in a leverage transaction business on the operative date of the moratorium. For this reason, they claimed that its adoption would be inconsistent with Section 15 of the Commodity Exchange Act, 7 U.S.C. 19 (1976). In proposing and in adopting the moratorium, the Commission has taken into account its responsibility under Section 15 of the Act.[7] Section 15 does not require the Commission to subordinate the policies and purposes of the Commodity Exchange Act to those of the antitrust laws. Thus, consistent with Section 15, the Commission may adopt regulations that may have anticompetitive implications, and is not required to take the least anticompetitive course of action where the objectives, policies or purposes of the Commodity Exchange Act would be better served in some other way.

The Commission recognizes that the moratorium may inhibit competition by permitting some firms to continue to market leverage transactions while preventing others from doing so for the present time. However, the moratorium is an interim measure designed to halt the recent growth of firms entering the leverage transaction field only until an appropriate regulatory scheme to assure adequate customer safeguards is implemented.

Since publication of the proposed moratorium rule, the Commission has continued to monitor closely the offer and sale of leverage transactions in the United States. Once again, as was the case with the offer and sale of commodity options in this country in the recent past, the Commission is witnessing an explosive growth in the marketing of a commodity instrument in an area which has yet to be brought under a system of comprehensive regulatory control.[8] Leverage transactions, like commodity options, are esoteric instruments the intricacies of which are difficult to comprehend by most members of the public. As with options, leverage transactions require a substantial initial investment by the customer, a large percentage of which often goes immediately to the leverage dealer in the form of commissions, mark-ups or other costs or fees. The lack of general understanding of leverage transactions coupled with the lure of large potential profits to be made, make these transactions highly susceptible to overreaching. For these reasons there exists a significant possibility that increased marketing of leverage transactions poses increasing and substantial risks of financial injury to members of the public. Under these circumstances, the Commission will not stand idly by and permit this potential for public injury to realized by the unfettered entry of firms into the leverage field in the absence of appropriate regulatory controls.

Wholly apart from the foregoing considerations, the Commission's experience with leverage transactions has revealed that a number of the principals of the firms and other individuals recently commencing the offer and sale of leverage transactions, as well as the salespersons they employ, were previously engaged in the sale of commodity options, an activity which the Commission found to be pervaded by fraudulent sales techniques, and that the entry of many of these persons into the leverage transaction field

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future delivery within the meaning of this Act, such transaction shall be regulated in accordance with the applicable provisions of this Act."

[3] In April 1978 when the survey was conducted, the Commission was aware of only seven firms that were then actively engaged in selling leverage transactions in the United States. When the proposed moratorium rule was published on June 1, 1978, the number of firms that appeared to be selling leverage transactions had risen to approximately twenty. At the present time, the Commission has identified nearly eighty firms that may currently be engaged in marketing leverage transactions domestically.

[4] A summary of this survey was also made public by the Commission in an Advisory to the Media released on April 27, 1978. Because the survey itself contains information dealing with specific business transactions, it has not been made public. See Section 8 of the Commodity Exchange Act, 7 U.S.C. 12 (1976), as amended by Section 16 of the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 873-874.

[5] During recent Congressional debate on the bill which became the Futures Trading Act of 1978, several Members of Congress likewise recognized the vulnerable position occupied by the typical leverage transaction customer. *E.g.*, 124 *Cong. Rec.* S10536-S10537 (daily ed. July 12, 1978) (remarks of Senator Huddleston); 124 *Cong. Rec.* S10564 (daily ed. July 12, 1978) (remarks of Senator Eagleton).

[6] Should the Commission determine that any leverage transactions are, in fact, contracts for future delivery, it may be necessary for Congressional hearings to be held before the Commission may implement such a determination. *See* S. Rept. No. 1239, 95th Cong., 2d Sess. 28 (1978).

[7] Under Section 15, the Commission is required, in adopting any rule or regulation, to—

"take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of * * * [the] Act, as well as the policies and purposes of * * * [the] Act * * *."

[8] See note 3, *supra*.

coincided with the June 1, 1978, effective date of the Commission's suspension of the offer and sale of commodity options in the United States (Rule 32.11; 43 FR 16161 (April 17, 1978)).[9]

Accordingly, the Commission has concluded that, at this time, adequate public protection can only be guaranteed by a moratorium on the entry into the gold and silver leverage transaction field. In this way, the Commission will be able to limit temporarily what would otherwise be an uncontrolled growth in the number of firms involved in the offer and sale of leverage-type transactions, thereby affording itself an opportunity to evaluate this area of activity, and to adopt and implement an appropriate regulatory program.

The Commission fully appreciates that there may be some individuals or firms who may have been planning to establish a leverage transaction business after June 1, 1978, and who may now be temporarily prohibited from doing so. The Commission is also aware that some persons may have established leverage contract businesses subsequent to June 1, 1978, who now will be required temporarily to curtail further leverage contract sales activities.[10] However, these individuals or firms have proceeded at their own risk in the face of the Commission's publication of the proposed moratorium rule on June 1, 1978. And, to minimize any adverse effects of the moratorium on persons who had made a substantial investment to develop a leverage transaction business, but had not commenced that business by June 1, 1978, the moratorium rule establishes a procedure whereby such persons may make a written request for an exemption from the moratorium. In any event, in balancing the adverse consequences that may be involved, the Commission has determined that the private interests of all these persons must yield to the public interest and the protection of the public.

[9] In a number of instances, these former option dealers are operating leverage businesses in the same business offices from which options were previously sold and appear to be employing the same or similar "boiler room" techniques used to sell options including high pressure, cold canvass telephone solicitations, failure adequately to disclose risks, misrepresentations, etc.

[10] Of course, the temporary moratorium does not in any way relieve individuals or firms who have established leverage businesses after June 1 of the obligations owing to customers arising out of leverage contracts sold since that date but prior to the effective date of the moratorium. In this regard, the Commission will consider a failure by such individuals or firms to discharge these obligations as constituting, among other things, a violation of the Commission's leverage contract antifraud rule, 17 CFR 30.03 (1977), statutory citations amended, 43 FR 47722 (October 17, 1978).

Accordingly, the Commission has adopted the moratorium rule in a form substantially similar to that proposed. In addition to making several clarifying changes in language, the Commission has determined to modify the proposed rule in three respects. First, the date on which a firm must be engaged in a leverage transaction business in order to be unaffected by the moratorium has been changed from May 23, 1978, to June 1, 1978, the date of publication in the FEDERAL REGISTER of the proposed moratorium rule.

Second, the rule has been amended to make clear that only those firms that were engaged in the offer and sale of leverage transactions *in the United States* on June 1, 1978, will be exempt from the moratorium. Thus, for example, a leverage transaction firm which was organized and was operating in the United States on June 1, but which had only marketed leverage transactions outside the United States prior to that date, will be precluded during the moratorium from marketing leverage transactions in the United States.

Third, the rule has been modified to conform to the provisions of Section 19 of the Futures Trading Act of 1978.[11] The rule thus makes clear that the moratorium will apply not only to transactions commonly known to the trade as leverage-type transactions but also to transactions that serve the same function or functions as these leverage-type transactions or which are marketed or managed in substantially the same manner.

On the subject of requests for exemption from the moratorium which may be submitted to the Commission pursuant to paragraph (b) of the rule, such requests must be in writing and should set forth complete and specific details concerning the basis upon which the exemption is requested. The Commission wishes to make clear that it has no intention of expending its limited resources on a myriad of exemptive requests which are not meritorious and, therefore, that it will not entertain frivolous or undocumented requests for exemption. Exemptions will be granted only if the Commission finds, in its discretion, that the criteria set forth in paragraph (b) of the rule have been satisfied.

In consideration of the foregoing, Chapter I of Title 17 of the Code of Federal Regulations is hereby amended by adding a new Part 31 as follows:

PART 31—LEVERAGE TRANSACTIONS

§ 31.1 Temporary moratorium on the offer and sale of certain transactions for the delivery of gold or silver bullion or bulk coins.

(a) Until the Commission by rule, regulation or order determines otherwise, it shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce, to engage in the business of offering to enter into, entering into or confirming the execution of, any transaction for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins in the United States under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract, or under any contract, account, agreement, scheme, or device that serves the same function or functions as such a standardized contract, or that is marketed or managed in substantially the same manner as such a standardized contract, who was not engaged in that business on June 1, 1978.

(b) The Commission may, in its discretion, grant an exemption from the provisions of paragraph (a) of this section to any person who can demonstrate to the Commission's satisfaction that (1) prior to June 1, 1978, the person had invested substantial resources to develop a business referred to in paragraph (a) of this section, (2) the business will be conducted in a manner that may reasonably be expected to insure the financial solvency of the contracts to be offered and sold and to prevent manipulation and fraud, and (3) the manner in which the business will be conducted will present no substantial risk to the public and will otherwise be consistent with the public interest.

(7 U.S.C. 2, 12a(5) (1976); as amended, Pub. L. No. 95-405, secs. 2 and 23, 92 Stat. 865, 876.)

Issued in Washington, D.C., on November 30, 1978.

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

[FR Doc. 78-33843 Filed 12-4-78; 8:45 am]

[11] See note 2, *supra*.

[7905-01-M]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT ACT AND RAILROAD UNEMPLOYMENT INSURANCE ACT

Miscellaneous Amendments; Final Rule

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board amends Part 250, "Reports and

Information To Be Filed by Employers" by deleting provisions relating to conduct of hearings and readopting them elsewhere in the regulations. It was determined this would result in the regulations being more easily understood.

Part 259 has been added to formalize the existing procedure followed in making determinations with respect to employer and employee status under the Railroad Retirement Act and the Railroad Unemployment Insurance Act. The procedures established provide for authority to make initial decisions and for the review and appeal of those decisions.

Part 260 has been amended to provide a procedure to be followed with respect to determinations concerning erroneous payments and the recovery or waiver of recovery of such payments. Part 260 has also been amended to make certain changes in the procedures followed by the Board's appeals referees in the handling of appeals from initial decisions.

EFFECTIVE DATE: November 14, 1978.

FOR FURTHER INFORMATION CONTACT:

R. F. Butler, Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312-751-4920.

In accordance with the Board's procedure as established to implement Executive Order 12044, Improving Government Regulations, the Chief Executive Officer of the Railroad Retirement Board has determined that the regulations contained in Parts 258, 259 and 260, as adopted by the Board, do not constitute "significant" regulations within the criteria established by the Board.

The title of Part 250 has been changed; §§ 250.7 through 250.16 of Part 250 have been deleted; new Parts 258 and 259 have been added, and Part 260 has been revised in its entirety as follows:

PART 250—REPORTS AND INFORMATION TO BE FILED BY EMPLOYERS

* * * * *

§§ 250.7 through 250.16 [Deleted]

PART 258—HEARINGS BEFORE THE BOARD OR DESIGNATED EXAMINERS

Sec.
258.1 Hearings.
258.2 Witnesses.
258.3 Application for witnesses.
258.4 Service of subpoenas.
258.5 Exhibits.
258.6 Procedure when examiner appointed.
258.7 Board decisions and opinions and dissenting opinions.

AUTHORITY: Sec. 10, 50 Stat. 314, as amended; 45 U.S.C. 228j, unless otherwise noted.

§ 258.1 Hearings.

(a) To such extent as may be necessary to determine (1) the employee status of any individual or group of individuals, (2) the employer status of any person, and (3) any other matter arising out of or necessary for the administration of the Railroad Unemployment Insurance Act and the Railroad Retirement Acts of 1935, 1937, and 1974, other than those matters specifically provided for in Parts 260 and 320 of this chapter, the Board may itself or through one of its members or a designated examiner, conduct hearings, require and compel the attendance of witnesses and the production of records and documents, administer oaths, take testimony, make all pertinent investigations and findings of fact, and render decisions upon such findings.

(b) Where the Board determines that an oral hearing is necessary to the determination of a matter before it, the Board shall notify all parties to the proceeding that a hearing will be conducted, and, if the hearing is to be before a single Board member or a designated examiner, the notice shall identify the member or examiner authorized to conduct the hearing. The Board or the person authorized to conduct the hearing shall fix a time and place for the holding of the hearing and shall notify all parties thereof.

§ 258.2 Witnesses.

(a) In any hearing held pursuant to the provisions of this part, witnesses may be compelled to appear, give testimony, and produce records and documents.

(b) Designation by the Board of any person as an examiner to preside at and conduct such hearings shall constitute a delegation of authority to such examiner to require and compel the attendance of witnesses and the production of records and documents, to administer oaths, and to take testimony.

§ 258.3 Application for witnesses.

(a) Any person or persons conducting a hearing pursuant to the provisions of this Part or Part 260 of this chapter may, upon such person's or persons' own motion or upon application of any party to such hearing, issue a subpoena for a witness or witnesses. An application for a subpoena shall be by affidavit filed with the person or persons conducting the hearing within such period of time as will permit service and return of a subpoena prior to the date set for the hearing at which the witness is to appear, but in no case shall such application be filed later than 10 days prior to the date of hearing. The application shall set forth:

(1) The name and address of the witness;

(2) The title of the matter to be heard, i.e., names of parties;

(3) The issue to which the testimony of the witness will be directed;

(4) The substance of the testimony which such witness is expected to give or the facts to which such witness will testify; and

(5) The specific books, papers or documents which are requested, if a subpoena duces tecum is applied for.

(b) In addition to the above, the party filing such application shall, at the time of filing, deposit therewith a sum of money sufficient to cover the fees and transportation allowance of the witness, or, in lieu thereof, shall state in the application that satisfactory arrangements have been made with the witness for the direct payment of his or her fees and transportation allowance and any other allowable expense.

§ 258.4 Service of subpoenas.

Service of subpoenas issued under § 258.3 may be made by any individual designated by the Board. Such individual shall deliver a copy of the subpoena to the person or persons named therein, and shall at that time tender to that person or persons the fees for one day's attendance and the transportation allowance authorized by law; *Provided, however,* That if the witness or witnesses be summoned to appear upon motion of the person or persons designated to conduct the hearing, no fees or transportation allowance need be tendered. Fees and transportation allowances shall be in the same amount as is allowed to witnesses in the courts of the United States. The person serving the subpoena shall make certification of the manner and time of service on the original subpoena and shall file such original subpoena with the person or persons by whom it was issued.

§ 258.5 Exhibits.

Copies of all exhibits admitted in evidence at any hearing held pursuant to the provisions of this Part shall be furnished by the party offering the same to all other parties participating in the proceedings.

§ 258.6 Procedure when examiner appointed.

(a) Where an examiner has been designated by the Board under this Part to conduct a hearing with respect to a matter before it, the examiner shall preside at the hearing and shall cause all testimony to be recorded. The examiner shall, as soon as practicable following the conclusion of the hear-

ing, mail to each party at the address stated in his or her appearance a free transcript of the record of the proceedings had before the examiner. Thereafter, the examiner shall give all parties participating in the hearing the opportunity to present argument upon both law and facts. Upon conclusion of the proceedings before him or her, the examiner shall prepare a report which, together with the record of the proceedings before him or her, shall be submitted to the Board. The report shall set forth the examiner's findings of fact, conclusions of law, and recommendations as to decision. The report may also contain such discussion of the question raised, both legal and factual, as the examiner may desire to present to the Board. A copy of the examiner's report shall be served by the examiner upon each party participating in the hearing by mailing such copy to each such party at the address stated in his or her appearance. Each party shall, within 30 days after the date of mailing to him or her of the examiner's report, file with the Board and serve upon other parties by mailing to their addresses as stated in their appearances such exceptions in writing as he or she desires to make to the examiner's findings of fact and conclusions of law. Each exception shall specifically designate the particular findings of fact or conclusions of law to which objection is taken, and shall set forth in detail the grounds for the objection. General exceptions and exceptions not specifically directed to particular findings of fact or conclusions of law will not be considered by the Board. Exceptions to findings of fact shall make specific reference by page numbers to those portions of the record upon which reliance is placed.

(b) Each party shall have 10 days after receipt of exceptions taken by other parties in which to file with the Board replies to those exceptions. Replies to exceptions to findings of fact shall make specific reference by page number to those portions of the record upon which reliance is placed.

(c) The Board may, upon the application of a party and for cause shown, extend the time for filing and serving of exceptions or filing of replies thereto. The Board will render its decision upon the record, the examiner's report, and such exceptions and replies thereto as are made.

(d) The examiner's report shall be advisory only and the Board may, in any case, exercise its right to reject or adopt the examiner's report in whole or in part or adopt such report with modifications. Findings of fact to which no exceptions are taken will, subject only to the power of the Board upon its own consideration to reject or modify, be presumed to be correct.

(e) The decision of the Board shall be communicated to the parties participating in the hearing within 30 days of the date upon which the decision of the Board is entered upon its records.

§ 258.7 Board decisions and opinions and dissenting opinions.

The following shall apply to all decisions of the Board except decisions relating to matters of internal administration:

A decision made by at least two members of the Board shall constitute the decision of the Board. The decision of the Board shall be stated in a written opinion filed in the record of the proceedings. A dissenting opinion may be stated by a member of the Board who disagrees with the decision of the Board and any such dissenting opinion shall also be filed in the record of the proceedings.

PART 259—INITIAL DETERMINATIONS AND APPEALS FROM INITIAL DETERMINATIONS WITH RESPECT TO EMPLOYER STATUS AND EMPLOYEE STATUS

Sec.

259.1 Initial determinations with respect to employer and employee status.
259.2 Parties to determinations with respect to employer and employee status.
259.3 Reconsideration of initial determinations with respect to employee or employer status.
259.4 Authority of General Counsel to conduct investigations.
259.5 Appeals to the Board from determinations made by the General Counsel on reconsideration.
259.6 Appeals from decisions of the Board.
259.7 Finality of determinations issued under this part.

AUTHORITY: Sec. 10, 50 Stat. 314, as amended; 45 U.S.C. 228j, unless otherwise noted.

§ 259.1 Initial determinations with respect to employer and employee status.

(a) The General Counsel of the Railroad Retirement Board shall make initial determinations with respect to: (1) The status of any person as an employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act and the rules and regulations issued thereunder; and (2) the status of any individual or group of individuals as an employee or employees of an employer covered under the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

(b) The authority conferred by paragraph (a)(2) of this section shall not apply with respect to determinations of employee status where such issue arises in connection with an application for benefits filed by the employee.

(c) The General Counsel shall, upon the rendition of a determination under this section, promptly notify the party or parties thereto of the determination.

§ 259.2 Parties to determinations with respect to employer and employee status.

(a) With respect to any determination under this Part concerning the status of a person as an employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, that person shall be a party to such determination and may submit written briefs or argument, as well as any documentary evidence pertinent to the matter at issue, to the decision maker to be considered in the rendition of a determination. The employees of such person may submit written briefs or argument with respect to such determination, but shall not be parties thereto.

(b) With respect to any determination under this part concerning the status of an individual or group of individuals as an employee or employees of an employer covered by the Railroad Retirement Act and the Railroad Unemployment Insurance Act, the employer alleged to be the employer of the individual or group of individuals and the individual or group of individuals shall each be considered a party to such determination and may submit written briefs or argument, and documentary evidence pertinent to the matter at issue, to the decision maker to be considered in the rendition of a determination.

§ 259.3 Reconsideration of initial determinations with respect to employee or employer status.

A party to an initial decision issued under § 259.1 shall have the right to request that the General Counsel reconsider the initial determination. A request for reconsideration shall be in writing and must be filed with the General Counsel within one year following the date on which the General Counsel issued the initial determination. Where a request for reconsideration has been timely filed with the General Counsel, the General Counsel shall notify all other parties to the initial determination of such request. The party who requested reconsideration and any other party shall have the right to submit briefs or written argument, as well as any documentary evidence pertinent to the issue under consideration. The General Counsel shall promptly notify all parties of the determination issued upon reconsideration.

§ 259.4 Authority of General Counsel to conduct investigations.

In rendering a determination under § 259.1 or § 259.3, the General Counsel

shall have the authority and the power to conduct any investigations he deems necessary. In addition, the General Counsel shall have the power to compel, by subpoena, any person, company, corporation, or other entity to produce any records or other documents pertinent to the matter under consideration.

§ 259.5 Appeals to the Board from determinations made by the General Counsel on reconsideration.

(a) A party to a decision under § 259.3 shall have the right to appeal that determination to the Board. An appeal to the Board shall be in writing and must be filed with the Secretary of the Board within one year following the date of the General Counsel's decision on reconsideration.

(b) On appeal from a determination of the General Counsel with respect to employer or employee status, the Board shall have the authority to conduct any investigations it deems necessary, including the authority to conduct a hearing with respect to the matter before it, either itself or through a member or duly designated examiner, in accordance with the procedure set out in Part 258 of this chapter.

(c) Within 30 days following the date on which it issues a decision on appeal under this part, the Board shall notify the party or parties to the proceeding of its decision.

§ 259.6 Appeals from decisions of the Board.

A party who claims to be aggrieved by a decision of the Board under this Part may obtain review of such decision by filing a petition for review in the United States court of appeals for the circuit in which the party resides or has its principal place of business or principal executive office, in the United States Court of Appeals for the Seventh Circuit, or in the United States Court of Appeals for the District of Columbia. The petition for review must be filed within 90 days following the date on which the notice of the Board's decision was mailed to that party.

§ 259.7 Finality of determinations issued under this part.

Any determination rendered by the General Counsel at the initial and reconsideration stages, and any determination rendered by the Board at the appeal stage shall be considered a final determination and shall be binding with respect to all parties thereto unless a timely request has been made for reconsideration by the General Counsel, an appeal has been filed with the Board, or an appeal has been filed with the appropriate United States court of appeals, respectively. A final determination may be challenged at the request of a party who was or could have been a party to the final determination where the party alleges that the law or the facts upon which the final determination was based have changed sufficiently to warrant a contrary determination. Such a request shall be submitted to the Board's General Counsel, who shall consider such request as a request for an initial determination under § 259.1.

PART 260—APPEALS WITHIN THE BOARD FROM DECISIONS ISSUED BY THE BUREAU OF RETIREMENT CLAIMS AND THE BUREAU OF DATA PROCESSING AND ACCOUNTS

Sec.

260.1 Initial decisions by the Bureau of Retirement Claims.
260.2 Request for waiver of recovery of an erroneous paymnent and/or for reconsideration of the erroneous payment decision.
260.3 Initial decisions by the Bureau of Data Processing and Accounts.
260.4 Appeal from an initial decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts.
260.5 Pre-hearing case review.
260.6 Final appeal from a decision of the referee.
260.7 Determination of date of filing of appeal.

AUTHORITY: Sec. 10, 50 Stat. 314, as amended; 45 U.S.C. 228j, unless otherwise noted.

§ 260.1 Initial decisions by the Bureau of Retirement Claims.

(a) Claims shall be adjudicated and initial decisions made by the Bureau of Retirement Claims concerning:

(1) Applications for benefits under the Railroad Retirement Act;

(2) The withdrawal of an application;

(3) A change in an annuity beginning date;

(4) The termination of an annuity;

(5) The modification of the amount of an annuity or lump-sum benefit;

(6) The reinstatement of an annuity which had been terminated or modified;

(7) The existence of an erroneous payment;

(8) The recovery of the amount of an erroneous payment;

(9) The eligibility of an individual for a supplemental annuity or the amount of such supplemental annuity;

(10) Whether representative payment shall serve the best interests of an annuitant as a result of that individual's incapacity to manage his annuity payments; and

(11) Who shall be designated or continued as representative payee on behalf of an annuitant. Adjudication of a claim and the issuance of an initial decision shall be in accordance with instructions issued by the Director of the Bureau and shall be made upon the basis of evidence submitted by the claimant and evidence otherwise available.

(b) (1) A decision to recover the amount of an erroneous payment as authorized under paragraph (a)(8) of this section shall not be made, except with respect to the cases specified in paragraph (b)(2) of this section, prior to a date 30 calendar days after the date on which notice of the erroneous payment decision was sent to the beneficiary.

(2) The Director of Retirement Claims is authorized to commence recovery of the amount of an erroneous payment without regard to the restriction imposed under paragraph (b)(1) of this subsection in the following cases:

(i) Where recovery of the erroneous payment can be made by reducing the amount of an accrued retroactive benefit payable by the Board to the beneficiary; and

(ii) Where the erroneous payment can be recovered from one month's benefit, the amount of the erroneous payment is no greater than 20 percent of the beneficiary's known monthly income, and the beneficiary's combined monthly income from all known sources would, after the reduction in the railroad retirement benefit, be at least $300.00.

(c) Notice of an initial decision shall be communicated by the Bureau of Retirement Claims to the claimant in writing within 30 days after such decision is made. Such notice shall inform the claimant with respect to the reasons for the decision and of his or her right to appeal such initial determination.

(d) (1) Where an initial decision that an erroneous payment has been made to a beneficiary under paragraph (a)(7) of this section, the notice of decision shall, except with respect to those decisions enumerated in paragraph (d)(2) of this section, include in addition to the information required under paragraph (c) of this section, a statement notifying the beneficiary of the possibility of waiver of recovery of the erroneous payment and of the conditions which must be met before waiver of recovery could be granted. The notice shall state that the beneficiary may, within 30 calendar days from the date of the issuance of the notice, file with the Board a request for waiver of recovery of the erroneous payment and/or for reconsideration of the erroneous payment decision. The notice shall state that the beneficiary may, if he or she elects, be afforded the opportunity for an infor-

mal oral hearing on the issues of waiver of recovery and/or reconsideration of the erroneous payment decision. Except in those cases enumerated in paragraph (b)(2) of this section, the beneficiary shall be further informed that if no request for waiver or reconsideration is received within 30 days, an initial decision to recover the amount of the erroneous payment will be made under paragraph (a)(8) of this section.

(2) The additional information required under paragraph (d)(1) of this section to be included in the notice of a decision need not be included where a decision has been made that an erroneous payment has been made to a beneficiary under the Railroad Retirement Act as a result of the individual's simultaneous entitlement to benefits under the Social Security Act and recovery of the amount of the erroneous payment may be made by reducing the amount of any accrued retroactive payment to be made by the Railroad Retirement Board.

§ 260.2 Request for waiver of recovery of an erroneous payment and/or for reconsideration of the erroneous payment decision.

(a) A beneficiary who has been determined to have received an erroneous payment under paragraph (a)(7) of § 260.1 shall have the right, upon the filing of a timely request in accordance with the requirements of this section and § 260.1, to request waiver of recovery of the erroneous payment and/or reconsideration of the erroneous payment decision. The beneficiary shall, except in those cases enumerated in subdivisions (i) and (ii) of § 260.1(b)(2), have the right to an informal oral hearing prior to commencement of recovery on the issues of waiver of recovery and/or reconsideration of the erroneous payment decision before an employee designated to conduct the hearing.

(b) A request for waiver of recovery and/or reconsideration of an erroneous payment decision and for an oral hearing under this section shall be in writing, and addressed to the district office of the Board set forth in the initial decision letter or to the Director of Retirement Claims. The beneficiary shall state in the request whether he or she elects to have an oral hearing. If the beneficiary does not elect to have an oral hearing with respect to his or her request for waiver of recovery or for reconsideration of the erroneous payment decision, he or she may, along with the request, submit any evidence and argument which he or she would like to present in support of his or her case.

(c) Except with respect to the cases enumerated in subdivisions (i) and (ii) of § 260.1(b)(2), the Director of Retirement Claims shall, upon receipt of a timely request for waiver or reconsideration under this section, postpone the commencement of recovery of the amount of the erroneous payment until a decision on waiver of recovery is rendered and notice of such decision is mailed to the claimant.

(d) Upon receipt of a timely request for an oral hearing under this section, the Director of Retirement Claims or his or her delegee shall promptly arrange for the selection of a Board employee to conduct a hearing in the case. The employee designated to conduct a hearing under this section shall not have had any prior involvement with the initial erroneous payment decision and shall conduct the hearing in a fair and impartial manner. The employee designated to conduct a hearing under this section shall promptly schedule a time and place for the hearing and promptly notify the beneficiary of such.

(e) The beneficiary shall upon request have the opportunity to review, prior to the hearing, his or her claim folder and all documents pertinent to the issues raised. A hearing conducted under this section shall be informal. At the hearing the beneficiary shall be afforded the following rights:

(1) To present his or case orally and to submit evidence, whether through witnesses or documents;

(2) To cross-examine adverse witnesses who appear at the hearing; and

(3) To be represented by counsel or other person.

(f) Upon completion of the hearing, the employee who conducted the hearing shall prepare a summary of the case including a statement of the facts, the employee's findings of fact and law, and a recommended decision. The summary of the case shall then be submitted to the Director of Retirement Claims.

(g) The Director of Retirement Claims shall render a decision with respect to the beneficiary's request for reconsideration of the initial erroneous payment determination and/or waiver of recovery, and shall promptly notify the claimant of that decision. If the Director of Retirement Claims renders a decision adverse to the beneficiary, he or she shall further notify the beneficiary of the basis for such determination and that the beneficiary may appeal the decision to the Bureau of Hearings and Appeals, as provided in § 260.4.

(h) The fact that a beneficiary may have notified the Board with respect to the method by which he or she would choose to have the recovery made, or the fact that such beneficiary may have actually tendered to the Board a portion or all of the amount of the erroneous payment, shall in no way operate to prejudice his or her right to request reconsideration of the initial erroneous payment determination or to request waiver of recovery.

§ 260.3 Initial decisions by the Bureau of Data Processing and Accounts.

In response to a timely request by an employee for an amendment with respect to the amount of compensation credited to the employee by the Board under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, the Director of Data Processing and Accounts shall promptly make a determination with respect to such matter. Notice of such decision shall be communicated by the Director of Data Processing and Accounts to the employee in writing within 30 days after such decision is made. For purposes of this section, a timely request to amend an employee's record of compensation maintained under the Railroad Retirement Act shall be filed within four years after the date on which the return of compensation was required to be made to the Board by the employee's employer. For purposes of this section, a timely request to amend an employee's record of compensation maintained under the Railroad Unemployment Insurance Act shall be filed within 18 months after the date on which the last return of compensation was required to be made covering any portion of the calendar year which includes the period during which the challenged payment was made.

§ 260.4 Appeal from an initial decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts.

(a) Every claimant shall have a right to appeal to the Bureau of Hearings and Appeals from any initial decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts by which he or she claims to be aggrieved: *Provided, however,* That (1) an individual under age 18 shall not have the right to appeal a finding of incapacity to manage his or her annuity payments, but shall have the right to contest the finding that he or she is, in fact, under age 18; (2) an individual who has been adjudged legally incompetent shall not have the right to appeal a finding of incapacity to manage his or her annuity payments, but shall have the right to contest the fact of his or her having been adjudged legally incompetent; and (3) an individual shall not have the right to appeal a denial of his or her application to serve as representative payee on behalf of an annuitant.

(b) Appeal from an initial decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts shall be made by filing the form prescribed by the Board for such

purpose. Such appeals must be filed with the Bureau of Hearings and Appeals within one year from the date upon which notice of the initial decision is mailed to the claimant.

(c) The right to further review of an initial decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts shall be forfeited unless formal appeals is filed in the manner and within the time prescribed in this Part.

(d) Within a reasonable time after the claimant has filed a proper appeal, the Director of Hearings and Appeals shall appoint a referee to act on the appeal. The Director of Hearings and Appeals may, if the Bureau of Hearings and Appeals' caseload dictates, appoint a qualified Board employee, other than a referee assigned to the Bureau of Hearings and Appeals, to act as referee with respect to a case. Such referee shall not have any interest in the parties or in the outcome of the proceedings, shall not have directly participated in the initial decision from which the appeal is made, and shall not have any other interest in the manner which might prevent a fair and impartial decision.

(e) In the development of appeals, the referee shall have the power to hold hearings, require and compel the attendance of witnesses by subpoena or otherwise in accordance with the procedures set forth in Part 258 of this chapter, administer oaths, rule on motions, take testimony, and make all necessary investigations.

(f) The appellant, or his or her representative, shall be afforded full opportunity to present evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses; and to present argument in support of the appeal. If, in the judgment of the referee, evidence not offered by the appellant is available and is relevant and material to the merits of the claim, the referee may obtain such evidence upon his or her own initiative. If new evidence is obtained by the referee subsequent to an oral hearing, the referee shall notify the appellant or his or her representative that such evidence was obtained and shall describe the nature of the evidence in question. In such event, the appellant shall have the right to submit rebuttal evidence or argument or to an oral hearing to confront and challenge such new evidence. The referee shall protect the record against scandal, impertinence and irrelevancies, but the technical rules of evidence shall not apply.

(g) Where the referee finds that no factual issues are presented by an appeal, and the only issues raised by the appellant are issues concerning the application or interpretation of law, the appellant or his or her representative shall be afforded full opportunity to submit written argument in support of the claim but no oral hearing shall be held.

(h)(1) In any case in which an oral hearing is to be held pursuant to the provisions of this section, the referee shall schedule a time and a place for the conduct of the hearing and shall promptly notify the party or parties to the proceeding by mail as to said time and place for the hearing. The notice shall also include a statement of the specific issues involved in the case.

(2) A party to the proceeding may object to the time and place of the hearing or as to the stated issues to be resolved by filing a written notice of objection with the referee. The notice of objection shall clearly set forth the matter objected to and the reasons for such objection, and, if the matter objected to is the time and place of the hearing, said notice shall further state that party's choice as to the time and place for the hearing. Said notice of objection shall be filed at the earliest practicable time, but in no event shall said notice be filed later than five business days prior to the date of the hearing.

(3) The referee shall rule on any objection timely filed by a party under this subsection and shall notify the party of his or her ruling thereon. The referee may for good cause shown, or upon his or her own motion, reschedule the time and/or place of the hearing. The referee also may limit or expand the issues to be resolved at the hearing.

(4) If neither a party nor his or her representative appears at the time and place scheduled for the hearing, that party shall be deemed to have waived his or her right to an oral hearing, unless said party either filed with the referee a notice of objection showing good cause why the hearing should have been rescheduled, which notice was timely filed but not ruled upon, or, within 10 days following the date on which the hearing was scheduled, said party filed with the referee a motion to reschedule the hearing showing good cause why neither the party nor his or her representative appeared at the hearing and further showing good cause as to why said party failed to file at the prescribed time any notice of objection to the time and place of the hearing.

(5) If the referee finds either that a notice of objection was timely filed showing good cause to reschedule the hearing, or that the party has within 10 days following the date of the hearing filed a motion showing good cause for failure to appear and to file a notice of objection, the referee shall reschedule the hearing. If the referee finds that the hearing shall not be rescheduled, he or she shall so notify the party in writing.

(i) All evidence presented by the appellant and all evidence developed by the referee shall be preserved. Such evidence, together with a record of the arguments, oral or written, and the file previously created in the adjudication of the claim, shall constitute the record on appeal. After an appeal is filed, the compilation of the record shall be initiated by the inclusion therein of the file created in the adjudication of the claim; the compilation of the record shall be kept up to date by the prompt addition thereto of all parts of the record subsequently developed. The entire record shall be available for examination by the appellant or his or her representative at any time during the pendency of the appeal.

(j) Except where the referee has determined that additional evidence not offered by the appellant at or prior to the hearing is available, the record shall be closed as of the conclusion of the hearing. The appellant may move for an extension of time to submit evidence and the referee may grant the motion upon a showing of good cause for failure to have submitted the evidence earlier. The extension shall be for a period not exceeding 30 days.

(k) Upon completion of the record, the referee shall render a decision thereon as soon as practicable. Such decision shall be communicated to the appellant in writing within 30 days after the making thereof.

§ 260.5 Pre-hearing case review.

(a) The referee assigned to a case may, prior to an oral hearing, upon his or her own motion, refer the case back to the bureau of the Board which issued the initial decision for the purpose of reconsideration of that decision, where the referee finds that (1) additional evidence pertinent to the resolution of the issues on appeal was submitted by the appellant at the time the appeal was filed, or subsequent thereto; or (2) additional evidence pertinent to the resolution of the issues on appeal is available and should be procured; or (3) there is some other indication in the record that the initial decision may be revised in a manner favorable to the appellant.

(b) Where the referee finds that referral of a case back to the bureau which issued the initial decision for the purpose of reconsideration of that decision would be warranted, the referee shall give that bureau the reason for such referral, together with specific directions as to the handling of the case on reconsideration.

(c) The bureau to which a case is referred shall promptly undertake any additional development required, and shall make a determination as to

whether the initial determination may be revised in whole or in part in a manner favorable to the appellant. Upon issuance of its determination, the bureau in question shall return the case along with a copy of its decision to the referee.

(d) Where the bureau to which a case is referred determines to revise its initial decision in whole or in part, that bureau shall notify the appellant of such determination. If the revised determination is wholly favorable to the appellant, he or she shall be notified that the appeal to the Bureau of Hearings and Appeals will be dismissed by the referee assigned to the case. If the revised decision is partially favorable to the appellant, the notice shall inform the appellant that the referee will proceed with the portion of the appellant's case not revised in his or her favor, unless the appellant should request dismissal of the appeal.

(e) The fact that a case on appeal has been referred back to the bureau which issued the initial decision in the case shall not delay the conduct of a hearing scheduled with respect to the appeal, unless the appellant agrees to a delay. If it appears that the bureau to which a case has been referred will not have completed its reconsideration of the case prior to the date of a scheduled hearing on an appeal and the appellant has not agreed to a delay in the conduct of the hearing, the referee shall proceed with the hearing and the handling of the case as though the case had not been referred back to the bureau.

§ 260.6 Final appeal from a decision of the referee.

(a) Every appellant shall have a right to a final appeal to the Railroad Retirement Board from any decision of a referee by which he or she claims to be aggrieved.

(b) Final appeal from a decision of a referee shall be made by the execution and filing of the final appeal form prescribed by the Board. Such appeal must be filed with the Board within four months from the date upon which notice of the decision is mailed to the appellant at the address furnished by him or her.

(c) The right to further review of a decision of a referee shall be forfeited unless formal final appeal is filed in the manner and within the time prescribed in this Part.

(d) Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however,* That, if upon final appeal to the Board, the Board finds that new or better evidence is available, the Board may obtain such evidence, in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *Provided further,* That in the event that pursuant to the preceding proviso, material evidence is developed which tends to show facts contrary to those found by the referee, or in the event that the appellant shows that he is ready to present further material evidence, which for good reason he was not able to present to the referee, the claim may be referred back to the referee. Thereupon, the referee shall develop new or better evidence if available, receive such new evidence as may be offered, include a transcript of all such evidence in the record, and transmit the entire record to the Board together with his or her recommendation to the Board for final decision.

(e) The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. Further argument will not be permitted except upon a showing by the appellant that he or she has arguments to present which for valid reasons he or she was unable to present at an earlier stage or in cases in which the Board requests further elaboration of the appellant's arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length and time as the Board may indicate to the appellant.

(f) The Board may, on its own motion, review or cause to be reviewed any decision issued by a subordinate official or employee under this Part.

§ 260.7 Determination of date of filing of appeal.

In determining whether an appeal has been made in accordance with the regulations in this part, the date of filing a duly executed appeal form prescribed by the Board shall be the date of its receipt at an office of the Board or the date of delivery for the purpose of transmission to the Board's main office in Chicago, Illinois, to any field agent specifically authorized by a regional director to receive custody thereof in the district where delivery is made, whichever date is earlier.

Dated: November 28, 1978.

By authority of the Board.

R. F. BUTLER,
Secretary of the Board.

[FR Doc. 78-33895 Filed 12-4-78; 8:45 am]

[4510-26-M]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Cotton Dust; Corrections

AGENCY: The Occupational Safety and Health Administration, Department of Labor.

ACTION: Final Rule; corrections.

SUMMARY: This notice announces a further correction to the cotton dust standard which appeared in the FEDERAL REGISTER on June 23, 1978 (43 FR 27350).

EFFECTIVE DATE: November 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gail Brinkerhoff, Office of Compliance Programs, OSHA Third Street and Constitution Avenue, NW., Room N-3112, Washington, D.C. 20210, telephone: (202) 523-8034.

SUPPLEMENTARY INFORMATION: On June 23, 1978, an occupational safety and health standard for exposure to cotton dust, with an accompanying explanation, was published in the FEDERAL REGISTER (43 FR 27350, FR Doc. 78-17232) as 29 CFR 1910.1043. There were a number of minor typographical errors and inadvertent omissions in the June 23, 1978 document. On June 30, 1978, a document was published (43 FR 28473), correcting some of the errors and omissions which were in the Cotton dust Standard and Appendices portion of the June 23, 1978 document. On August 8, 1978, another document correcting errors and omissions in the preamble to the Cotton Dust Standard, and a few errors remaining in the standard and appendices of the June 23, 1978 document appeared in the FEDERAL REGISTER at 43 FR 35032. This present document corrects the Cotton Dust Standard by adding a provision which appeared originally in Appendix C of the proposed standard but was inadvertently omitted from the final standard. Accordingly, FR Doc 78-17232 appearing at 43 FR 27350, is corrected as follows: Page 27397, column 1, section(h)(2), (iii) line 8 insert, "The predicted FEV_1 and FVC for blacks shall be multiplied by 0.85 to adjust for ethnic differences."

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911).

Signed at Washington, D.C., November 29, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-33784 Filed 12-4-78; 8:45 am]

[4510-26-M]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Occupational Exposure to Cotton Dust in Cotton Gins; Corrections

AGENCY: The Occupational Safety and Health Administration, Department of Labor.

ACTION: Final Rule; corrections.

SUMMARY: This notice announces a further correction to the cotton dust in cotton gins standard which appeared in the FEDERAL REGISTER on June 23, 1978 (43 FR 27418).

EFFECTIVE DATE: November 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gail Brinkerhoff, Office of Compliance Programs, OSHA Third Street and Constitution Avenue, N.W., Room N-3112, Washington, D.C. 20210, telephone: (202) 523-8034.

SUPPLEMENTARY INFORMATION: On June 23, 1978, an occupational safety and health standard for exposure to cotton dust in cotton gins, with an accompanying explanation, was published in the FEDERAL REGISTER (43 FR 27350, FR Doc. 78-17233) as 29 CFR 1910.1046. There were a number of minor typographical errors and inadvertent omissions in the document. On June 30, 1978, a document was published (43 FR 28474) which corrected a number of errors and omissions in the standard and appendices. On August 8, 1978, another document correcting errors and omissions in the preamble to the Cotton Dust in Cotton Gins standard, and remaining errors in the standard and appendices of the June 23, 1978 document appeared in the FEDERAL REGISTER at 43 FR 35035. This present document corrects the Cotton Dust in cotton gins standard (43 FR 35032) by adding a provision which appeared originally in Appendix C of the proposed cotton dust standard but was inadvertently omitted from the final standard. Accordingly, FR Doc. 78-17233 appearing at 43 FR 27418, is corrected as follows:

Page 27435, column 2, section (h)(2), (iii) line 8 insert, "The predicted FEV, and FVC for blacks shall be multiplied by 0.85 to adjust for ethnic differences."

(Secs. 6,8,84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order 8-76 (41 FR 25059); 29 CFR Part 1911.)

Signed at Washington, D.C., this 29th day of November 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-33785 Filed 12-4-78; 8:45 am]

[7708-01-M]

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2610—INTERIM REGULATION ON VALUATION OF PLAN BENEFITS

Amendment Adopting Additional PBGC Rates

Correction

In FR Doc. 78-33197 appearing at page 55240 in the issue for Monday, November 27, 1978, make the following corrections:

(1) On page 55240, in the third column, under the heading, SUPPLEMENTARY INFORMATION, in the 20th line, substitute the word "be" for the word "the".

(2) Also on page 55240, in the third column, under the heading, SUPPLEMENTARY INFORMATION, in the last paragraph, in the 9th line through the 10th line, insert the word "the" between the words "compared" and "low".

[4510-43-M]

Title 30—Mineral Resources

CHAPTER I—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS — UNDERGROUND COAL MINES

Use of Filter-Type and Self-Contained Self-Rescuers in Underground Coal Mines

Correction

In FR Doc. 78-32685 appearing at page 54241 in the issue for Tuesday, November 21, 1978, make the following correction: On page 54246, in the first column, in § 75.1714(b), in the 3rd line, insert the words, "goes underground, the operator" between the words, "operator" and "shall".

[3810-70-M]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER R—CHARTERS

[DoD Directive 5105.40]

PART 360—DEFENSE MAPPING AGENCY

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule—DoD Charter Directive 5105.40.[1]

SUMMARY: The Secretary of Defense has assigned functions and responsibilities to the Director, Defense Mapping Agency (DMA), and has delegated specific authorities. This Directive serves as the instrument that authorizes the Director, DMA, to carry out the charter.

EFFECTIVE DATE: August 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur H. Ehlers, Director for Organizational & Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), telephone 202-695-4278.

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

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120; attention Code 301.

the Administration Conference of the United States.

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

NOVEMBER 29, 1978.

Accordingly, 32 CFR, Chapter I, is amended by adding a new Part 360, reading as follows:

Sec.
360.1 Purpose.
360.2 Mission.
360.3 Organization and management.
360.4 Responsibilities and functions.
360.5 Authority.
360.6 Relationships.
360.7 Administration.
360.8 Delegation of authority.

AUTHORITY: The provisions of this Part 360 are issued under 10 U.S.C. Chapter 4.

§ 360.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, United States Code, this Part establishes the Defense Mapping Agency (hereinafter referred to as "DMA") with responsibilities, functions, authorities, and relationships as outlined below.

§ 360.2 Mission.

DMA shall provide support to the Secretary of Defense, the Military Departments, the Joint Chiefs of Staff, and other DoD components, as appropriate, on matters concerning mapping, charting and geodesy (hereinafter referred to as "MC&G").

§ 360.3 Organization and management.

DMA is established as a separate agency of the Department of Defense under the direction, authority, and control of the Under Secretary of Defense for Research and Engineering (hereinafter referred to as "U/S Def R&E"). DMA shall consist of a Director and such subordinate organizational elements as are established by the Director within resources authorized by the Secretary of Defense.

§ 360.4 Responsibilities and functions.

(a) The *Director, DMA,* shall:

(1) Organize, direct, and manage the DMA and all resources assigned to DMA.

(2) Serve as Program Manager and coordinator of all DOD MC&G resources and activities. This includes review of the execution of all DOD plans, programs, and policies for MC&G activities not assigned to DMA.

(3) Provide staff advice and assistance on MC&G matters to the Office of the Secretary of Defense, the Military Departments, the Joint Chiefs of Staff, other DOD components, and other Government agencies, as appropriate.

(4) Develop MC&G guidance for the Department of Defense. Review Military Department program and fiscal documents as related to MC&G matters and recommend appropriate actions to the Secretary of Defense.

(5) In support of the Joint Chiefs of Staff, review MC&G requirements and priorities; develop a consolidated statement of MC&G requirements and priorities.

(6) Insure responsive support to the MC&G requirements of the Military Departments and the Unified and Specified Commands.

(7) Establish policies and provide DOD participation in national and international MC&G activities in coordination with the Assistant Secretary of Defense (International Security Affairs); execute DOD responsibilities under interagency and international MC&G agreements.

(8) Establish and/or consolidate DOD MC&G data collection requirements and provide them to the U/S Def R&E and the Deputy Under Secretary of Defense (Policy). The latter official shall verify and set priorities for such requirements. Collect or task other DOD components to collect and provide necessary data.

(9) Establish DOD MC&G RDT&E requirements in coordination with the U/S Def R&E and the Deputy Under Secretary of Defense (Policy). Task other DOD components or private contractors to accomplish such requirements.

(10) Carry out the statutory responsibilities assigned under U.S.C. Title 10, Chapter 639, Sections 7391, 7392, 7393, 7394 for providing nautical charts and marine navigation data for the use of all vessels of the United States and of navigators generally, and the responsibilities assigned under U.S.C. Title 44, Chapter 13, Section 1336 for the printing of notices to mariners and other publications.

(b) The *Deputy Under Secretary of Defense (Policy)* shall provide guidance on matters of MC&G policy, requirements, and priorities.

(c) The *Secretaries of the Military Departments* and the *Commanders of Unified and Specified Commands* shall:

(1) Develop and submit to DMA their MC&G requirements and priorities.

(2) Provide support, within their respective fields of responsibilities, to the Director, DMA, as required to carry out the assigned mission of the Agency.

(3) Assess the responsiveness of the DMA to their operational needs.

(d) The *Joint Chiefs of Staff* shall:

(1) Advise the Secretary of Defense on MC&G requirements and priorities.

(2) Provide guidance to the DMA and the Unified and Specified Commands which will serve as the basis for interrelationships between these organizations.

(3) Obtain the advice and recommendations from the Director, DMA, on matters within his areas of responsibility.

§ 360.5 Authority.

The Director, DMA, is specifically delegated authority to:

(a) Command the Defense Mapping Agency.

(b) Task DOD components directly to accomplish MC&G RDT&E and data collection requirements as established by DMA and verified by the Deputy Under Secretary of Defense (Policy).

(c) Have free and direct access to, and direct communications with, all elements of the DOD and other executive departments and agencies, as necessary.

(d) Obtain such reports, information, advice and assistance from other DOD components of DOD Directive 5000.19,[1] as may be necessary for the performance of assigned functions and responsibilities.

(e) Establish DMA facilities, using appropriate established facilities and services in the DOD or other Government agencies whenever practicable to achieve maximum efficiency and economy.

(f) Exercise the administrative authorities contained in enclosure 1 of this Directive.

§ 360.6 Relationships.

(a) In the performance of his functions, the Director, DMA, shall:

(1) Be responsible to the Joint Chiefs of Staff for operational matters within their cognizance, as well as requirements associated with the Joint Planning process. For these purposes the Chairman of the Joint Chiefs of Staff is authorized to task and communicate with the DMA directly.

(2) Maintain appropriate liaison with other DOD components and other agencies of the Executive Branch for the exchange of information on programs in the field of assigned responsibilities.

(3) Make use of established facilities and services in the DOD or other Governmental agencies whenever practicable to achieve maximum efficiency and economy.

(4) Insure that the Joint Chiefs of Staff, the Military Departments, and appropriate OSD staff elements are kept fully informed concerning DMA activities of substantive concern to them.

(b) The Military Departments and other DOD components shall:

(1) Provide assistance within their respective fields of responsibility to the Director, DMA, in carrying out his assigned responsibilities and functions.

(2) Coordinate with DMA all programs and activities which include or are related to MC&G.

§ 360.7 Administration.

(a) The Director, DMA, shall be appointed by the Secretary of Defense.

(b) The Deputy Director will be selected by the U/S Def R&E when a military officer on recommendation by the Joint Chiefs of Staff.

(c) DMA will be authorized such personnel, facilities, funds and other administrative support as the Secretary of Defense deems necessary.

(d) The Military Departments will assign military personnel to DMA in accordance with approved authorizations and procedures for assignment to joint duty. The Joint Chiefs of Staff will review and provide recommendations on the DMA joint manpower program to the U/S Def R&E, as appropriate, for those functions where DMA is responsive to the Joint Chiefs of Staff.

§ 360.8 Delegations of authority.

Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority, and control, and in accordance with DoD policies, directives, and instructions, the Director, DMA, or in the absence of the Director the person acting for him, is hereby delegated authority as required in the administration and operation of DMA to:

(a) Exercise the powers vested in the Secretary of Defense by 5 USC 301, 302(b) and 3101 pertaining to the employment, direction and general administration of DMA civilian personnel.

(b) Fix rates of pay for wage board employees exempted from Civil Service classification by 5 USC 5102(c)(7) on the basis of prevailing rates for comparable jobs in the locality where each installation is located.

(c) Establish advisory committees and employ part-time advisers, as approved by the Secretary of Defense for the performance of DMA functions pursuant to the provisions of 10 USC 173, 5 USC 3109(b), the Federal Advisory Committee Act, and the Agreement between the Department of Defense (DoD) and the Civil Service Commission on employment of experts and consultants, dated March 14, 1975.

(d) Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of 5 USC 2903, and designate in writing, as may be necessary, officers and employees of DMA to perform this function.

(e) Establish a DMA Incentive Awards Board and pay cash awards to, and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments or other personal efforts, including special acts or services, benefit or affect DMA or its subordinate activities in accordance with the provisions of 5 USC 4503 and Civil Service Regulations.

(f) In accordance with the provisions of 5 USC 7532; Executive Order 10450, dated April 27, 1953, as amended; and 32 CFR § 156.

(1) Designate any position in DMA as a "sensitive" position;

(2) Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Agency for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not terminate the services of an employee in the interest of national security in positions within DMA.

(g) Clear DMA personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8,[1] "Policy on Investigation and Clearance of DoD Personnel for Access to Classified Defense Information," February 15, 1962 and of Executive Order 11652, dated March 8, 1972, as amended.

(h) Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under Section 3122 of the Internal Revenue Code of 1954 and Section 205(p)(1) and (2) of the Social Security Act, as amended (42 USC 405(p) (1) and (2)) with respect to DMA employees.

(i) Authorize and approve overtime work for DMA civilian officers and employees in accordance with the provisions of the Federal Personnel Manual Supplement 990-1, section 550.111.

(j) Authorize and approve:

(1) Travel for DMA civilian officers and employees in accordance with Joint Travel Regulations, Volume 2, DoD Civilian Personnel;

(2) Temporary duty travel only for military personnel assigned or detailed to DMA in accordance with Joint Travel Regulations, Volume 1, Members of Uniformed Services; and

(3) Invitational travel to persons serving without compensation whose consultive, advisory or other highly specialized technical services are required in a capacity that is directly related to, or in connection with DMA activities, pursuant to the provisions of 5 USC 5703.

(k) Approve the expenditure of funds available for travel by military personnel assigned or detailed to DMA for expenses incident to attendance at meetings of technical, scientific, professional or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (37 USC 412). This authority cannot be redelegated.

(l) Develop, establish and maintain an active and continuing Records Management Program, pursuant to the provisions of Section 506(b) of the Federal Records Act of 1950 (44 USC 3102), the Freedom of Information Act Program (5 USC 552) and the Privacy Act Program (5 USC 522a).

(m) Establish and use Imprest Funds for making small purchases of material and services other than personal for DMA when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 5100.71,[1] "Delegation of Authority and Regulations Relating to Cash Held at Personal Risk Including Imprest Funds," March 4, 1973 and the Joint Regulation of the General Services Administration/Treasury Department/General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

(n) Authorize the publication of advertisements, notices or proposals in newspapers, magazines or other public periodicals as required for the effective administration and operation of DMA (44 USC 3702).

(o) Establish and maintain appropriate Property Accounts for DMA and appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DMA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

(p) Promulgate the necessary security regulations for the protection of property and places under the jursdiction of the Director, DMA, pursuant to subsections III.A. and V.B. of DoD Directive 5200.8,[1] "Authority of Military Commanders under the Internal Security Act of 1950 to Issue Security Orders and Regulations for the Protection of Property or Places under Their Command," August 20, 1954.

(q) Establish and maintain, for the functions assigned, an appropriate

publications system for the promulgation of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1,[1] "Department of Defense Directive System," November 18, 1977.

(r) Enter into interservice support agreements in accordance with DoD Directive 4000.19,[1] "Basic Policies and Principles for Interservice, Interdepartmental and Interagency Support," March 27, 1972.

(s) Enter into logistic supply and service agreements with Federal departments and agencies other than the DoD.

(t) Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus personal property.

(u) Enter into and administer contracts, directly or through a Military Department, a DoD contract administration service component, or other Government department or agency, as appropriate, for supplies, equipment and services required to accomplish the mission of DMA. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority will be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

(v) Sell maps, charts, and related products to the public as governed by the provisions of OMB Circular A-25 and U.S.C. Title 10, Chapter 639, Section 7394.

(w) Authorize the release of classified DoD MC&G products to foreign nationals within DoD disclosure policies.

[FR Doc. 78-33889 Filed 12-4-78; 8:45 am]

[6730-01-M]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16, Amdt. 27]

PART 502—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments

AGENCY: Federal Maritime Commission.

ACTION: Final rules.

SUMMARY: The rules of practice and procedure are amended to require a showing of exceptional circumstances in support of requests for enlargement of time to file pleadings and other documents in Commission proceedings. The rules are also amended to permit postponement of hearing dates only if necessary to prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party. These changes are needed to eliminate routine requests for extensions of time and postponements of hearings which have caused unnecessary delay in Commission proceedings. The effect will be to save time in the conduct of agency proceedings and to encourage greater diligence on the part of litigating parties.

EFFECTIVE DATE: December 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, 202-523-5740.

SUPPLEMENTARY INFORMATION: During the past several years the Commission has been revising its rules of practice and procedure for the purpose of reducing the time of litigation and bringing its proceedings to conclusion as promptly as possible consistent with the requirements of due process of law. Most recently the Commission has established stricter standards with regard to extensions of time for the filing of exceptions and replies to exceptions to initial decisions issued by Administrative Law Judges by amending Rule 228, 46 CFR 502.228, to specify that requests for such extensions of time "will be granted only exceptional circumstances duly demonstrated in the request." See General Order 16, Amendment 24, 43 FR 33721, August 1, 1978.

The Commission believes that Rule 102, 46 CFR 502.102, which governs enlargements of time for the filing of all other pleadings and documents does not adequately serve to prevent the occurrence of undue delay during other phases of its proceedings. Rule 102 presently permits the granting of motions for enlargements of time "upon a showing of diligence and good cause on the part of the moving party, except where the time for compliance has been fixed by statute." It has been the Commission's experience that the standard quoted in this rule has not promoted diligence, but has, in fact, often had the opposite result, by permitting a variety of routine excuses such as travel, press of other business, vacations, and like events to support requests for additional time. The Commission believes that excuses such as the foregoing are commonplace and predictable. Diligent parties should anticipate them and prepare for them so that proceedings in which these parties are involved do not suffer needless delay merely because parties do not bother to plan ahead.

For the foregoing reasons, the Commission has determined to amend Rule 102 by adopting the standard recently enunciated in Rule 228, as amended, namely, "exceptional circumstances duly demonstrated in the request." This amendment will not only make the two rules consistent, but should encourage parties to exercise greater care in meeting procedural deadlines by placing them on notice that routine, often recurring events, will no longer suffice to justify the delay which would result if extensions of time were permitted.

Another rule which requires amendment is Rule 104, 46 CFR 502.104, governing the postponement of hearings. Although the Commission, elsewhere in its rules, prohibits postponements of hearing dates unless necessary to "prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party" (Rule 61, 46 CFR 502.61), Rule 104 permits postponements of hearings merely "upon a showing of diligence and good cause on the part of the moving party." This, of course, is the same standard as that which the Commission is deleting from Rule 102, as discussed above, and is inconsistent with the standard enunciated in Rule 61. Therefore, the Commission is amending Rule 104 to conform in this respect.

Therefore, pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) and 5 U.S.C. 553, Part 502 of Title 46 CFR is amended as follows:

§ 502.102 [Amended]

1. Section 502.102 is amended by deleting the second sentence and substituting therefor the following sentence: * * * Such motions will be granted only under exceptional circumstances duly demonstrated in the request. * * *

§ 502.104 [Amended]

2. Section 502.104 is amended by deleting the second sentence and substituting therefor the following sentence: * * * Such motions will be granted only if found necessary to prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party. * * *

Effective date. Notice, opportunity to comment on these amendments and delayed effective date are not necessary because the amendments involve agency procedures. The amendments shall be effective December 5, 1978.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-33884 Filed 12-4-78; 8:45 am]

[6712-01-M]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[SS Docket No. 78-9; FCC 78-814]

PART 87—AVIATION SERVICES

Permitting the Authorization of an Additional Aeronautical Advisory Station at a Landing Area To Separate Helicopter and Fixed-wing Aircraft Communications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action terminates the proceeding and amends the rules to permit the authorization of an additional Aeronautical Advisory station at an airport. This additional station is needed because of the increase in aviation activity at some airports, and the resultant increase in radio traffic. Presently, both frequencies must be handled through use of only one station. The second station may only be used for the separation of fixed-wing and helicopter activities. Applicants must justify the need and also provide certification that safety will not be affected.

EFFECTIVE DATE: January 8, 1979.

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

FOR FURTHER INFORMATION CONTACT:

John E. Jacobs, Safety and Special Radio Services Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: November 21, 1978.

Released: November 29, 1978.

In the matter of amendment of Part 87 of the FCC rules and regulations to permit the authorization of an additional Aeronautical Advisory Station at a landing area to separate helicopter and fixed-wing aircraft communications, SS Docket No. 78-9.

1. On its own motion, the Commission released a Notice of Proposed Rule Making (NPRM) in the subject matter on January 23, 1978. The Notice was published in the FEDERAL REGISTER on January 25, 1978 (43 FR 3408). The time for comments and reply comments has passed.

2. In our NPRM, we proposed to amend the Rules to permit the authorization of a second aeronautical advisory (Unicom) station at a landing area to separate helicopter and fixed-wing aircraft operations. A Unicom station is one authorized to provide information "limited to the necessities of safe and expeditious operation of private aircraft * * *." This normally consists of airport information (services available, etc.) and, where permitted, wind, weather and runway conditions. They do not provide air traffic control at the airport.

3. In the interests of safety our rules now only permit one Unicom station to be established at any one landing area. Different frequencies are available for airports primarily serving fixed-wing aircraft and for heliports. Where conditions warrant, we permit an established station to add a second frequency for separation of these two operations. However, the use of two frequencies has been limited to one station. This has created some problems in today's environment. Many airports have grown considerably in physical size to accommodate the increase in aviation activity. In addition, the use of helicopters has grown at a rate greater than that of fixed-wing aircraft. At a number of airports, the corresponding increase in radio traffic and the requirement that both frequencies must be operated from the same station has worked a hardship on Unicom licensees. This is particularly true when the two types of operations are widely separated at the larger landing areas.

4. To relieve this situation, we proposed to amend the rules to permit the installation of a second Unicom station at a landing area to separate these two functions. Rather than require that the separate helicopter and fixed-wing frequencies be operated by one licensee from one station, we proposed to allow a second physical installation where the circumstances would warrant and where safety would permit.

5. Comments favoring the proposal were received from Chief, Program Management Staff, Federal Aviation Administration (FAA), Air Transport Association of America (ATA), the Aircraft Owners and Pilots Association (AOPA), the Central Committee on Telecommunications of the American Petroleum Institute (Central Committee), Jess C. Lester, M.D. and the Chesapeake and Potomac Airways, Inc. There were no comments opposing the proposal. No reply comments were received.

6. The Central Committee fully supports the Commission's proposal, citing their own members' extensive use of helicopters in oil and gas exploration. They specifically pointed out the fact that although two frequencies are now available, communications must be handled by one operator, and either type of traffic (fixed-wing on helicopter) may receive less than adequate service. They feel that establishment of a second station where justified * * * "will permit added flexibility in meeting the communications requirements of helicopters and fixed-wing aircraft and will consequently contribute substantially to the efficient operation of landing areas serving both types of traffic." They stressed, however, that adequate need for such a second station must be demonstrated.

7. The ATA agrees with our proposal with reservation. They are quite naturally, concerned with a second Unicom's impact on safety. They point out that separation of the facilities is not the only factor to be considered and that the operational flight paths of the various aircraft are not addressed in the proposal. They further state that they do not agree with the comment in the NPRM that assignment of separate frequencies for fixed- and rotary-wing operations will provide more efficient use of the radio spectrum. Additionally, they recommend that the FAA make the determination as to the safety of establishing a second station.

8. The FAA agreed with the proposal and offered two comments. They feel that (1) information on airport conditions should only be available from one station and (2) that the FAA should have responsibility for determining whether authorization of a second station will introduce a safety hazard and that this be an integral part of the application process.

9. Dr. Jess C. Lester and the Chesapeake and Potomac Airways, Inc. both agreed with the proposal and pointed out congested communications conditions in some areas today. The AOPA also agreed with the proposal but recommended that the FAA determine the safety aspects involved.

10. In the matter of the determination of safety, we fully agree with the commenters who suggest that the FAA make such a determination. As indicated in the NPRM, it is not our intention to authorize a second station per se. We said that any applicant for the additional station must show conclusively that the radio traffic on the existing Unicom station is such that authorization of an additional station will relieve the congestion and, further, that the available facilities serving the two types of aircraft are separated to the point that the proximity of the stations will not present an interference or a safety problem. The burden is on the applicant to adequately show that these conditions are met. The Commission has neither the manpower nor the special expertise necessary to make judgments on safety of flight at airports. For this we must rely on the FAA.

11. The ATA commented that the operational flight paths of the various aircraft must be considered but were not addressed in the proposal. However, we see no need for such a discussion. Since we would require that the applicant show proof to the Commission and the FAA that the helicopter and fixed-wing operations are sufficiently separated, this matter would be addressed in this manner.

12. With regard to ATA's feeling that the assignment of an additional frequency is not efficient use of the spectrum, that is not the subject of the rulemaking. Rule § 87.253 now permits the assignment of a second frequency for separation of helicopter and fixed-wing aircraft *upon showing of need.* In this matter, we are merely discussing the authorization of a second station to use the second frequency already available. There is no intent to change the requirements for assignment of additional frequencies.

13. We have not established any safety criteria which must be met to determine the feasibility of installing a second station. It is safe to say that no two airports are alike in this respect. In addition, any such determination would be beyond the scope of the Commission's authority and expertise. We have discussed this with appropriate offices of the FAA and they feel that the FAA Regional Director of the area in which the airport is located is more qualified to make any such judgment. Accordingly, we will require that any applicant for a second Unicom first clear his proposal with the FAA.

14. The FAA raised the question of aeronautical advisory information being given from two Unicom stations. The information with which they are concerned is that pertaining to the conditions of runways, wind conditions or weather information. We normally only permit this information to be given by the Unicoms at airports not having a control tower or FAA flight service station, or, where these stations exist, only during the hours they are closed down. Although we now permit two frequencies, they are both authorized at one station, so the problem does not exist. However, with two separate installations possible, we can appreciate the FAA's concern. Accordingly we will amend Rule § 87.257 to limit the transmission of this information from one station only. The second station's communications will be limited to those matters concerned with the operations of the aircraft such as fuel, service, dispatching.

15. As discussed and proposed in the NPRM, we are amending Rule § 87.251 to permit the authorization of a second aeronautical advisory station for the specific purpose of separating the helicopter and fixed-wing communications where a need is determined. Applicants for such a second station must demonstrate that (1) a second frequency is necessary for this purpose because of congestion on a one-frequency operation and (2) that installation of a second station will be sufficiently separated from the existing station that a safety hazard will not be introduced. In connection with the safety aspect of the application, we will require that the applicant obtain a letter from the Regional Director of the appropriate FAA Regional Office approving the station from a safety standpoint and submit this with his or her application.

16. As proposed in the NPRM, we will also amend § 87.253(b) to permit the authorization of a second frequency where and in the manner presently permitted when a second physical installation cannot be justified.

17. Additionally, we will amend § 87.257(d) by adding subparagraph (5) limiting the communications permitted on the second station.

18. Regarding questions on matters covered in this document contact J. E. Jacobs, telephone 202-632-7197.

19. *Accordingly, it is ordered,* That Part 87 of the rules is amended as indicated below effective January 8, 1979. Authority for these amendments is contained in Sections 4(i), 303(b), (d), (f) and (r) of the Communications Act of 1934 as amended.

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

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

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87—AVIATION SERVICES

1. In § 87.251 paragraph (a) is amended, new paragraphs (b) and (c) are added to read as follows: And present paragraphs (b), (c), (d), and (e) are redesignated as paragraphs (d), (e), (f) and (g) to read as follows:

§ 87.251 Special conditions.

(a) Except as provided in paragraphs (b) and (c) of this section, only one aeronautical advisory station may be authorized to operate at a landing area.

(b) Where the Commission has good cause to believe that an existing station has been abandoned or ceased operation, another station may be authorized to provide service at the landing area on an interim basis while the original station is not operating and pending final determination of the status of the original station.

(c) Upon showing of need, an additional aeronautical advisory station may be authorized at a landing area for the specific purpose of separating the communications pertaining to helicopters and fixed-wing aircraft. Such showing shall clearly demonstrate to the Commission the need for the additional station and why the anticipated communications cannot be accommodated from one station. Further, it shall be clearly demonstrated that the facilities for helicopters and fixed-wing aircraft are sufficiently separated physically at the landing area that operation of both types of aircraft at the same time will no introduce a safety hazard. Any application for a second station shall be accompanied by a statement from the Regional Director of the FAA Regional Office serving the area certifying that a safety hazard will not exist.

* * * * *

2. In § 87.253 paragraphs (a)(3) and (b) are amended to read as follows:

§ 87.253 Frequency assignment.

(a) * * *

* * * * *

(3) Landing area that is used (i) exclusively as a heliport or (ii) for helicopters when a second station is justified pursuant to § 87.251(c); 123.050 or 123.075 MHz.

(b) Upon a showing of need, and where a second station has not been justified in accordance with § 87.251(c), stations authorized to operate on 123.050 or 123.075 MHz also may be assigned 122.700, 122.800 or 123.000 MHz for communications primarily with fixed-wing aircraft, and stations authorized use of 122.700, 122.800, 122.950 or 123.000 MHz may also be assigned 123.050 or 123.075 MHz for communications primarily with helicopters.

* * * * *

3. In § 87.257 paragraph (d)(5) is added to read as follows:

§ 87.257 Scope of Service.

(d) * * *

* * * * *

(5) Where a second station is authorized in accordance with § 87.251(c), communications from the second station are limited to that purpose for which the application is made (e.g., helicopter or fixed-wing). Communications pertaining to airport conditions (runway, wind, weather), where permitted, will be confined to the first

station authorized at the landing area or as designated on the license.

* * * * *

[FR Doc. 78-33864 Filed 12-4-78; 8:45 am]

[4910-22-M]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[BMCS Docket No. MC-85, Amdt. No. 78-3]

PART 301—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES OF THE FEDERAL HIGHWAY ADMINISTRATION

PART 391—QUALIFICATION OF DRIVERS

Physical Qualifications and Examination

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this action is to streamline the processing of applications for waiver of certain physical requirements for drivers in interstate or foreign commerce under § 391.49. By revising § 301.60 to decentralize authority for issuing waivers to Regional Federal Highway Administrators, delays can be eliminated. Other minor procedural changes in § 391.49 simplify the issues and improve the program.

EFFECTIVE DATE: November 30, 1978.

ADDRESSES: BMCS Docket Number MC-85, Bureau of Motor Carrier Safety, Federal Highway Administration, Room 3402, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Gerald Davis, Chief, Driver Requirements Branch, Bureau of Motor Carrier Safety, 202-426-1700, or Mr. Gerald Tierney, Attorney, Office of the Chief Counsel, 202-426-0346, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours 7:45 a.m. to 4:15 p.m. ET., Monday through Friday.

SUPPLEMENTARY INFORMATION: Issuance of waivers to handicapped drivers from certain physical requirements was established in 1964. The minimum physical requirements for drivers are contained in § 391.41. Procedural requirements to apply for waivers and the criteria for analysis of waiver applications are contained in § 391.49. Authority for issuing waivers is included in § 301.60. The following changes are designed to facilitate processing of applications, clarify the rules and improve the program.

The physical requirements for drivers do not change. However, language is included in § 391.41(b)(2), to assist medical examiners in reviewing and reaching decisions about driver physical qualifications. The medical examiner must determine whether the amputation or other impairment interferes with the task of operating a motor vehicle and whether a waiver is necessary. Section 391.43, Medical Examination; certificate of physical examination, is being amended to require a statement on the medical certificate that the driver is unqualified unless it is accompanied by a waiver.

Section 391.49, Waiver of Certain Physical Defects, is being amended to incorporate formally in the letter of application the needed documentary information. This information had been required at a later stage during the course of review of the application. Introduction of this information at an earlier time, as a formal part of the letter of application, will place no burden on the waiver applicant and will eliminate delays that occurred in the past. These documents are: (1) A description of the type of prosthetic or orthotic device worn, if any; (2) Photographs of the impaired or amputated area with and without the prosthetic or orthotic device; (3) A copy of the waiver of certain physical defects issued by the State in which the driver resides; and (4) A copy of the applicant's State Motor Vehicle Driving Record for the past 3 years in each State where the applicant has obtained a drivers license or permit.

Section 391.49(d)(1) is being amended to reduce the number of medical (physical) examinations required under this section. The applicant will submit with the letter of application only one copy of the examination form and the medical certificate already required by § 391.43, and a medical evaluation summary from a physiatrist or orthopedic surgeon. The requirement for this medical evaluation summary from this medical specialist should add no burden since that specialty is normally already utilized in evaluating amputees and other impairment cases. If the medical specialist elects to perform the required medical (physical) examination, sign the medical certificate and submit the required medical evaluation summary, there is no need for another medical examiner.

Section 391.49(j) is being included to discourage the submission of false information in the letter of application for a waiver. Falsification of information is grounds for waiver denial.

Section 301.60(d)(2) is amended to decentralize authority to issue waivers from the Washington Office to the Regional Administrators of the Federal Highway Administration. This will eliminate most of the paperwork exchange between Regions and the Washington Office associated with the administration of this program.

These amendments concern practice and procedure regarding a program established in 1964 to assist handicapped persons. They transfer administration of the program to the respective regional offices of the Federal Highway Administration. Thus, notice and comment are unnecessary.

The Federal Motor Carrier Safety Regulations are amended as follows:

(1) 49 CFR 391.41(b)(2) is revised as follows:

§ 391.41 Physical qualifications for drivers.

(a) * * *

(b) A person is physically qualified to drive a motor vehicle if that person—

(1) * * *

(2) Has no impairment of:

(i) A hand or finger which interferes with prehension or power grasping; or

(ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or has been granted a waiver pursuant to § 391.49.

* * * * *

(2) 49 CFR 391.43(e) is revised to add the following at the end of the present rule:

§ 391.43 Medical examination; certificate of physical examination.

* * * If a medical examiner determines a waiver is necessary under § 391.49, the following statement shall appear on the medical examiner's certificate; "medically unqualified unless accompanied by a waiver."

(3) 49 CFR 391.49 is revised to read:

§ 391.49 Waiver of certain physical defects.

(a) A person who is not physically qualified to drive under § 391.41(b) (1) or (2) and who is otherwise qualifed to drive a motor vehicle, may drive a motor vehicle, other than a motor vehicle which transports passengers or a motor vehicle which must be placarded or marked in accordance with

§ 177.823 of this Title 49 (relating to placards or markings upon vehicles which transport hazardous materials), if the Regional Federal Highway Administrator has granted a waiver to that person.

(b) A letter of application for a waiver must be submitted jointly by the person who seeks a waiver of the physical disqualification (driver applicant) and by the motor carrier that will employ the driver applicant if the application is granted. The application must be addressed to the Regional Federal Highway Administrator in the region in which the motor carrier applicant's principal place of business is located. The address for each regional office is listed in Section 390.40.

(c) A letter of application for a waiver shall contain—

(1) Identification of Applicants:

(i) Name of motor carrier applicant;

(ii) Street address of motor carrier applicant (number and street, or rural route, or P.O., City, State, and zip code);

(iii) Name of driver applicant;

(iv) Street address of driver applicant (number and street, or rural route, or P.O., City, State, and zip code); and

(v) Federal Highway Administration Motor Carrier Identification Number, if known.

(2) Description of Type of Operation Driver will be Employed to Perform:

(i) State(s) in which driver will operate for carrier applicant (if more than 10 States, give general area only);

(ii) Average period of time driver will be driving per day, while on duty;

(iii) Type of commodities or cargo to be transported;

(iv) Type of driver operation (sleeper-team, relay, owner operator, etc.); and

(v) Number of years experience in operating the type of vehicle(s) requested in the letter of application and total years of experience driving all types of motor vehicles.

(3) Description of vehicle(s) driver applicant intends to drive:

(i) Truck or truck-tractor make, model, and year (if known);

(ii) Drive train

(A) Transmission type, manual, or automatic, and number of speeds;

(B) Auxiliary transmission (if any), number of speeds;

(C) Variable speed rear axle (if any), number of speeds;

(iii) Type of brake system;

(iv) Steering, manual or power;

(v) Description of type of trailer(s), such as, van, flatbed, tank, drop frame, lowboy, or pole;

(vi) Number of semitrailers or trailers;

(vii) Description of any vehicle modification(s) made for the driver applicant; attach photograph(s) where applicable.

(4) Signature of applicants;

(i) Driver applicant's signature and date signed;

(ii) Motor carrier official's signature, title and date signed. Dependent upon the motor carrier's organizational form (corporation, partnership, or proprietorship) this signator to the application shall be an officer, partner, or proprietor.

(d) The letter of application for a waiver shall be accompanied by—

(1) A copy of the medical examination made pursuant to § 391.43;

(2) A copy of the medical certificate made pursuant to § 391.43(e);

(3) A medical evaluation summary conducted by either a board qualified or board certified physiatrist (doctor of physical medicine) or orthopedic surgeon, selected or agreed to by the motor carrier;

(i) The motor carrier shall provide the physiatrist or orthopedic surgeon a description of the job tasks the driver applicant is required to perform;

(ii) If the medical evaluation summary applies to a driver applicant disqualified under § 391.41(b)(1), the summary shall include an assessment of the driver's functional capabilities as they relate to the driver's ability to perform normal tasks associated with operating a motor vehicle; or

(iii) If the medical evaluation summary applies to a driver applicant disqualified under § 391.41(b)(2), the summary shall include an explanation as to how and why the impaired area interferes with the driver's ability to perform normal tasks associated with operating a motor vehicle;

(4) A description of the driver applicant's prosthetic or orthotic device worn, if any;

(5) Photographs of the driver applicant's impaired or amputated area both with and without the prosthetic or orthotic device worn, if any;

(6) A copy of the driver applicant's road test administered by the motor carrier applicant and the certificate issued pursuant to § 391.31; (b) through (g).

(7) A copy of the driver applicant's application for employment made pursuant to § 391.21;

(8) A copy of the driver applicant's waiver of certain physical defects issued by the individual State(s), where applicable; and

(9) A copy of the driver applicant's State Motor Vehicle Driving Record for the past 3 years in each State where a motor vehicle driver's license or permit has been obtained.

(e) Agreements:

(1) In applying for the waiver the driver and the motor carrier both agree to the following:

(i) The motor carrier will promptly file with the Regional Administrator such documents and information as may be required (within 30 days); about driving activities, accidents, arrests, license suspensions, revocations, or withdrawals, and convictions which involve the driver applicant;

(ii) The waiver only authorizes the driver applicant to operate in interstate or foreign commerce when the driver is employed by the motor carrier that joined in the application and when the driver is in compliance with the conditions specified in the waiver.

(f) The Regional Administrator, may require the driver applicant to demonstrate the driver's ability to safely operate a motor vehicle(s) the driver intends to drive in interstate or foreign commerce.

(g) The Regional Administrator, may deny the application or may grant it in whole or in part and issue a waiver subject to such terms, conditions, and limitations as deemed consistent with safety and the public interest. A waiver is valid for a period not exceeding 2 years, and it may be renewed 30 days prior to the expiration date, upon proper application and approval.

(1) The waiver renewal application shall be submitted to the Regional Administrator and contain the following:

(i) Name and address of carrier;

(ii) Name and address of driver;

(iii) Effective date of current waiver;

(iv) Expiration date of current waiver;

(v) Total miles driven under current waiver agreement;

(vi) Number of accidents under current waiver, including date of accident(s), number of fatalities, number of injuries, and amount of property damage;

(vii) A current medical examination and medical evaluation summary pursuant to § 391.49(d);

(viii) Copy of driver's current State Motor Vehicle Driving Record for the period the current waiver has been in effect;

(ix) Notification of any change in the type of vehicle the driver will operate and/or the scope of operation he/she will perform;

(x) Driver's signature and date signed, and

(xi) Motor carrier official's signature and date signed.

(h) If the Regional Administrator grants a waiver, the applicants will be notified by letter, which sets forth the terms, conditions, and limitations of the waiver. The motor carrier shall retain a copy of the waiver in its files for 3 years from the date it was issued. The driver applicant shall have the waiver (or a ligible copy) in his/her possession whenever on duty.

(i) The Regional Administrator may revoke a waiver after the persons to whom it was issued are given notice of the proposed revocation and a reasonable opportunity to be heard.

(j) Falsifying information in the letter of application or the renewal application by the driver applicant or motor carrier applicant is prohibited.

§ 301.60 [Amended]

(4) 49 CFR 301.60(d)(2) is amended to add subdivision

* * * * *

(iv) as follows:

(d) * * *

(2) * * *

(iv) Issue waivers pursuant to 49 CFR 391.49. This authority may be redelegated.

NOTE.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

(49 U.S.C. 304; 49 CFR 1.48)

Issued this 28th day of November 1978, in Washington, D.C.

KARL S. BOWERS,
Federal Highway Administrator.

[FR Doc. 78-33885 Filed 12-4-78; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 1; S.O. No. 1333]

PART 1033—CAR SERVICE

Illinois Terminal Railroad Co. Authorized To Operate Over Tracks of Illinois Central Gulf Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Amendment No. 1 to Service Order No. 1333.

SUMMARY: The Illinois Terminal Railroad Company is unable to operate over its line between Lincoln, Illinois, and Allentown, Illinois, because of damage to a bridge at Mackinaw, Illinois. Service Order No. 1333 authorizes the Illinois Terminal to operate over parallel trackage of the Illinois Central Gulf Railroad Company between Lincoln and Pekin, Illinois, in order to provide continued rail service for shipments routed via its line. The order is published in full volume 43 of the FEDERAL REGISTER at page 35317. Amendment No. 1 to Service Order No. 1333 extends the order until January 15, 1979.

DATES: Effective 11:59 p.m., November 30 1978. Expires 11:59 p.m., January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

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

NOVEMBER 28, 1978.

Upon further consideration of Service Order No. 1333 (43 F.R. 35317), and good cause appearing therefor:

It is ordered, That:

§ 1033.1333 *Service Order No. 1333*, Illinois Terminal Railroad Company Authorized To Operate Over Tracks of Illinois Central Gulf Railroad Company is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 15, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1978.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-33923 Filed 12-4-78; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Interlocutory Appeal

AGENCY: Federal Trade Commission.

ACTION: Final Rule.

SUMMARY: Clause (1) of Rule § 3.23(a) is modified to limit the circumstances under which an uncertified interlocutory appeal may be sought from certain rulings of the Administrative Law Judge. This change is intended to expedite discovery in adjudicative proceedings.

This modification does not affect the Commission's general authority under § 3.23(a) to review on its own motion an order issued by an Administrative Law Judge pursuant to § 3.36.

EFFECTIVE DATE: December 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert White, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3865.

Accordingly, 16 CFR Part 3, is amended to read as follows:

§ 3.23 Interlocutory appeals.

(a) *Appeals without a determination by the Administrative Law Judge.* The Commission may, in its discretion, entertain interlocutory appeals where a ruling of the Administrative Law Judge: (1) Requires the disclosure of records of the Commission or another governmental agency or the appearance of an official or employee of the Commission or another governmental agency pursuant to § 3.36, if such appeal is based solely on a claim of privilege: *Provided* The Administrative Law Judge shall stay until further order of the Commission the effctiveness of any ruling, whether or not appeal is sought, that requires the disclosure of nonpublic Commission minutes, Commissioner circulations, or similar documents prepared by the Commission, individual Commissioner, or the Office of the General Counsel; (2) suspends an attorney from participation in a particular proceeding pursuant to § 3.42(d); or (3) grants or denies an application for intervention pursuant to the provisions of § 3.14. Appeal from such rulings may be sought by filing with the Commission an application for review, not to exceed fifteen (15) pages exclusive of

those attachments required below, within five (5) days after notice of the Administrative Law Judge's ruling. Answer thereto may be filed within five (5) days after service of the application for review. The application for review should specify the person or party taking the appeal; should attach the ruling or part thereof from which appeal is being taken and any other portions of the record on which the moving party relies and should specify under which provisions hereof review is being sought. The Commission upon its own motion may enter an order staying the return date of an order issued by the Administrative Law Judge pursuant to § 3.36 or placing the matter on the Commission's docket for review. Any order placing the matter on the Commission's docket for review will set forth the scope of the review and the issues which will be considered and will make provision for the filing of briefs if deemed appropriate by the Commission.

* * * * *

(15 U.S.C. 46(g))

By direction of the Commission dated November 9, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-34033 Filed 12-4-78; 8:45 am]

[6750-01-M]

PART 4—MISCELLANEOUS RULES

Service of Documents in Commission Proceedings

AGENCY: Federal Trade Commission.

ACTION: Amendment and Correction of Rule.

SUMMARY: The Federal Trade Commission is amending § 4.4 of its rules of practice, 16 CFR 4.4, to provide for service by the Commission of subpoenas, orders to file annual and special reports, and other specified documents, in any manner reasonably certain to inform the affected person. The Commission is also correcting an error in § 4.4(c)(2), 16 CFR 4.4(c)(2).

EFFECTIVE DATE: December 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur W. Adelberg, Esquire, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 4.4 of the Federal Trade Commission's rules of practice currently provides for service by the Commission of subpoenas, orders requiring access, orders requiring the filing of annual or special reports, complaints, initial decisions and final orders of the Commission by three specified methods. The amended rule permits service of orders and notices other than complaints, initial decisions, final orders and other processes of the Commission under Section 5 of the FTC Act, 15 U.S.C. 45, in any manner reasonably certain to inform the affected person, partnership, corporation or unincorporated association, including the three currently specified methods.

Section 4.4(c)(2) incorrectly refers to representatives of parties who have "filed a notice of appearance as required by (16 CFR) § 4.1(c)." The provision for filing a notice of appearance actually is in 16 CFR 4.1(d). Section 4.4(c)(2) is being corrected accordingly.

Accordingly, 16 CFR Part 4 is amended and corrected as follows:

By revising § 4.4(a) to read as follows:

§ 4.4 Service.

(a) *By the Commission.* (1) Service of complaints, initial decisions, final orders, and other processes of the Commission under 15 U.S.C. 45 may be effected as follows:

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

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

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

(2) All other orders and notices, including subpoenas, orders requiring access, orders to file annual and special reports, and notices of default, may be served by any method reasonably certain to inform the affected person, partnership, corporation, or unincorporated association including any method specified in paragraph (a)(1) of this section.

(3) All other documents may be served by any method specified in paragraph (a)(1) of this section, or they may be served by ordinary first-class mail.

(4) When a party has appeared in a proceeding by an attorney, service on that individual of any document pertaining to the proceeding other than a complaint shall be deemed service upon the party. However, service of those documents specified in paragraph (a)(1) of this section shall first be attempted in accordance with the provisions of paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii) of this section.

* * * * *

Section 4.4(c)(2) is corrected by changing the reference to "§ 4.1(c)" to "§ 4.1(d)."

By direction of the Commission dated November 9, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-34032 Filed 12-4-78; 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.

[6351-01-M]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Amendment of the Definition of "Proprietary Account"

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule change.

SUMMARY: The Commodity Futures Trading Commission is proposing to amend the definition of the term "proprietary account" contained in Title 17, Chapter I, Part 1, § 1.3, paragraph (y) of the Code of Federal Regulations to provide that a commodity futures account of which ten percent or more is owned by one, or an aggregate of ten percent or more is owned by more than one, of the persons listed in § 1.3(y) is a proprietary account. Under the Commission's present definition certain accounts, such as commodity pool accounts, which are even partly owned by such persons are classified as proprietary rather than customer accounts, and, as a result, such accounts are denied the benefits and protections afforded customer accounts under the Commodity Exchange Act ("Act") and the Commission's regulations under that Act. The effect of the proposed amendment would be to narrow the definition of the term "proprietary account" under § 1.3(y) and thereby increased the number of accounts which are accounts of "customers" as defined in § 1.3(k) (17 CFR 1.3(k)) of the Commission's regulations.

DATES: Comments must be received by January 10, 1979.

ADDRESS: Send comments to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

ATTENTION: Secretariat.

FOR FURTHER INFORMATION CONTACT:

Frank D. Moore, Esq., Assistant Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 632-5110.

SUPPLEMENTAL INFORMATION:

The definition of the term "proprietary account" was adopted by the Commission's predecessor, the Commodity Exchange Authority (39 FR 28618, August 9, 1974). In view of the changes which have taken place in the industry since that time and its broadened regulatory responsibilities under the Act, the Commission, in addition to requesting comments with respect to the proposed rule change described above, also requests comments concerning the desirability of further amendments to the definitions of this term and of the term "customer."

Purpose of the Proposed Rule

Under § 1.3(k) the terms "customer" or "commodity customer" refer to a customer trading in any commodity (as defined in the Commission's regulations). However, pursuant to this same section, an owner or holder of a proprietary account as defined in § 1.3(y) is not deemed to be a customer within the meaning of section 4d of the Act, the regulations that implement sections 4d and 4f of the Act, and § 1.35 of the Commission's regulations.[1] These provisions relate principally to certain requirements in four areas: (a) Registration; (b) segregation; (c) record keeping; and (d) minimum financial. In each such area (with the exception of the minimum financial requirements), certain benefits and protections are afforded to customer accounts which are not afforded to proprietary accounts. If the definition of proprietary account is narrowed to exclude those commodity accounts not significantly owned by one of the persons listed in § 1.3(y), owners of such accounts would no longer be excluded from the definition of "customer" contained in § 1.3(k) and would receive the benefits and protections which result from this classification.

Registration

Section 4d of the Act and § 1.17 of the Commission's regulations [2] basically require each person engaged in the solicitation or acceptance of orders for the purchase or sale of any commodity for future delivery, on or subject to the rules of any contract market, to register as a futures commission merchant ("FCM"). However, persons trading solely for a proprietary account within the meaning of § 1.3(y) are excluded from this registration requirement. Thus, if certain proprietary accounts were reclassified as customer accounts, persons engaged in the activities described in § 1.17, with respect to the solicitation or acceptance of orders involving commodity futures transactions for such accounts would be required to register pursuant to that section. This would mean that persons owning such reclassified accounts would benefit from the safeguards of the registration requirements with respect to the qualification and fitness of these individuals and firms.

Segregation

Section 4d(2) of the Act [3] requires FCM's to account separately for money, securities and property of their customers and, among other things, provides that such money, securities and property must not be commingled with the funds of the FCM or be used to margin or guarantee the trades or contracts, or to secure or extend the credit, of any customer other than the one for whom the same are held.

Sections 1.20 through 1.30 [4] of the Commission's regulations establish specific requirements with respect to such customer money, securities and property. On the other hand, money, securities, or property in proprietary accounts need not be treated in accordance with these requirements; therefore, the reclassification of accounts from proprietary accounts to customer accounts, as described above, would have the effect of extending the protections of these requirements to the persons owning such reclassified accounts.

Record Keeping

The Commission's recordkeeping rules, §§ 1.31 through 1.39,[5] require FCM's to maintain certain records with respect to the accounts of their customers which, with some exceptions, FCM's are not required to keep for proprietary accounts. For example,

[1] 7 U.S.C. 6d and 6f (1976) as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865 *et seq.*, and 17 CFR 1.35.

[2] 7 U.S.C. 6d (1976) as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865 *et seq.*; and 17 CFR 1.17.

[3] 7 U.S.C. 6d. (1976) as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865 *et seq.*

[4] 17 CFR 1.20-1.30.

[5] 17 CFR 1.31-1.39.

§ 1.33 requires the FCM, subject to certain qualifications, to send a monthly statement to each of its customers; and § 1.35 relates to the recording and receipt of customer orders. Thus, the owners of accounts reclassified as customer accounts by virtue of the proposed amendment to the definition of "proprietary account," would be afforded the additional protections of the Commission's recordkeeping rules.

MINIMUM FINANCIAL REGULATIONS

Accounts currently classified as proprietary are subject to the requirements of § 1.17(c)(5)(ix) of the Commission's regulations,[6] which, among other things, requires a safety factor charge to the capital of the FCM for non-customer accounts to the extent that such accounts are under-margined in excess of two business days. Accounts reclassified as above, would become subject to the requirements of § 1.17(c)(5)(vii)[7] which requires a safety factor charge for under-margined customer futures accounts to the extent of the amount of funds required in each such account to meet the maintenance margin requirements after application of calls for margin or other required deposits which are outstanding five business days or less until December 31, 1980, four business days or less until December 31, 1982, and three business days or less thereafter. Thus, the proposed rule change and concomitant reclassification of accounts, will permit a somewhat longer time period with the which FCM's may collect amounts due in relasssified, under-margined accounts without incurring a safety factor charge to their capital. Therefore, the proposal has the potential for permitting slightly increased financial risks to firms. The Commission believes, nonetheless, that this factor is outweighed by the benefits of extending the protections described above to an increased number of accounts.

ADDITIONAL QUESTIONS CONCERNING THE DEFINITIONS OF "CUSTOMER" AND "PROPRIETARY ACCOUNT"

In addition to the proposed rule change described above, the Commission is actively considering the need for further changes in the definitions of "customer" and "proprietary account." Further, the Commission is considering the appropriateness of new regulations in certain related areas. The Commission recognizes that there are a substantial number of issues relating to these two areas of consideration. One of the most difficult of these issues is the relationship between two fundamental objectives of the Act, that is, the desirability of, on the one hand, extending customer protections (in the areas described above) to the maximum number of market participants while, on the other hand, maintaining existing levels of protection for those individuals who are presently classified as customers.

An example of the significant interplay between these two objectives is as follows.

The current definition of customer in § 1.3(k) of the Commission's regulations specifically *excludes* for certain purposes, (including the segregation requirements) an owner or joint owner of a proprietary account as defined in § 1.3(y). Pursuant to § 1.3(y) the definition of proprietary account *includes* those accounts which are owned or to any degree partly owned by (among others) an FCM, a general or limited partner or specified employee of an FCM, an owner of ten percent or more of the stock of an incorporated FCM, or a spouse or minor dependent living in the same household of any of the foregoing.[8] If, for example, the two terms were redefined to provide that an account owned to any degree by a customer (as defined in § 1.3(k)) be treated as the account of a customer for all purposes under the Act and regulations, the funds of such account would receive the benefits of the segregation reguirements.

While this step would increase the funds in segregation, it could also increase the risk to the presently segregated funds. This could be true because to the extent the reclassified accounts were owned by individuals, such as those listed in § 1.3(y), with an ownership or controlling interest in the FCM ("proprietary persons") or with access to the firm's records and controls of customer accounts, such persons could, in many cases with relative ease, cause the firm not to call for margin when such accounts were under-margined. If this situation is allowed to continue until the account goes into deficit (and the FCM does not place its own funds in the account to cover the deficit), this would mean that the equity of customers would be utilized to "carry" the under-margined joint accounts.[9]

In light of the complexity of these issues, as illustrated by the example above, the Commission invites interested persons to submit any data, views or arguments which they believe would assist the Commission in determining whether to make further proposals in the above areas. In addition, the Commission specifically invites comments in response to the following related questions:

1. Does § 1.3(y) adequately and accurately categorize the types of individuals whose ownership of an account should cause that account to be classified as a proprietary account; and particularly,

a. Should the accounts of certain employees (such as associated persons) with no proprietary interest in the firm be considered proprietary accounts; and

b. Should the Commission retain permanently the numerical criterion (10 per cent ownership by one of the persons listed in § 1.3(y)) as proposed on an interim basis as the sole standard in categorizing a joint account as either customer or proprietary or would a different percentage figure or a combination of some percentage figure and other indicia of ownership be more appropriate in making such determinations? If a different percentage or other standards are suggested, what should they be and why should they be used?

2. Is it appropriate, consistent with section 4d(2) of the Act, to continue to permit any person listed in regulation 1.3(y) to own an account jointly with customers of an FMC or should the use of all such accounts be viewed as commingling (as prohibited by section 4d(2))?

3. Is it appropriate to exclude any customer funds from the benefits afforded such funds by the Act and the regulations even if they are held jointly in an account with a person having a controlling or ownership interest in the FCM? Would the customer funds held in segregation accounts be subjected to significantly greater risk if the funds of such jointly owned accounts were placed in these accounts?

4. As an alternative to placing the funds of jointly owned accounts (as described in questions 2 and 3) in the customer segregated funds account, would it be preferable to place them in a second separate segregated account? This approach could give these jointly-owned accounts the benefit of segregation without jeopardizing the other customers' funds in segregation. (Some of the accounts of those persons currently classified as proprietary, such as associated persons, been employed in the past, and, when it is done, the practice can place an entire firm in financial jeopardy and subject customers to the risk of financial loss.

[6] Reference is to § 1.17 as recently amended by the Commission. *See* the Commission's release dated September 1, 1978 (43 FR 39956, September 8, 1978). The effective date of amended section 1.17 is December 20, 1978, and the Commission does not expect that the amendment to § 1.3(y), which is proposed in the instant release, will become effective prior to that date.

[7] *Id.*

[8] The proposed amendment to § 1.3(y) would, of course, provide for the classification of accounts which are less than ten percent owned by one of these persons as the accounts of customers.

[9] Based upon the experience of the Commission and its predecessor, the Commodity Exchange Authority, this practice, which is prohibited by § 1.22 of the Commission's regulations (17 CFR 1.22), has nonetheless

might also be included in this separate segregated account.) What would be the additional costs and benefits of establishing and maintaining such an account—including record keeping, accounting and clearing costs?

5. One of the major reasons for the reluctance to include more accounts within the definition of customer is the fear that the FCM will not collect the proper margin from these accounts; allow them to go into deficit; and use the funds of other customers to "carry" these accounts. Could this probem be ameliorated by requiring all omnibus and clearing house accounts to be margined on a gross basis by the clearing broker?

STATUTORY BASIS FOR THE PROPOSED RULE

In proposing this rule, the Commission is acting pursuant to the authority contained in the Act and particularly sections 4d, 4f, 4g, and 8a of the Act (7 U.S.C. § 6d, 6f, 6g, and 12a (1976) as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, 92 Stat. 865 *et seq.*).

In consideration of the foregoing, the Commission hereby proposes to amend Title 17, Chapter I, Part 1 of the Code of Federal Regulations, by revising § 1.3(y) as follows (► ◄ arrows indicate additions, [ ] brackets indicate deletions):

§ 1.3 Definitions.

* * * * *

(y) *Proprietary account.* This term shall mean a commodity futures trading account carried on the books and records of an individual, a partnership, corporation or other type association, (1) for one of the following persons, or (2) [which is partially or jointly] ►of which ten per cent or more◄ is owned by one of the following persons ►or an aggregate of ten per cent or more of which is owned by more than one of the following persons:◄

(i) Such individual himself, or such partnership, corporation or association itself;

(ii) In the case of a partnership, a general partner in such partnership;

(iii) In the case of a limited partnership, a limited or special partner in such partnership whose duties include:

(A) The management of the partnership business or any part thereof,

(B) The handling of trades and/or funds of customers of such partnership,

(C) The keeping of records pertaining to trades and/or funds of customers of such partnership, or

(D) The signing or co-signing of checks or drafts on behalf of such partnership;

(iv) In the case of a corporation or association, an officer, director or owner of ten percent or more of the capital stock, of such organization;

(v) An employee of such individual, partnership, corporation or association whose duties include;

(A) The management of the business of such individual, partnership, corporation or association or any part thereof,

(B) The handling of trades and/or funds of customers of such individual, partnership, corporation or association,

(C) The keeping of records pertaining to trades and/or funds of customers of such individual, partnership, corporation or association, or

(D) The signing or co-signing of checks or drafts on behalf of such individual, partnership, corporation or association;

(vi) A spouse or minor dependent living in the same household of any of the foregoing persons;

(vii) A business affiliate that directly or indirectly controls such individual, partnership, corporation or association;

(viii) A business affiliate that, directly or indirectly is controlled by or is under common control with, such individual, partnership, corporation or association.

Provided, however, That an account owned by any shareholder or member of a cooperative association of producers, within the meaning of Sections 5(e) and 6(a) of the Act, which association is registered as a futures commission merchant and carries such account on its records, shall be deemed to be a customer's account and not a proprietary account of such association, unless the shareholder or member is an officer, director or manager of the association.

Issued in Washington, D.C., on November 29, 1978, by the Commission.

GARY L. SEEVERS,
Acting Chairman, Commodity Futures Trading Commission.

[FR Doc. 78-33842 Filed 12-4-78; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 74 and 81]

[Docket No. 78C-0216]

ORANGE B

Termination of listing

Correction

In FR Doc. 78-27427 appearing at page 45611 in the issue for Tuesday, October 3, 1978, make the following corrections:

(1) On page 45612, in the middle column, under the Heading "CHEMISTRY", in the first paragraph, in the 4th line through the 5th line, "5-bydroxypyrazolone" should read "5-hydroxyphrazolone".

(2) On page 45612, in the middle column, under the heading "CHEMISTRY", in the middle column, in the first paragraph, in the 8th line, "producted" should read "produced".

[4110-03-M]

[21 CFR Part 310]

[Docket No. 78N-0383]

ESTROGENS TO TREAT POSTPARTUM BREAST ENGORGEMENT

Proposed Requirements for Patient Labeling

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the regulation requiring patient labeling for prescription estrogenic drug products to delete provisions pertaining to the use of estrogen for prevention of breast engorgement. This proposal is issued in conjunction with the publication of a notice by the agency proposing to withdraw approval of new drug applications for estrogen-containing drugs that are labeled for use to treat postpartum breast engorgement. The proposed actions are prompted by several studies that indicate an unfavorable benefit-to-risk ratio for estrogen use in the prevention of breast engorgement.

DATES: Comments by January 4, 1979. Proposed effective date of the final rule based on this proposal is 120 days after the date of publication of the final rule in the FEDERAL REGISTER.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: The final patient labeling regulation for prescription estrogenic drug products (§ 310.515 (21 CFR 310.515)) was published in the FEDERAL REGISTER of July 22, 1977 (42 FR 37636). A guide-

line patient labeling text deemed to meet the requirements of the regulation was published in the same issue of the FEDERAL REGISTER (42 FR 37645). Section 310.515 (21 CFR 310.515) specifies the kind of information to be contained in the labeling and the manner by which it is to be made available to the patient. Among other requirements, the regulation provides that the labeling for each estrogenic drug product restricted to prescription use must contain a statement regarding the proper uses of estrogens, including their use in the prevention of breast engorgement, and must mention the limited usefulness of estrogen for this purpose.

A recent review of the pertinent scientific literature has called into question both the safety and effectiveness of estrogens used to prevent breast engorgement. The review, which was presented to the Food and Drug Administration (FDA) Obstetrics and Gynecology Advisory Committee on January 31, 1978, suggested that the effectiveness of estrogens in treating breast engorgement was of a limited and short-term nature. Moreover, the review indicated that significant risks of thromboembolism and thrombophlebitis are posed for the patient when estrogens are used for this purpose. Based on the review, the Advisory Committee concluded that available evidence does not support the safety and effectiveness of estrogens for the treatment of postpartum breast engorgement and recommended that the indication be removed from estrogen drug product labeling.

Having considered the evidence presented to the Advisory Committee as well as the Committee's recommendation, the Director of the Bureau of Drugs has proposed, in a notice published in the FEDERAL REGISTER of October 24, 1978 (43 FR 49564), to withdraw approval of new drug applications (NDA's) providing for the use of estrogens in treating postpartum breast engorgement. That notice also announced an opportunity for a hearing regarding the proposed order, and it described in detail the scope and content of the review that has prompted the Director's action. The references supporting this proposal are listed in the Director's notice of opportunity for hearing and are on file with the Hearing Clerk, FDA, under Docket No. 78N-0280.

The Commissioner of Food and Drugs notes that the content of estrogen patient labeling is based wholly on the content of the approved physician labeling for estrogen drug products. To ensure that, if and when the physician labeling is modified, the patient labeling can be correspondingly revised, the Commissioner proposes to amend the patient labeling regulation to delete provisions pertaining to the use of estrogens for prevention of breast engorgement. This proposal will, therefore, be finalized only if the physician labeling is ultimately modified as a result of the procedures following the notice of opportunity for hearing on the NDA's for estrogenic products.

In the current estrogen patient labeling text, the use of estrogens for the treatment of breast engorgement is discussed in numbered paragraph 5 under the heading "USES OF ESTROGEN" and in the paragraph under the heading "ESTROGENS TO PREVENT SWELLING OF THE BREASTS AFTER PREGNANCY". If a final regulation is issued with respect to this proposal, these two paragraphs will be deleted from the guideline patient labeling text published in the FEDERAL REGISTER of July 22, 1977.

The Commissioner proposes to make this amendment effective 120 days after it is published as a final regulation in the FEDERAL REGISTER. On and after the effective date, no person would be permitted to initially introduce into interstate commerce or initially deliver for introduction into interstate commerce an estrogen drug product without patient labeling that complies with the requirements of this regulation.

The Commissioner has determined that this document does not contain an agency action covered by § 25.1(b) and therefore, consideration by the agency of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050-1053 as amended, 1055 (21 U.S.C. 352, 355, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 310 be amended by revising § 310.515(b)(3) to read as follows:

§ 310.515 Estrogens; labeling directed to the patient.

* * * * *

(b) * * *

(3) A statement regarding the proper use of estrogens, particularly short-term use in moderate to severe vasomotor symptoms of the menopause. It is to be stated that estrogens are not indicated for certain conditions, i.e., nervousness, preservation of supple skin, or maintenance of a youthful feeling.

* * * * *

Interested persons may, on or before January 4, 1979. Submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the major economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: November 24, 1978.

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

[FR Doc. 78-33747 Filed 12-4-78; 8:45 am]

[4510-26-M]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-100]

OCCUPATIONAL EXPOSURE TO EPICHLOROHYDRIN

Request for Information

AGENCY: Occupational Safety and health Administration, Department of Labor.

ACTION: Request for information on epichlorohydrin.

SUMMARY: This notice requests comments and information on epichlorohydrin (CAS No. 00106898) commercially synthesized from allyl chloride, allyl alcohol, dichlorohydrin-glycerine, or propylene. Epichlorohydrin is used in the manufacture of synthetic glycerine, epoxy resins, surface active agents, pharmaceuticals, insecticides, agricultural chemicals, textile chemicals, coatings, adhesives, ion-exchange resins, solvents, plasticizers, glycidy ethers, ethynyl-ethylenic alcohol and fatty acid derivatives. OSHA has received a criteria document (1) from the National Institute for Occupational Safety and Health that indicates that the present standard of 5 ppm as an 8-hour TWA, Table Z-1, 29 CFR 1910.1000 may not be sufficiently protective of exposed employees. Since then, additional information relating to animal and human carcinogenicity has become available from two separate studies. In light of the potential

cancer hazard involved, OSHA is reviewing alternatives for regulation of epichlorohydrin including the possibility of issuing an Emergency Temporary Standard.

DATE: The information requested in this notice must be submitted on or before January 19, 1979 in quadruplicate. Timely written submissions will be considered in any action taken by this agency.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket No. H-100, room S6212, U.S. Department of Labor, OSHA, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210. (202-523-7894).

FOR FURTHER INFORMATION CONTACT:

The Office of Carcinogen Standards, Room N3656, OSHA, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210, (202-523-9603 or 202-52-7193).

SUPPLEMENTARY INFORMATION: Epichlorohydrin: Recent Information Received by OSHA.

LABORATORY ANIMAL STUDIES

For over a year, Dr. Norton Nelson of the New York University Institute of Environmental Medicine has been conducting inhalation studies in rats. In a note (2) dated June 23, 1978, he described the most recent results. 140 rats were exposed to 100 ppm epichlorohydrin for 6 hours/day for 30 days with subsequent lifetime observation. Thirteen of the animals have since died of confirmed nasal cancer, as well as two others for which the pathological analysis is not yet complete. A third animal has a nasal tumor. Another group of 100 animals have been exposed to 30 ppm epichlorohydrin for 6 hours/day, 5 days/week. One animal has developed a larynx papilloma, and a nasal carcinoma in another. In contrast, Nelson has not yet observed the development of even one spontaneous nasal carcinoma in the hundreds of Sprague-Dawley rats seen in his laboratory. He concludes: "Our findings strongly suggest a potential risk to workers from exposure to epichlorohydrin."

HUMAN EPIDEMIOLOGICAL STUDIES

The second source of new information is a two-year update (July 31, 1978) of an epidemiologic study of workers exposed to epichlorohydrin at two facilities of the Shell Chemical Company (3). The data were analyzed by Dr. Philip Enterline of the University of Pittsburgh. 864 workers were identified who had been occupationally exposed to epichlorohydrin for 6 months or more, before January 1, 1966. Vital status as of December 31, 1975 was determined for all but 15 of the workers. For men who were followed for 15 years or more, and who had had moderate to heavy exposure, observed deaths were greater than expected for all cancer, respiratory cancer, leukemia and suicide, although the difference was not statistically significant (0.05 level). However, in 1976 there were three more cancer deaths bringing the total to 10. Enterline concludes that results of the two-year update strongly support the findings of the previous report and should be viewed as highly suggestive of a carcinogenic risk of epichlorohydrin for man.

BACKGROUND

Epichlorohydrin (C3 H5 Cl 0; CAS No. 000106898; 1-Chloro-2, 3-epoxy propane) is a colorless liquid at room temperature with a distinctive odor described as "ethereal", "chloroform-like", and "garlic-like". The total U.S. production of epichlorohydrin was about 550 million pounds in 1975. As estimated 58 percent of this was used in the manufacture of synthetic glycerine and 42 percent was processed to refined epichlorohydrin. Refined epichlorohydrin is used in the manufacture of epoxy resins, surface active agents, pharmaceuticals, insecticides, agricultural chemicals, textile chemicals, coatings, adhesive, ion-exchange resins, solvents, plasticizers, glycidyl esters, ethynyl-ethylenic alcohol, and fatty acid derivatives. The National Institute for Occupational Safety and Health estimates that 50,000 employees may be exposed to epichlorohydrin in the United States. Occupational exposure to epichlorohydrin is currently limited by OSHA to an 8-hour time-weighted-average of 5 ppm as found in Table Z-1 of 29 CFR 1910.1000.

INFORMATION REQUESTED ON EPICHLOROHYDRIN

The data recently received by OSHA suggests that current regulation of worker exposure to epichlorohydrin may not be sufficiently protective, and that more information in a mumber of areas is necessary before a reassessment of the hazards of epichlorohydrin exposure can be made. OSHA is therefore requesting information pertaining to epichlorohydrin, as well as any finished product containing epichlorohydrin. The requested information includes but is not limited to the following:

(1) The possibility of sterility, mutagenesis, carcinogenesis, or teratogenesis resulting from exposure to epichlorohydrin, as well as the effects of potential co-factors as related to each of these.

(2) The effects of epichlorohydrin on the skin and the appropriateness of providing complete skin protection.

(3) The effects of epichlorohydrin on the respiratory, hepatic, and renal systems at high concentrations for very short periods of time and the need for a ceiling value.

(4) The appropriateness of the current permissible exposure limit (5 ppm TWA) in providing adequate employee protection against the toxic effects of epichlorohydrin.

(5) Appropriate engineering controls work practices and personal protective equipment necessary to reduce levels of exposure to those recommended by NIOSH (0.5 parts per million parts of air by volume as a TWA with a ceiling concentration of 5 ppm parts of air by volume as determined by a sampling time of 15 minutes) and to the lowest levels feasible.

(6) Appropriate provisions for employee exposure monitoring, methods of compliance, signs and labels, medical surveillance, training, and recordkeeping.

(7) The application of recordkeeping and similar requirements to small businesses and those with highly transient work forces.

(8) The economic and technological feasibility of complying with a complete epichlorohydrin standard at the current, the NIOSH proposed level of exposure, or the lowest levels feasible.

(9) The environmental and economic impact of a complete epichlorohydrin standard at the current, the NIOSH proposed level of exposure, or the lowest levels feasible.

(10) Views on the appropriate regulatory response to the NIOSH recommendations; and

(11) Any other information pertinent in preparing an epichlorohydrin standard.

SUBMITTALS OF INFORMATION REQUESTED

Interested persons are invited to submit written data, views and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate, by *45 days*, to the Docket Officer, Docket H-100, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210 (202-523-7894). Timely written submissions will be considered in any action taken by this agency.

REFERENCES

The following documents referred to in this notice, are available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

(1) Criteria for Recommended Standard.* * * Occupational Exposure to Epichlorohydrin. U.S. Department of Health, Education and Welfare,

Center for Disease Control, National Institute for Occupational Safety and Health, September 1976.

(2) Communication from Norton Nelson of New York University Medical Center Institute of Environmental Medicine to Eula Bingham of the U.S. Department of Labor, Occupational Safety and Health Administration, dated June 23, 1978.

(3) Communication from R. E. Joyner of Shell Oil Company to Eula Bingham of the U.S. Department of Labor, Occupational Safety and Health Administration, dated August 7, 1978.

(4) Communication from Anthony Mazzocchi, Vice President of Oil, Chemical and Atomic Workers International Union to Eula Bingham of the U.S. Department of Labor, Occupational Safety and Health Administration, dated September 12, 1978.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911: Secretary of Labor's Order No. 8-76 (41 FR 25059).

Signed at Washington, D.C., this 30th day of November 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-33918 Filed 12-4-78; 8:45 am]

[4510-26-M]

[29 CFR Part 1910]

[Docket No. H-069]

OCCUPATIONAL EXPOSURE TO VINYL BROMIDE

Request for Information

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for information on vinyl bromide.

SUMMARY: This notice requests information on vinyl bromide (CAS 000593602; C2H3Br), a chemical with widespread industrial use, especially in the plastics industry. OSHA has received data which indicates that exposure to vinyl bromide causes cancer in laboratory animals. In light of the potential cancer hazard involved, OSHA is reviewing alternatives for regulation of vinyl bromide including the possibility of issuing an Emergency Temporary Standard. OSHA is therefore seeking information on the manufacture and use of vinyl bromide, employee exposures, health effects, medical surveillance, respiratory protection, and the technological and economic aspects of controlling employee exposures to this substance. OSHA is requesting views on the appropriate regulatory response to the new information received on vinyl bromide.

DATE: The information requested in this notice must be submitted on or before February 5, 1979.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket H-069, Room S6212, U.S. Department of Labor, OSHA, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210, (202-523-7894).

FOR FURTHER INFORMATION CONTACT:

The Office of Carcinogen Standards, Room N3656, OSHA, Third Street and Constitution Avenue, N.W., Washington, D.C. 20210, (202-523-9603 or 202-523-7193).

SUPPLEMENTARY INFORMATION:

BACKGROUND

In June, 1978 OSHA received information from the Huntington Research Center regarding their investigation of the potential long-term toxic effects of exposure to vinyl bromide. Their interim report of studies indicated that laboratory rats exposed to 50 ppm vinyl bromide developed angiosarcoma of the liver and other tumors (1). At lower levels, exposure to vinyl bromide (10 ppm) induced lymph node angiosarcoma. To date, there have been no reported cases of cancer in humans associated with exposure to vinyl bromide. However, vinyl bromide has been in commercial production in the U.S. only since 1971. Due to the long latency period characteristic of occupationally-induced cancer, typically 15-40 years, no unusual risk of cancer among exposed workers would be expected to be detected at this time. At present, there is no OSHA exposure standard for vinyl bromide.

INFORMATION REQUESTED ON VINYL BROMIDE

The data recently received by OSHA indicate that exposure to vinyl bromide causes cancer in laboratory animals and that more information in a number of areas is necessary before an assessment of the hazards of vinyl bromide exposures in humans can be made. OSHA is therefore requesting information pertaining to vinyl bromide, as well as any finished products containing vinyl bromide. The requested information includes but is not limited to the following:

1. Metabolism, including intermediate as well as final metabolites.
2. Toxicity, tumorigenicity, carcinogenicity, teratogenicity and/or mutagenicity, including the effects of potential co-factors as related to each of these.
3. Human epidemiology (employee populations and those otherwise exposed).
4. Appropriate medical surveillance procedures.
5. Appropriate respiratory protection.
6. Uses and production technologies.
7. Employee exposures (actual or potential) in each use and production facility, including: (a) the levels and specific conditions of such exposures, (b) the numbers of employees involved in each exposure situation.
8. Technological and economic feasibility of reducing employee exposure.
9. Economic and technological feasibility of complying with a complete vinyl bromide standard at the lowest level of exposure feasible.
10. Analytical and sampling methods used and evidence of their precision and accuracy.
11. Whether issuance of an Emergency Temporary Standard is appropriate.

SUBMITTALS OF INFORMATION REQUESTED IN THIS NOTICE

Interested persons are invited to submit written data, views and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate, by February 5, 1979, to the Docket Officer, Docket H-069, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210, (202-523-7894). Timely written submissions will be considered in any action taken by this agency.

REFERENCES

The following document, referred to in this notice, is available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(1) Huntingdon Research Center, *HRC Project 7511-253. 18-Month Sacrifice Pathology Report*, (Vinyl Bromide). New York. (June 26, 1978).

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911: Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 30th day of November 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-33919 Filed 12-4-78; 8:45 am]

[4510-26-M]

[29 CFR Part 1910]

[Docket No. H-079]

OCCUPATIONAL EXPOSURE TO 1,2-DICHLOROETHANE

Request for Information

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for information on 1,2-dichloroethane.

SUMMARY: This notice requests information on 1,2-dichloroethane (ethylene dichloride, EDC; CAS 000107062), a chlorinated hydrocarbon used in manufacturing vinyl chloride monomer, insecticides, antiknock agents, and metal degreasing compounds. OSHA has recently received data which indicates that the present standard for 1,2-dichloroethane, Table Z-1, 29 CFR 1910. 1000, may not be sufficiently protective of exposed employees. In light of the potential cancer hazard involved, OSHA is reviewing alternatives for regulation of 1,2-dichloroethane, including the possibility of issuing an Emergency Temporary Standard. OSHA is therefore seeking information on the manufacture and use of 1,2-dichloroethane, employee exposures, health effects, medical surveillance, respiratory protection, and the technological and economic aspects of controlling employee exposures to this substance. OSHA is requesting views on the appropriate regulatory response to the new information received on 1;2-dichloroethane.

DATE: The information requested this notice must be submitted on or before February 5, 1979.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket No. H-079, Room S6212, U.S. Department of Labor, OSHA, Third Street and Constitution Avenue, N.W., Washington, D.C., 20210, (202-523-7894).

FOR FURTHER INFORMATION CONTACT:

The Office of Carcinogen Standards, Room N3656, OSHA, Third Street and Constitution Avenue, N.W., Washington, D.C., 20210, (202-523-9603 or 202-523-7193).

SUPPLEMENTARY INFORMATION: Background. 1,2-dichloroethane (C2 H4 C1 2) is a colorless, oily liquid with a chloroform-like odor. It is a source chemical from which other chemicals are made. These include vinyl chloride, methyl chloroform, vinylidene chloride, perchloroethylene, trichloroethylene, carbon tetrachloride and the chlorofluorocarbons. In September, 1978, OSHA received information from the National Cancer Institute regarding their investigation of the potential long-term toxic effects of exposure to 1,2-dichloroethane (1). Their report of studies indicate that oral administration of 1,2-dichloroethane produced cancers in rats and mice. In male rats, dosage with 1,2-dichloroethane caused forestomach cancers, hemangiosarcomas (vascularized cancers) of multiple organs, and subcutaneous fibromas (cancer beneath the skin). Female rats exposed to 1,2-dichloroethane developed mammary (breast) cancers, in some animals as early as the 20th week of the study. The chemical also caused breast cancers, as well as uterine cancer in female mice, and respiratory tract cancers in both male and female mice.

Occupational exposure to 1,2-dichloroethane is currently limited by OSHA to an 8-hour time-weighted-average of 50 pm as found in Table Z-2 of 29 CFR 1910.1000.

Information Requested on 1,2-dichloroethane

The data recently received by OSHA suggests that current regulation of worker exposure to 1,2-dichloroethan may not be sufficiently protective, and that more information in a number of areas is necessary before a reassessment of the hazards of 1,2-dichloroethan exposure can be made. OSHA is therefore requesting information pertaining to 1,2-dichloroethane, as well as any finished products containing 1,2-dichloroethan. The requested information includes but is not limited to the following:

(1) Metabolism, including intermediate as well as final metabolites.

(2) Toxicity, tumorigenicity, carcinogenicity, teratogenicity and/or mutagenicity, including the effects of potential co-factors as related to each of these.

(3) Human epidemiology (employee populations and those otherwise exposed).

(4) Appropriate medical surveillance procedures.

(5) Appropriate respiratory protection.

(6) Uses and production technologies.

(7) Employee exposures (actual or potential) in each use and production facility, including: (a) the levels and specific conditions of such exposures, (b) the numbers of employees involved in each exposure situation.

(8) Technological and economic feasibility of reducing employee exposure.

(9) Economic and technological feasibility of complying with a complete 1,2-dichloroethane standard at the lowest level of exposure feasible.

(10) Analytical and sampling methods used and evidence of their precision and accuracy.

(11) Whether issuance of an Emergency Temporary Standard is appropriate.

SUBMITTALS OF INFORMATION REQUESTED IN THIS NOTICE: Interested persons are invited to submit written data, views and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate, by February 5, 1979, to the Docket Officer, Docket H-079, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-7894). Timely written submissions will be considered in any action taken by this agency.

REFERENCES: The following document referred to in this notice, is available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(1) Technical Background Information, Report on Carcinogenesis Bioassay of 1,2-Dichloroethane (EDC), U.S. Department of Health, Education, and Welfare, National Institutes of Health, National Cancer Institute, Bethesda, Maryland 20014.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911: Secretary of Labor's Order No. 8-76 (41 FR 25059).

Signed at Washington, D.C., this 30th day of November, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-33920 Filed 12-4-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1017-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Pennsylvania State Implementation Plan; Proposed Revision

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Pennsylvania has submitted amendments to its air pollution regulations and has requested that they be re-

viewed and processed as a revision of the Pennsylvania State Implementation Plan (SIP). The purpose of the amendments is to establish a program for more effectively controlling particulate air contaminant emissions from coke ovens. The proposed revisions affect Chapter 121 (relating to general provisions), Chapter 123 (relating to standards for contaminants), Chapter 127 (relating to construction, modification, reactivation, and operation of sources), and Chapter 139 (relating to sampling and testing) of the rules and regulations of the Department of Environmental Resources.

DATE: Comments must be submitted on or before January 4, 1979.

ADDRESSES: Copies of the proposed SIP revision and support documentation are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, 10th Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Pennsylvania Department of Environmental Resources, Bureau of Air Quality and Noise Control, P.O. Box 2063, Harrisburg, Pennsylvania 17120. Attn: Mr. James K. Hambright.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments on the proposed revision submitted on or before January 4, 1979 will be considered and should be directed to: Mr. Howard Heim, Chief, Air Programs Branch (3AH10), Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. Attn: AH018PA.

FOR FURTHER INFORMATION CONTACT:

Mr. Israel Milner (3AH10), Air Programs Branch, U.S. Environmental Protection Agency, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; phone 215-597-8174.

SUPPLEMENTARY INFORMATION: On June 30, 1978, the Pennsylvania Department of Environmental Resources submitted to the Regional Administrator, Region III, revisions of Pennsylvania's Air Resources Regulations designed to regulate particulate emissions from coke ovens and requested that they be reviewed and processed as a revision of Pennsylvania's State Implementation Plan (SIP).

Appropriate public hearings on the proposed amendments were held on April 5, 1977 in Norristown, Pennsylvania; on April 7, 1977 in Pittsburgh, Pennsylvania, and April 12, 1977 in Harrisburg, Pennsylvania in accordance with 40 CFR 51.4.

Prior to these amendments, the Department had no regulations pertaining uniquely to emissions from coke ovens. Control of fugitive particulate emissions from coke ovens was based primarily on application of an opacity standard. These proposed regulations establish firm standards to be achieved for individual points of emission from existing coke oven batteries. The new regulations would require the installation of best available control technology (BACT) for pushing emissions, as well as BACT for door leakage and topside emissions. The proposed standard for the charging process is less stringent than the EPA BACT charging standards. However, the overall standards are more stringent than the former requirements. In addition, the new regulations appear to be more easily administered and provide better enforceability than the former requirements.

The following summarizes some of the key provisions of the proposed regulations for the coke oven battery:

(1) Coke pushing operation—Requires that the coke pushing operation must be enclosed and that any air cleaning device is designed to reduce fugitive emissions to the minimum attainable through the use of the best available technology.

(2) Charging operation—

a. Open charging—At no time shall the aggregated time of visible open charging emissions during any four consecutive charges equal more than 75 seconds.

b. Closed charging—At no time shall there be closed charging emissions during more than one charge out of any ten consecutive charges.

(3) Door emissions and leakages—

a. At no time shall door area emissions from any coke oven exceed 40 percent opacity, 15 minutes or longer after the last charge to that oven.

b. At no time shall there be any visible door area emissions from more than 10 percent of the door areas of operating coke ovens, excluding the two door areas representing the last oven charged on any battery and any door areas obstructed from view.

(4) Topside emissions—

a. At no time shall there be visible topside emissions from more than 2.0 percent of the charging port seals on operating coke ovens in any battery, excluding visible emissions from no more than three ovens which may be dampered off.

b. At no time shall there be topside emissions from more than 5.0 percent of the offtake piping on operating coke ovens in any battery, excluding visible emissions from open standpipe caps on no more than three ovens which may be dampered off.

c. At no time shall there be any topside emissions from any point on the topside other than allowed emissions from charging port seals and offtake piping pursuant to items a. and b. above.

d. At no time shall there be any visible emissions from the coke oven gas collector main.

The revised regulations also establish measuring and recording techniques, equations for determining compliance, and self-monitoring and reporting requirements for coke oven operators. The proposed regulations also provide a mechanism for sources to petition for a deferred compliance schedule to achieve compliance with the proposed emission limitations. Compliance with the emission limitations must be achieved as expeditiously as possible, but in no event later than December 31, 1979.

After preliminary review of the proposed amendments, some questions of interpretation have arisen concerning the language of some of the provisions. The primary provisions of concern are the following:

1. *Section 127.42—Deferred compliance with revised emission limitations for coke oven batteries.* This section authorizes the Department of Environmental Resources to establish a deferred compliance schedule for coke oven batteries, provided certain requirements are met. The issue raised by this section is whether or not a deferred compliance schedule must be submitted to EPA as a variance requiring a SIP revision prior to taking effect as a matter of Federal law. If the establishment of a deferred compliance schedule would in effect be the same as the granting of a variance, the source must demonstrate that the approved SIP control strategy as modified by the variance would provide sufficient emission reduction to insure the attainment and maintenance of national ambient air quality standards. However, the requirements for obtaining a deferred compliance schedule under § 127.42 do not specify that this demonstration must be made.

Another issue raised by this provision is whether or not EPA has the legal authorityg to establish a deferred compliance schedule upon application by a source to EPA.

2. *Section 129.15(c)—Coke pushing operations.* This provision refers to determinations of minor significance to be made by the Department of Environmental Resources. The issue raised by this provision is whether or not EPA has the legal authority to make this determination.

Another issue raised by this section is whether or not this determination must be submitted to EPA as a variance requiring a SIP revision prior to taking effect as a matter of Federal law. The same consideration noted in the discussion of § 127.42 would apply to § 129.15(c).

3. *Section 129.15—Coke pushing operations.* It is not clear how long pushing emissions must be contained. Although subsection (e) of this regulation seems to permit transport of hot coke in the open atmosphere if visible fugitive air contaminants do not exceed 10% opacity, no reference to subsection (e) is made in subsection (a). Therefore, it is not clear how these two subsections should be interpreted.

The public is invited to submit, to the address stated above, comments on whether the amendments to Pennsylvania's coke oven air pollution regulations should be approved as a revision of the Pennsylvania SIP.

Comments addressing the above three provisions are particularly solicited.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements of Preparation, Adoption, and Submittal of Implementation Plans.

[42 U.S.C. 7401.]

Dated: October 31, 1978.

JACK J. SCHRAMM,
Regional Administrator.

ATTACHMENT No. 1

Information enclosed—

1. Letter from Department of Environmental Resources.
2. Proposed Regulations and Revisions.
3. Demonstration of Air Quality Impact.
   a. Outline of former regulatory approach.
   b. Demonstration that new regulations are more stringent.
   c. Discussion of greater enforceability of new regulations.

ATTACHMENT No. 2

Additional documentation not forwarded but on file in Region III—

1. Public Hearings Transcripts.
2. Testimony submitted subsequent to Public Hearing.
3. DER responses to questions and comments.
4. Studies-Reports reviewed and relied upon to prepare revisions.
5. Visible Emission Data from Coke Ovens.
6. Photographic Evidence.

[FR Doc. 78-33828 Filed 12-4-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1020-3]

DELAYED COMPLIANCE ORDERS

Notice of Proposed Approval of an Administrative Order Issued by the Louisiana Air Control Commission to Boise Southern Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the Louisiana Air Control Commission to Boise Southern Company. The order requires the company to bring air emissions from its recovery boiler in Elizabeth, Louisiana, into compliance with certain regulations contained in the federally-approved Louisiana State Implementation Plan (SIP) by January 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before January 4, 1979.

ADDRESSES: Comments should be submitted to Howard Bergman, Director, Enforcement Division, EPA, Region 6, First International Building, 1201 Elm Street, Dallas, Texas 75270. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. James Veach, Legal Branch, Enforcement Division, U.S. Environmental Protection Agency, Region 6, First International Building, 1201 Elm Street, Dallas, Texas 75270, 214-767-2760.

SUPPLEMENTARY INFORMATION: Boise Southern Company operates a paper mill at Elizabeth, Louisiana. The order under consideration addresses emissions from the recovery boiler at the facility, which are subject to Section 23.4(1) of the Louisiana Air Control Commission Regulations. The regulation limits the emissions of particulate matter, and is part of the federally approved Louisiana State Implementation Plan. The order requires final compliance with the regulation by January 1, 1979 through installation of appropriate equipment and control apparatus. Boise Southern Company has consented to the terms of the order and has already awarded contracts for the purchase of the control equipment on January 15, 1978.

Because this order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the order only if it satisfies the appropriate requirements of this subsection. The necessary elements of subsection 113(d) have been met: the order contains a schedule and timetable for compliance; the order provides for final compliance with the Louisiana Implementation Plan as expeditiously as practical and prior to July 1, 1979; the order requires compliance with the best practicable system of interim emission reduction; the order finds that no interim emission monitoring is reasonable or practicable; the order notifies the source that it will be required to pay a noncompliance penalty in the event it fails to achieve final compliance by July 1, 1979; and the order will be issued only after notice to the public and opportunity for public hearing.

If the order is approved by EPA, source compliance with its terms would preclude federal inforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Louisiana SIP.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

Dated: November 27, 1978.

ADLENE HARRISON,
Regional Administrator, Region 6.

[FR Doc. 78-33831 Filed 12-4-78; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1018-6; Docket No. DCO 78-34]

DELAYED COMPLIANCE ORDERS

Notice of Proposed Approval of Delayed Compliance Orders Issued by the Department of Air Pollution Control, Knox County, Tenn. to Knoxville Iron, Knoxville, Tenn.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a delayed compliance order issued by the Department of Air Pollution Control, Knox County, Tenn., to Knoxville Iron, Knoxville, Tenn. The delayed compliance order requires the company to bring air emissions from its grey iron foundry in Knoxville, Tenn., into compliance with an applicable regulation contained in the Tennessee State Implementation Plan (SIP) by May 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with the provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before January 4, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Bert Cole, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, Telephone No. 404-881-4253.

SUPPLEMENTARY INFORMATION Knoxville Iron Co. operates a grey iron foundry at Knoxville, Tenn. The order under consideration addresses emissions from the roof vents, baghouses, duct storage bins, and conveyors which are subject to §§ 17.0, 19.0, and 22.0 of the Knox Company Air Pollution Control Regulations. These regulations limit visible emissions, process emissions and fugitive dust emissions and are part of the federally-approved Tennessee State Implementation Plan. The order requires final compliance with the regulation by May 1, 1979, through the implementation of the following schedule for the construction or installation of control equipment:

(1) October 15, 1978—Issue purchase orders for control equipment.
(2) July 1, 1978—Initiate on-site construction or installation of emission control equipment.
(3) April 1, 1979—Complete on-site construction and installation.
(4) May 1, 1979—Complete performance testing and achieve compliance with all applicable particulate and visible emission limiting regulations, and certify such compliance to Knox County Department of Air Pollution Control and EPA.

The source has consented to the terms of the order and has agreed to meet the order's increments during the period of this informal rulemaking. As interim limits, Knoxville Iron is required to comply with the following conditions prior to the attainment of the last milestone:

(1) Emission from any roof vent not to exceed 20 percent opacity except due to furnace charging, furance tapping or tundish lancing.
(2) Amount of time consumed by furance charging, furance tapping and tundish lancing not to exceed 10 percent of total production time.
(3) Emissions from any baghouse exhaust opening not to exceed 30 percent opacity during furance charging, furance tapping, or tundish lancing.
(4) Emissions from storage bins and conveyors to be reduced to maximum extent practicable during repair and construction phases by methods including, but not limited to, those of § 22.0 of the Knox County Air Pollution Control Regulations.

If this order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Tennessee SIP. Compliance with the proposed order will not exempt the company from the requirements contained in any subsequent revisions to the SIP which are approved by EPA.

All interested persons are invited to submit written comments on the proposed order. Written coments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

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

Dated: November 27, 1978.

JOHN C. WHITE,
Regional Administrator
Region IV.

KNOX COUNTY DEPARTMENT OF AIR POLLUTION CONTROL, KNOX COUNTY, TENN.

In the matter of Knoxville Iron Company (Division of Azcon Corp.), Docket No. ——.

DELAYED COMPLIANCE ORDER

This Delayed Compliance Order is issued this date pursuant to Section 28.0 ("Variances") of the Knox County Air Pollution Control Regulations and Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7413(d). This Delayed Compliance Order contains a schedule and timetable for compliance, interim requirements, and emission monitoring and reporting requirements. Public notice and opportunity for a public hearing have been provided pursuant to Section 28.0 of the Knox County Air Pollution Control Regulations and Section 113(d)(1) of the Clean Air Act.

FINDINGS

WHEREAS, the Knox County Department of Air Pollution Control finds that the Knoxville Iron Company has operated a steel manufacturing facility in Knoxville, Tennessee in violation of Sections 17.0, 19.0 and 22.0 of the Knox County Air Pollution Control Regulations dealing with visible emissions, process emissions and fugitive dust at the Company's manufacturing facility, and

WHEREAS, the Knox County Department of Air Pollution Control finds that the Company is unable to comply with said regulations, it is hereby:

ORDERED

I

ABATEMENT PROGRAM

That the attached Appendices governing an abatement program are incorporated into and made a part of this Delayed Compliance Order for the control of the specified pollutants at Knoxville Iron Company located in Knoxville, Tenn.

The Appendices are designated as follows:
Appendix A: Control of Particulate Matter and Visible Emissions From Knoxville Iron Company Manufacturing Facility

II

REPORTING—ADDRESSES

That all submissions of source performance test results, reports and other items required by this Delayed Compliance Order be made to the Knox Company Department of Air Pollution Control, Knoxville, Tenn. with copies to the Director, Enforcement Division, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Ga. 30308 (hereinafter referred to as the "Director").

III

PROGRESS REPORTS AND MILESTONE CERTIFICATION

That the Company submit, no later than five (5) days after the end of each month, commencing with September 1, 1978, a monthly progress report for the emission point specified in part I. These reports shall contain specific information on the progress toward each milestone in part I. If any delay is anticipated in meeting said milestones, the Company shall immediately notify the Knox County Department of Air Pollution Control and the Director in writing of the anticipated delay and reasons therefore. Notification of any anticipated delay shall not excuse the delay. In addition, the Company shall submit, no later than five (5) days after the deadline for completing each milestone required by part I, certification to the Knox County Department of Air Pollution Control and the Director whether such milestone has been met.

IV

NOTICE OF TESTS

That the Company provide the Knox County Department of Air Pollution Control and the Director with (20) days notice prior to the conducting of any performance tests as required by part I in order to afford an opportunity to evaluate the test procedure and to have an observer present at such testing.

V

MALFUNCTIONS AND BREAKDOWNS

That the Company shall perform operation and maintenance practices on all sources as necessary to prevent malfunctions or breakdowns and to reduce emissions in excess of regulations to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction of the affected facility are or may be in excess of the maximum allowable as set forth in this Delayed Compliance Order, for greater than four (4) hours, the owner or operator shall notify the Knox County Department of Air Pollution Control and EPA by telephone or telegrams as promptly as possible, and in no event later than twelve (12) hours following the start of such malfunction, and shall cause written notice to be sent to the Knox County Department of Air Pollution Control and the Director no later than the end of the next working day following the start of such malfunction. Such notices shall specify the name of the affected facility, its location, the address and telephone number of the person responsible for the affected facility, the nature and cause of the malfunction, the date and time when such malfunction was first observed, the expected duration, and an estimate of the physical and chemical composition, rate, and concentration of the emission. The Company shall remedy the malfunction or breakdown as soon as possible thereafter and shall take reasonable steps to reduce emissions in excess of the interim emission limits during the malfunction or breakdown.

The Knox County Department of Air Pollution Control and/or the Regional Administrator of EPA shall have the authority during a malfunction or breakdown to require the Company to take specific steps to reduce emissions, including process equipment modifications and/or reductions, or termination if necessary. Within ten (10) days after the termination of a malfunction or breakdown requiring the above notification, the owner shall submit:

(1) The time the excess emission began and ended;

(2) The time of the beginning and end of the breakdown or malfunction which is asserted to be the cause of the excess emission;

(3) An estimate of the physical and chemical composition, rate, and concentration of emissions which occurred, and where continuous monitoring is required or is in effect (including visible emission detector), the strip charts with plots of all emissions monitored versus time, including a summary of the monitoring instruments' written record expressed in units of the applicable standard;

(4) An explanation and, where appropriate, an engineering analysis of the cause of the malfunction or breakdown;

(5) A description of those operating and/or maintenance procedures and practices in use prior to and during the occurrence, which were designed to prevent or minimize the extent and duration of the malfunction or breakdown;

(6) Any other steps taken to minimize the extent or duration of the malfunction or breakdown;

(7) An analysis of what steps will be taken to prevent or minimize similar occurrences in the future; and

(8) Such additional information as the Knox County Department of Air Pollution Control or the Director may require.

VI

INTERIM REQUIREMENTS

A. For the period during which this Order is in effect, the Company shall at all times comply with the following interim emission limitations which represent the best practicable system or systems of emission reduction:

1. Emissions from any roof vent not to exceed 20 percent opacity except due to furnace charging, furnace tapping, or tundish lancing.

2. Amount of time consumed by furnace charging, furnace tapping and tundish lancing not to exceed 10 percent of total production time.

3. Emissions from any baghouse exhaust opening not to exceed 30 percent opacity during furnace charging, furnace tapping or tundish lancing.

4. Emissions from storage bins and conveyors to be reduced to maximum extent practicable during repair and construction phases by methods including, but not limited to, those of Section 22.0 of the Knox County Air Pollution Control Regulations.

If, at any time during the pendency of this order, the applicable interim visible or particulate emission limitations are exceeded, the Company shall immediately take all actions necessary to minimize and/or abate such excess emissions and to prevent their recurrence; the Company shall notify the Knox County Department of Air Pollution Control and EPA of the occurrence as soon as possible, but no later than forty-eight hours after the start of the occurrence; and the Company shall, within 10 days after the termination of each such occurrence, submit to the Knox County Department of Air Pollution Control and EPA a written report regarding the occurrence, which shall address the cause(s) of the occurrence and all the efforts the Company has taken to date concerning it.

B. In addition to the foregoing interim emission limitations, for the period during which this order is in effect, the Company shall take all necessary steps to comply with the applicable emission limitations contained in the State Implementation Plan insofar as the Company is able, and shall take all necessary precautions to ensure that its emissions will not cause or contribute to a violation or violations of National Ambient Air Quality Standards.

C. Furthermore, the Company shall comply with any emergency requirements specified by the Knox County Department of Air Pollution Control Regulations, Section 36.0, and/or by EPA pursuant to Section 303 of the Clean Air Act, 42 U.S.C. § 7603, to prevent an imminent and substantial endangerment to human health.

VII

CONTINUOUS MONITORING

Due to the large number of emission points (e.g., baghouses, roof vents, storage bins, conveyors) installation of continuous monitoring equipment at such points is not deemed to be a reasonable means of demonstrating compliance with terms under this Order. In lieu of continuous monitoring instrumentation at all emission points, the Company agrees to continuously record electric current (amperes) to blowers serving the Company's two baghouse collector units.

VIII

VIOLATION OF REQUIREMENTS

Violation of any requirement of this Order shall result in immediate enforcement action by the Knox County Department of Air Pollution Control pursuant to Knox County Air Pollution Control Regulations, Section 30.0 and/or by EPA pursuant to Sections 113(d)(9), 113(b), and 113(c) of the Clean Air Act.

IX

COMPLIANCE RESPONSIBILITY

Nothing herein shall relieve the source from complying with all other applicable Federal, State or local law.

X

NON-COMPLIANCE PENALTY

Failure of the Company to achieve compliance with any emission limitation, emission standard, or compliance schedule under the State Implementation Plan by July 1, 1979, or such later date as is provided in accordance with Section 120(b)(3) of the Act shall subject the Company to an administratively assessed non-compliance penalty pursuant to the requirements of Section 120 of the Act and any rules and regulations promulgated pursuant thereto, unless the Company is exempted by Section 120(a)(2) (B) or (C) of the Act. In the event of such non-compliance, the Company will be formally notified of its non-compliance pursuant to Section 120(b)(3) of the Act.

Dated: August 30, 1978.

JOHN R. McDOWELL,
Director, Knox County
Dept. of Air Pollution Control.

APPENDIX A—KNOX COUNTY DEPARTMENT OF AIR POLLUTION CONTROL

DELAYED COMPLIANCE ORDER*

The Company shall complete the following acts with respect to the control of visible and particulate emissions from Knoxville Iron Company located in Knoxville, Tennessee, on or before the dates specified:

1. October 15, 1979: Issue purchase orders for control equipment.

2. July 1, 1978: Initiate on-site construction or installation of emission control equipment.

3. April 1, 1979: Complete on-site construction and installation.

4. May 1, 1979: Complete performance testing and achieve compliance with all applicable particulate and visible emission limiting regulations, and certify such compliance to Knox County Department of Air Pollution Control and EPA.

CONSENT**

Knoxville Iron Company acknowledges that visible emissions and particulate emissions from its steel manufacturing facility in Knoxville, Tennessee, are in violation of the applicable emission limitations contained in the federally-approved State Implementation Plan. The Company has reviewed this Delayed Compliance Order, believes it to be a reasonable and expeditious means to achieve compliance with the applicable particulate emissions limiting regulations as contained in the federally-approved State Implementation Plan, and consents to all of the requirements and terms of this Delayed Compliance Order.

Furthermore, the Company acknowledges the necessity of complying with the interim emission limitations and abatement procedures contained herein which are designed to ensure the attainment and maintenance of National Ambient Air Quality Standards for the specified pollutants and consents to said interim emission limitations and abatement procedures in order to protect the public health and welfare.

The Company hereby represents that it has full corporate authority and the necessary corporate approval to enter into and perform in accordance with the terms and provisions of this Delayed Compliance Order. The signatory below represents that he has the requisite corporate authority to execute this Consent on behalf of the Company.

Dated: August 30, 1978.

DONALD BAKER,
Knoxville Iron Company,
Division of Azcon Corporation.

[FR Doc. 78-33829 Filed 12-4-78; 8:45 am]

*This Appendix is attached to and incorporated by reference into a Delayed Compliance Order issued to the Knoxville Iron Company on Aug. 30, 1978 pursuant to Section 28.0 ("Variances") of the Knox County Air Pollution Control Regulations and Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

**This Consent is hereby attached to and incorporated by reference into a Delayed Compliance Order issued to the Knoxville Iron Company on Aug. 30, 1978 pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

[6560-01-M]

[FRL 1021-1; Docket No. III-78-1-A]

[40 CFR Part 65]

DELAYED COMPLIANCE ORDERS

Proposed Delayed Compliance Order for Potomac Electric Power Company, Dickerson, Md.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an administrative order to the Potomac Electric Power Company (PEPCO). The order requires PEPCO to bring air emissions from its fossil-fueled electric generating station in Dickerson, Maryland into compliance with certain regulations contained in the federally approved Maryland State Implementation Plan (SIP). Because PEPCO is unable to comply with these regulations at this time, the proposed order would establish an expeditious schedule requiring final compliance by February 28, 1979. Source compliance with the order would preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the order.

DATES: Written comments must be received on or before January 4, 1979, and requests for a public hearing must be received on or before December 20, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region III, 6th & Walnut Streets, Curtis Building, Philadelphia, Pennsylvania 19106. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Thomas Shiland, Air Compliance Branch, Enforcement Division, EPA, Region III, 6th & Walnut Streets, Curtis Building, Philadelphia, Pennsylvania 19106 (215) 597-7915.

SUPPLEMENTARY INFORMATION:

Potomac Electric Power Company operates a fossil-fueled electric generating station at Dickerson, Maryland. The proposed order addresses emissions at this facility from three boilers that are subject to Maryland Regulation 10.03.39.04B(1), which requires the use of fuel which has a sulfur content equal to or less than one percent (1%) sulfur by weight. The regulation limits the emissions of sulfur oxides and is part of the federally approved Maryland State Implementation Plan. The order requires final compliance with the regulation by February 28, 1979, and the source has consented to its terms. The source has also consented to meet the order's increments during this period of informal rulemaking. The source submitted by December 31, 1977, a fuel availability study. The source also submitted on May 31, 1978, a study of the characteristics of the one percent sulfur fuel that must be burned by February 28, 1979, at the Dickerson location. The source has agreed to place purchase orders for this fuel by July 31, 1978.

The proposed order satisfies the applicable requirements of section 113(d) of the Clean Air Act (the Act). If the order is issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR part 65.

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

Dated: November 8, 1978.

JACK J. SCHRAMM,
Regional Administrator
Region III.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the table in § 65.250, *Federal delayed compliance orders issued under Section 113(d)(1), (3), and (4) of the Act,* to reflect approval of the following order:

(Order No. III-78-1-A)

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY—REGION III

In the matter of: Potomac Company, Dickerson Generating Station, Dickerson, Maryland; Proceedings under section 113 of the Clean Air Act, as amended 42 U.S.C. § 1857c-8, CDS No. 21 1300 00015, Docket No. III-78-1-A.

FINDINGS OF VIOLATION AND ORDER FOR COMPLIANCE

FINDINGS OF FACT

1. The Potomac Electric Power Company ("PEPCO") owns and operates a fossil-fueled electric generating plant located at Dickerson, Maryland ("Dickerson Plant"). This plant consists of three boilers which use coal as a fuel supply.

2. Maryland Regulation 10.03.39.04 B(1), which requires the use of fuel which has a sulfur content equal to or less than one percent (1%) sulfur by weight, is contained in the Maryland State Implementation Plan and was approved by the Administrator of the U.S. Environmental Protection Agency ("EPA") on May 31, 1972, pursuant to Section 110 of the Clean Air Act, as amended ("Act") (42 U.S.C. § 1857c-5, 37 Fed. Reg. 10870).

On August 18, 1977, EPA, pursuant to Section 113(a)(1) of the Act, issued a Notice of Violation to PEPCO for violations of Md. Reg. 10.03.39.04 B(1) at PEPCO's Dickerson Plant.

4. PEPCO continues to cause, suffer, allow or permit the use of fuel at this plant which has a sulfur content which is greater than one percent (1%) sulfur by weight in contravention of the Maryland State Implementation Plan.

CONCLUSION OF LAW

1. PEPCO's use at Dickerson Plant of fuel which has a sulfur content which is greater than one percent (1%) sulfur by weight is in violation of Md. Reg. 10.03.39.04 B(1) as approved by the Administrator as part of the Maryland State Implementation Plan.

COMPLIANCE PROGRAM

And now therefore, This ———— day of ————, 1978, EPA issues this ORDER pursuant to Section 113(d) of the Clean Air Act, as amended, and POTOMAC ELECTRIC POWER COMPANY, its successors and assigns are hereby ORDERED to do the following:

A. (1) During the period beginning September 30, 1977, and ending October 31, 1978, the calculated average sulfur dioxide emissions from each unit at the Dickerson Plant shall not exceed 3.0 lbs. per million BTU's of heat input where the sulfur dioxide emissions shall be calculated by the following formula:

$$SO_2 = 20{,}000 \times S \times .97/BTU$$

where

SO_2 = pounds of sulfur dioxide per million BTU

S = percent sulfur by weight

BTU = BTU per pound of coal burned

For the purpose of monitoring whether or not PEPCO complies with this interim emission limitation weighted average fuel analyses shall be determined monthly by weighting the analyses of weekly composite samples of coal burned at each respective unit each week. For any calendar month in which the average sulfur dioxide emissions from a unit exceed 3.0 lbs. per million BTU's of heat input, a daily violation of this sub-paragraph shall be presumed for each week in which the sulfur content of the weekly composite sample of coal burned at that unit exceeds 1.8 percent sulfur by weight.

Weekly composite samples of the coal burned at each unit shall be taken. These samples shall be taken in accordance with the methods specified in ASTM D-2234-72. If, on occasion, it is not possible to take the samples in accordance with the above-cited method, the samples shall be taken in accordance with a method which resembles this method to the maximum extent possible. No later than twenty (20) days following the end of each calender quarter, PEPCO shall report the average sulfur dioxide emissions for each unit for each month in the calendar quarter, including weekly composite analyses, quantities of fuel burned, and the calculations of sulfur dioxide emissions for each unit. The inclusion of this monitoring requirement in this ORDER shall not be construed to either limit the authority of EPA under Section 114 of the Clean Air Act, as amended, or prescribe the proper monitoring methods for determining compliance with the final requirements in this ORDER and the emission limitations in the applicable implementation plan.

(2) During the period beginning October 31, 1978, and ending February 28, 1979, the emissions of sulfur dioxide from each unit shall not exceed 3.0 lbs. per million BTU's of heat input averaged over a two hour period. On and after October 31, 1978, PEPCO shall use in-stack monitoring equipment to continuously monitor sulfur dioxide emissions from the plant. In addition, PEPCO shall keep appropriate fuel records necessary to determine whether compliance with this emission limitation has been achieved. No later than twenty (20) days following the end of each calendar quarter, PEPCO shall report the actual dates and times (if any) when the sulfur dioxide emissions from any Dickerson unit exceeded 3.0 lbs. per million BTU's of heat input averaged over a two hour period. In addition, PEPCO shall retain for a period of six (6) months and make available for inspection and copying upon request all data pertaining to the monitoring of sulfur dioxide emissions from, and heat input to, each unit at the Dickerson Plant. The inclusion of this monitoring requirement in this ORDER shall not be construed to either limit the authority of EPA under Section 114 of the Clean Air Act as amended or prescribe the proper monitoring methods for determining compliance with the final requirements in this ORDER and the emission limitation in the applicable implementation plan.

(3) For a period or periods not to exceed a total of 120 days during the period beginning September 30, 1977 and ending February 28, 1979, PEPCO may burn coal from its existing coal pile at this plant which consisted of approximately 454,000 tons of coal on October 12, 1977, and during such period or periods not to exceed a total of 120 calendar days, an interim emission limitation of 3.9 lbs. of sulfur dioxide per million BTU's of heat input shall be substituted for the 3.0 lbs. value in the interim emission limitation set forth in paragraph A. (1) or A. (2) above, (whichever is applicable at such time or times) provided that PEPCO can establish that all of the following conditions are satisfied:

(a) PEPCO provides at least five (5) days written notice to EPA of its intention to (i) burn coal from its existing stockpile at the plant beginning on a specified day and (ii) be subject to the interim emission limitation and the other provisions of this paragraph (A. (3)). (This notice shall include PEPCO's best judgment as to the number of days during which it will burn coal from the stockpile during this period.);

(b) PEPCO burns coal (for puposes of this paragraph) from this stockpile on the days set forth in this notice(s);

(c) PEPCO provides immediate notice to EPA in writing on the day it ceases (for purposes of this paragraph) to burn coal from this stockpile for each such period;

(d) For each day of this 120 days during which PEPCO burns coal from this stockpile prior to October 31, 1978, the deadline for final compliance set forth in paragraph G. below shall be accelerated one (1) day.

(4) Nothing in paragraph A. (3) shall prohibit PEPCO from burning coal from its existing coal pile at any time without notice to EPA. However, if the conditions referred to in paragraph A. (3) have not been established or have been terminated by virtue of a notice under paragraph A. (3)(c), then (a) such operations shall be subject to the interim emission limitation set forth in paragraphs A. (1) or A. (2) above, (whichever is applicable at such time or times), and (b) the provisions of paragraph A. (3)(d) shall not apply.

B. On or before September 30, 1977, PEPCO shall have commenced studies on the availability of low sulfur coal and any preliminary actions necessarily associated with switching coal supplies at Dickerson units, 1, 2, and 3.

C. On or before December 31, 1977, PEPCO shall submit to EPA its final report on the availability of coal which has a sulfur content equal to or less than one percent (1%) sulfur by weight.

D. On or before May 31, 1978, PEPCO shall inform EPA in writing of the characteristics of the sulfur-in-fuel coal that will be ordered on or before July 31, 1978, for use in Dickerson Units 1, 2, and 3, and any actions which must be completed prior to converting to and using coal at Dickerson Units 1, 2, and 3 which has a sulfur content equal to or less than one percent (1%) sulfur by weight.

E. On or before July 31, 1978, PEPCO shall let purchase orders for complying coal for Dickerson Units 1, 2 and 3, and submit copies of all such coal contracts to EPA on or before August 5, 1978.

F. On or before October 31, 1978, PEPCO shall begin to receive, at its Dickerson Plant, coal which has a sulfur content equal to or less than one percent (1%) sulfur by weight for use in Dickerson Units 1, 2 and 3 as necessary to comply with paragraph G. below, on or before February 28, 1978.

G. On or before February 28, 1979, PEPCO shall be in full and continuous compliance at Dickerson Units 1, 2 and 3 with Regulations 10.03.39.04 as approved by the Administrator in the applicable implementation plan as that term is defined in Section 110(d) of the Clean Air Act, as amended.

H. No later than five (5) days after the deadline for completing each increment established in paragraphs A. through G. herein, PEPCO shall submit progress re-

ports to EPA indicating whether the Compliance Schedule is being followed, and whether or not each required increment has been met. If an increment has not been met, PEPCO shall indicate the reasons for the failure to meet the increment, and the probable effect that the failure will have on subsequent increments.

I. In addition to the above reporting requirement, PEPCO shall submit quarterly progress reports outlining PEPCO's program in complying with this ORDER and indicating whether any requirement herein has been violated. These reports shall be submitted within twenty (20) days following the end of each calendar quarter, beginning with the quarter ending December 31, 1977 and continuing through the quarter in which final compliance is achieved.

J. All reports and other information shall be submitted to:

U.S. Environmental Protection Agency, Region III, Air Compliance Branch (3 EN12), Enforcement Division, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

K. Nothing contained in this ORDER shall be construed to prevent or limit the application of the provisions of Section 303 of the Clean Air Act, as amended.

L. Compliance with one or more of the requirements, paragraphs or subparagraphs of this ORDER shall not relieve PEPCO of its obligations to comply with all other requirements, paragraphs and sub-paragraphs of this ORDER.

M. Nothing contained in this ORDER shall be so construed as to relieve PEPCO from meeting the requirements of any other applicable Maryland Regulation or Federally approved regulation at the facility.

N. PEPCO is hereby notified that it will be required to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended in the event that the Dickerson plant fails to achieve final compliance by July 1, 1979, and that such noncompliance penalty will be independent of, and in addition to, any liability which attaches pursuant to Section 113 for violation of any of the terms of this ORDER.

O. This ORDER shall become effective immediately upon the approval and signature of the Administrator of the EPA.

AND NOW, this ———— day of ————, 1978, the United States Environmental Protection Agency issues this Order.

CONSENT

AND NOW, this ———— day of ————, 197—, Potomac Electric Power Company by its duly authorized officer acknowledges that it does not contest the Findings of Fact and Conclusion of Law, consents to the Compliance Program, agrees that the ORDER is valid and enforceable under Section 113 of the Clean Air Act, as amended, and agrees that it will not appeal therefrom.

.....

By: Potomac Electric Power Company

[FR Doc. 78-33939 Filed 12-4-78; 8:45 am]

[6560-01-M]

[FRL 1020-1; PP8E2120/P96]

[40 CFR Part 180]

PESTICIDE PROGRAMS; TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Ammonia

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the chemical ammonia used as a preservative in high moisture corn be exempted from the requirement of a tolerance. The proposal was submitted by the U.S. Department of Agriculture. This use of ammonia on corn as a preservative would permit farmers to store and dry the corn without resorting to propane or natural gas to quickly reduce moisture levels. The "trickle ammonia process" for corn preservation would contribute significant savings to growers in energy consumption and costs.

DATE: Comments must be received on or before January 4, 1979.

ADDRESS COMMENTS TO: Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street, SW., Washington DC 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Mountfort, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, EPA, 202-426-2454.

SUPPLEMENTARY INFORMATION: The U.S. Department of Agriculture, Science and Education Administration, Washington, DC 20250, has submitted a pesticide petition (PP 8E2120) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.1003 be amended by extending the present exemption from requirement of tolerance for residues of ammonia on citrus to include residues on corn grain. Such residues would result from application of the ammonia in the "trickle ammonia process" on stored corn. Commercial bulk ammonia, commonly used in agriculture as fertilizer, would also be used for the corn preservation without further manufacture or alteration chemically. Application of ammonia to corn would be at a rate of 0.5% (dry basis) with resulting residues expected to be negligible and not of toxicological concern.

The data submitted in the petition and all other relevant material have been evaluated. There is no reasonable expectation of residues in eggs, meat, milk, or poultry.

The pesticide is considered useful for the purpose for which exemption from the requirement of a tolerance is sought, and it is concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1003 will protect the public health. It is proposed, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before January 4, 1979, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP8E2120/P96". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(e)).)

Dated: November 27, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart D, Section 180.1003 be amended by ading corn grain to read as follows:

§ 180.1003 Ammonia; exemption from the requirement of a tolerance.

The fungicide ammonia is exempted from the requirement of a tolerance when used after harvest on the raw agricultural commodities grapefruit, lemons, oranges, and corn grain.

[FR Doc. 78-33830 Filed 12-4-78; 8:45 am]

[4110-87-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Parts, 55, 85, and 85a]

FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Proposed Implementation

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, PHS, HEW.

ACTION: Proposed rules.

SUMMARY: This notice proposes to amend several existing regulations which govern NIOSH research activities. Under provisions of the Federal Mine Safety and Health Act of 1977, the National Institute for Occupational Safety and Health was given the responsibility to carry out mine health research activities. This document proposes regulations to reflect this new function. The regulations to be amended are: 42 CFR Part 55—Grants for Advancement of Health in Coal Mining; 42 CFR Part 85—Requests for Health Hazard Evaluations; and 42 CFR Part 85a—Occupational Safety and Health Investigations of Places of Employment.

DATES: Comments on the proposed rule must be received on or before January 4, 1979.

ADDRESSES: Comments and inquiries may be submitted to: Ms. Mary L. Flint, Regulations Specialist, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Room 8-11, Rockville, MD 20857, Phone: (301) 443-3745.

Comments will be available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Ms. Mary L. Flint, Regulations Specialist, Phone: (301) 443-3745, or Mr. Edward J. Baier, Deputy Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Room 8-05, Rockville, MD 20857, Phone: (301) 443-1530.

SUPPLEMENTARY INFORMATION: The Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164) amended the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173) and redesignated it the Federal Mine Safety and Health Act of 1977 (referred to as the Act). The Act also repealed the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577), thereby bringing all mining operations under a single law. The Act grants responsibility for mine health research to NIOSH and responsibility for mine safety research to the Secretary of the Interior who has delegated this responsibility to the Bureau of Mines. To coordinate the Federal research effort for the protection of the safety and health of the Nation's miners, NIOSH and the Bureau of Mines have entered into Memorandum of Understanding. The NIOSH health research responsibilities for the mining industry are similar to those already carried out by NIOSH under the Occupational Safety and Health Act. To implement its new responsibilities, NIOSH proposes to amend several existing regulations which govern NIOSH research activities. NIOSH has been conducting its occupational research activities under these regulations for several years.

Part 55, "Grants for Advancement of health in Coal Mining," would be amended to reflect the expansion of the research authority in 30 U.S.C. 951 from "coal" to "coal and other mining." Since the Memorandum of Understanding provides that the Bureau of Mines will have the responsibility to fund the development of new methods of reducing concentrations of respirable dust in the mine atmosphere, that activity would be deleted from the purposes for which NIOSH project grants may be made under § 55.3.

Part 85, "Requests for Health Hazard Evaluations," would be amended in view of the Act's extension of the NIOSH health hazard evaluation authority to the mining industry. Section 951(a)(11) of Title 30 U.S.C. now directs the Secretary, on proper request, to determine whether substances used in mines are potentially toxic or whether physical agents or equipment in the mines have potentially hazardous effects. The proposed amendments to Part 85 do not expressly refer to evaluations of equipment because the hazardous effects of equipment usually relate to safety. Section 951(b) of Title 30 U.S.C. provides that mining safety activities under Section 951 shall be carried out by the Secretary of the Interior. However where mining equipment is alleged to have an effect on health by emitting a substance or producing a physical agent, the proposed amendments will authorize NIOSH participation in the evaluation. The Memorandum of Understanding provides for a coordinated response and designation of a lead organization for health hazard evaluations in mines where the evaluation contains aspects of health and safety.

Finally, Part 85a, "Occupational Safety and Health Investigations of Places of Employment," would be amended pursuant to the NIOSH authority under the Act in 30 U.S.C. 813(a) to apply to the conduct of NIOSH inspections and investigations in coal or other mines for research purposes.

It is, therefore, proposed to amend Parts 55, 85, and 85a of Title 42, Code of Federal Regulations, as set forth below.

Dated: October 3, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: November 28, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

PART 55—GRANTS FOR ADVANCEMENT OF HEALTH IN COAL AND OTHER MINING

It is proposed to amend Part 55 as follows:

1. The title of Part 55 is revised to read as set forth above.

2. In the Table of Sections, the title of § 55.5 is revised to read:

Sec.
55.5 Nondiscrimination.

§ 55.1 [Amended]

3. In § 55.1, the words "coal mine" are deleted and the words "in coal and other mining" are inserted between the words "health" and "as".

4. In § 55.2, paragraphs (a) and (c) are revised to read as follows:

§ 55.2 Definitions.

(a) "Act" means the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

(b) * * *

(c) "Fiscal year" means the 12-month period beginning October 1 and ending on September 30 following.

* * * * *

5. Section 55.3 is revised to read as follows:

§ 55.3 Purpose of project grant.

The Secretary is authorized under section 501 of the Act (30 U.S.C. 951) to make grants for studies, research, experiments, and demonstrations designed to:

(a) Improve working conditions and practices in coal or other mines, and to prevent occupational diseases originating in the coal or other mining industry;

(b) Develop epidemiological information to (1) identify and define positive factors involved in occupational diseases of miners, (2) provide information on the incidence and prevalence of pneumoconiosis and other respiratory ailments of miners, and (3) improve mandatory health standards;

(c) Develop techniques for the prevention and control of occupational diseases of miners, including tests for hypersusceptibility and early detection;

(d) Evaluate the effect on bodily impairment and occupational disability of miners afflicted with an occupational disease;

(e) Prepare and publish, from time to time, reports on all significant aspects of occupational diseases of miners, as well as on the medical aspects of injuries, other than disease, which are revealed by the research carried out under the Act;

(f) Study the relationship between coal or other mine environments and occupational diseases of miners;

(g) Explore the protection of life and prevention of diseases in connection with persons who, although not miners, work with or around the products of coal or other mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of those persons;

(h) Develop effective respiratory equipment; and

(i) Carry out the purposes of the Act as considered necessary by the Secretary.

6. Section 55.5 is deleted and a new § 55.5 is added which reads as follows:

§ 55.5 Nondiscrimination.

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

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

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

§ 55.10 [Amended]

7. In § 55.10(b), delete the words "Advisory Council on Coal Mine Health Research" and substitute the words "Coal Mine Health Research Advisory Committee".

§ 55.11 [Amended]

8. In § 55.11, at the end of the third sentence, delete the words "the reason it has been disapproved." and substitute the words "shall be provided with a copy of the reviewers' comments."

PART 85—REQUESTS FOR HEALTH HAZARD EVALUATIONS

It is proposed to amend Part 85 as follows:

1. The authority is revised to read:

AUTHORITY: Sec. 8(g), 84 Stat. 1600; (29 U.S.C. 657(g); sec. 508, 83 Stat. 803; 30 U.S.C. 957.)

2. Sections 85.1, 85.2, 85.3, 85.4, and 85.5 are revised and a new § 85.3-1 is added. The revised and added provisions read as follows:

§ 85.1 Applicability.

This Part 85 applies to health hazard evaluations requested by any employer or authorized representative of employees under section 20(a)(6) of the Occupational Safety and Health Act of 1970 or section 501(a)(11) of the Federal Mine Safety and Health Act of 1977. This part is not intended to preclude the use of other channels of communication with the National Institute for Occupational Safety and Health to obtain information and technical assistance concerning toxic substances or physical agents.

§ 85.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 or the Federal Mine Safety and Health Act of 1977 and not defined below shall have the meaning given it in the respective Acts. As used in this part:

"OSH Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.).

"FMSH Act" means the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801, et seq.).

"Authorized representative of employees" means any person or organization meeting the conditions specified in § 85.3-1(e) (1), (2), or (3).

"Employee" is given the meaning stated in the OSH Act and includes miners as defined in the FMSH Act.

"Employer" is given the meaning stated in the OSH Act and includes operators as defined in the FMSH Act.

"Health hazard evaluation" means the investigation and the determination of potentially toxic or hazardous effects of: (1) Any substance normally used or found in any place of employment to which the OSH Act is applicable, or (2) any substance or physical agent normally used or found in any place of employment to which the FMSH Act is applicable.

"Investigation" means a physical inspection of the place of employment under section 8 of the OSH Act or section 103 of the FMSH Act and includes inspection, sampling, observations, review of pertinent records, and other measurements reasonably necessary to determine whether any substance or physical agent found in the place of employment has potentially toxic or hazardous effects in the concentrations or levels used or found.

"NIOSH" means the National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, Department of Health, Education, and Welfare.

"NIOSH officer" means a NIOSH employee who has been authorized by the Director, NIOSH, to conduct investigations according to this part.

"Physical agent" means any condition produced by the environment and/or work processes that can result in hazardous effects as defined in this section. Examples of physical agents are noise, temperature, illumination, vibration, radiation, and pressure.

"Place of Employment" means any coal or other mine, factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by any employee of an employer.

"Substance" means any chemical or biological agent which has the potential to produce toxic effects.

"Toxic effects" or "hazardous effects" are those effects which result in short- or long-term disease, bodily injury, affect health adversely, or endanger the life of man.

§ 85.3 Procedures for requesting health hazard evaluations.

(a) Requests for health hazard evaluations should be addressed to the National Institute for Occupational Safety and Health as follows:

(1) *Requests from general industry.* Hazard Evaluations and Technical Assistance Branch, Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH, 4676 Columbia Parkway, Cincinnati, OH 45226.

(2) *Requests from mining industry.* Enviromental Investigations Branch, Division of Respiratory Disease Studies, NIOSH, 944 Chestnut Ridge Road, Morgantown, WV 26505.

(b) Requests for health hazard evaluations shall be submitted in writing and signed by either (1) the employer in whose place of employment the substance or physical agent is normally found, or (2) an authorized representative of employees (see § 85.3-1(e)) in the place of employment where the substance or physical agent is normally found.

§ 85.3-1 Contents of a request for health hazard evaluation.

Each request for health hazard evaluation shall contain:

(a) The requester's name, address, and telephone number, if any.

(b) The address of the place of employment where the substance or physical agent is normally found.

(c) The specific process or type of work which is the source of the substance or physical agent, or in which the substance or physical agent is used.

(d) Details of the conditions or circumstances which prompted the request.

(e) A statement, if the requester is not the employer, that the requester is—

(1) an authorized representative or an officer of the organization representing the employees for purposes of collective bargaining or

(2) an employee of the employer and is authorized by two or more employees employed in the same place of employment to represent them for purposes of these Acts (each such authorization shall be in writing and a copy submitted with the request for health hazard evaluation); or

(3) one of three or less employees employed in the place of employment where the substance or physical agent is normally found.

(f) A statement indicating whether or not the name(s) of the requester or those persons who have authorized the requester to represent them may be revealed to the employer by NIOSH.

(g) The following supplementary information if known to the requester:

(1) Identity of each substance or physical agent involved;

(2) The trade name, chemical name, and manufacturer of each substance involved;

(3) Whether the substance or its container or the source of the physical agent has a warning label; and

(4) The physical form of the substance or physical agent, number of people exposed, length of exposure (hours per day), and occupations of exposed employees.

NOTE: NIOSH has developed two forms entitled "Request for Health Hazard Evaluation" and "Request for Mining Health Hazard Evaluation" to assist persons in requesting evaluations. The forms are available upon request from the offices listed in § 85.3(a)(1) and (2) or from the regional Consultant for Occupational Safety and Health in any Regional Office of the Department of Health, Education, and Welfare.

§ 85.4 Acting on requests.

(a) Upon receipt of a request for health hazard evaluation submitted under this part, NIOSH will determine whether or not there is reasonable cause to justify conducting an investigation.

(b) If NIOSH determines that an investigation is justified, a NIOSH officer will inspect the place of employment, collect samples where appropriate, and perform tests necessary to the conduct of a health hazard evaluation, including medical examinations of employees.

(c) If NIOSH determines that an investigation is not justified, the requester will be notified in writing of the decision.

§ 85.5 Authority for investigations.

(a) NIOSH officers who have been issued official NIOSH credentials (Form No. CDC/NIOSH 2.93A) are authorized by the Director, NIOSH, under sections 20(a)(6) and 8 of the OSH Act and sections 501(a)(11) and 103 of the FMSH Act: To enter without delay any place of employment for the purpose of conducting investigations of all pertinent processes, conditions, structures, machines, apparatus, devices, equipment, records, and materials within the place of employment; and to conduct medical examinations, anthropometric measurements, and functional tests of employees within the place of employment as may be directly related to the specific health hazard evaluation being conducted. Investigations will be conducted in a reasonable manner, during regular working hours or at other reasonable times and within reasonable limits. In connection with any investigation, the NIOSH officers may question privately any employer, owner, operator, agent, or employee from the place of employment; and review records required by the Acts and regulations and any other related records.

(b) Areas under investigation which contain information classified by any agency of the United States Government in the interest of national security will be investigated only by NIOSH officers who have obtained the proper security clearance and authorization.

§ 85.7 [Amended]

3. In § 85.7(a), the reference to § 85.3(b)(4)(ii) is deleted and § 85.3-1(e)(2) is substituted therefor.

4. In § 85.7(b), the words "OSH Act or section 501(a)(11) of the "FMSH" are inserted between the words "the" and "Act" in the second sentence.

5. In § 85.7(c), the words "or measurements of physical agents" are inserted between the words "substances" and "to" in the first sentence.

§ 85.10 [Amended]

6. In § 85.10, the acronym "OSH" is inserted between the words "the" and "Act" in the last line of the section.

§ 85.11 [Amended]

7. In § 85.11, paragraph (a) is revised to read as follows:

(a) Upon conclusion of an investigation, NIOSH will make a determination concerning the potentially toxic or hazardous effects of each substance or physical agent specified in the request for health hazard evaluation. At a minimum, the determination will: (1) Identify each substance or physical agent involved and describe the concentrations or levels of the substance or physical agent found in the place of employment and the conditions of use, and (2) state whether each substance or physical agent has potentially toxic or hazardous effects in the concentrations or levels found, as well as the basis for the judgments.

* * * * *

8. In § 85.11(d) the words "or physical agent(s)" are inserted between the words "substance(s)" and "which".

9. In § 85.11, paragraph (e) is revised to read as follows:

* * * * *

(e) Copies of determinations made under the OSH Act will be forwarded to the Department of Labor and the appropriate State agency designated under section 18(b) of the OSH Act. Copies of determinations made under the FMSH Act will be forwarded to the Mine Safety and Health Administration of the Department of Labor, the Bureau of Mines, Department of the Interior, and the State agency which, in the judgment of NIOSH, would benefit the most from the information. If NIOSH determines that any substance or physical agent has potentially toxic or hazardous effects at the concentrations or levels at which it is used or found in a place of employment, and the substance or physical agent is not covered by a safety or health standard established under section 6 of the OSH Act or section 101 of the FMSH Act, NIOSH will immediately submit the determination to the Secretary of Labor, together with all pertinent criteria.

10. Section 85.12 is revised to read as follows:

§ 85.12 Subsequent requests for health hazard evaluations.

If a request is received for a health hazard evaluation in a place of employment in which an evaluation under this part was made previously, NIOSH may make another investigation if, as a result of the passage of time or additional information, another investigation would be consistent with the purposes of the Acts.

PART 85a—OCCUPATIONAL SAFETY AND HEALTH INVESTIGATIONS OF PLACES OF EMPLOYMENT

It is proposed to ament Part 85a as follows:

1. The authority is revised to read:

AUTHORITY: Sec. 8(g), 84 Stat. 1600; (29 U.S.C. 657(g); sec. 508, 83 Stat. 803; 30 U.S.C. 957).

§ 85a.1 [Amended]

2. In § 85a.1, paragraph (a) is revised to read as follows:

(a) Except as otherwise provided in paragraph (b) of this section, the provisions of this part apply to investigations of places of employment which are conducted by NIOSH under sections 20 and 8 of the Occupational

Safety and Health Act of 1970 and sections 501 and 103 of the Federal Mine Safety and Health Act of 1977.

* * * * *

3. In § 85a.2, the introductory text and paragraphs (a), (d), and (i) are revised and new paragraphs (j), (k), (l), and (m) are added. The revised and added provisions read as follows:

§ 85a.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 or the Federal Mine Safety and Health Act of 1977 and not defined below shall have the meaning given it in the Acts. As used in this part:

(a) "OSH Act" means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and "FMSH Act" means the Federal Mine Safety and Health Act of 1977 (30 U.S.C. et seq.).

* * * * *

(d) "Investigation" means research projects, experiments, demonstrations, studies, and similar activities of NIOSH which are conducted under section 20 of the OSH Act and section 501 of the FMSH Act.

* * * * *

(i) "Place of employment" means any coal or other mine, factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by any employee of an employer.

(j) "MSHA District Office" means any one of the Mine Safety and Health Administration's District Offices.

(k) "BOM" means the Bureau of Mines, Department of the Interior.

(l) "Employee" is given the meaning stated in the OSH Act and includes miners as defined in the FMSH Act.

(m) "Employer" is given the meaning stated in the OSH Act and includes operators as defined in the FMSH Act.

§ 85a.3 [Amended]

4. In § 85a.3, paragraph (a) is revised by deleting the words "for the purpose of section 20 of the Act and this part and pursuant to section 8 of the Act" and substituting the words "under sections 20 and 8 of the OSH Act, sections 501 and 103 of the FMSH Act, and this part".

§ 85a.4 [Amended]

5. In § 85a.4, paragraphs (a)(1) and (a)(3) are revised, the "and" at the end of paragraph (a)(2) is deleted, and a new paragraph (a)(4) is added. The revised and added provisions read as follows:

(a) * * * (1) The appropriate State agency designated under section 18(b) of the OSH Act, or if the State has been preempted as provided under the OSH Act and in the case of the FMSH Act, the State agency which, in the judgment of NIOSH, would benefit the most from the investigation's findings;

(2) * * *individual;

(3) The appropriate Assistant Regional Director, when investigations are conducted under the OSH Act;

(4) The appropriate MSHA District Office; the Director, BOM, and the Assistant Director for Mining, BOM, when investigations are conducted under the FMSH Act.

* * * * *

§ 85a.4 [Amended]

6. In § 85a.4, paragraph (b) is revised by deleting the words "in § 85a.4(a)(1) and (3)" and substituting the words "in § 85a.4(a)(1), (a)(3), and (a)(4)".

7. In § § 85a.4, paragraph (c) is revised by deleting the words "and (a)(3)" and substituting the words "(a)(3) and (a)(4)".

85a.5 [Amended]

8. In § 85a.5, paragraph (b)(1) is revised by inserting the acronym "OSH" between the words "the" and "Act" at the end of the second sentence.

9. In § 85a.5, paragraph (e) is revised by deleting the words "NIOSH and Occupational Safety and Health Administration" and substituting the words "NIOSH, Occupational Safety and Health Administration, and Mine Safety and Health Administration".

§ 85a.7 [Amended]

10. Section 85a.7 is revised by deleting the remainder of the section beginning with the words "appropriate Regional Director * * *" and substituting the words "agencies identified in § 85a.4(a)(1), (a)(3), and (a)(4)."

[FR Doc. 78-33846 Filed 12-4-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]
[Docket No. 78-50]

PETITIONS FOR DECLARATORY ORDER

Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission's rule governing issuance of declaratory orders is proposed to be revised to define the limits of applicability of the rule and to adopt procedures governing notice, participation of persons not named in the petition, referral to a formal docket, availability of discovery and evidentiary hearing, and timing and limits of submissions in declaratory order proceedings. These proposed changes are necessary because of problems encountered in the above specified areas due to lack of guidance in the current rule. The amendments will serve to provide uniform guidelines and elimate current confusion in processing of petitions for declaratory orders.

DATES: Comments on or before December 29, 1978.

ADDRESSES: Comments (original and fifteen copies) to: Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: Rule 68 of the Commission's rules of practice (46 CFR 502.68) currently provides for issuance of declaratory orders. Experience has shown that the rule is deficient due to its failure to outline procedures governing processing of petitions for declaratory orders and its failure to define limits of matters for which it is appropriate to invoke the declaratory order procedures. Specific areas of confusion under the current rule include whether to notice the filing of the petition, whether and to what extent participation by persons not named in the petition (including Hearing Counsel) will be permitted, when referral to a formal docket is appropriate, to what extent discovery and evidentiary procedures should be available, and whether the parties' submissions on the merits must accompany the petition and reply.

The legislative history of the Administrative Procedure Act indicates that Congress recognized that a necessary condition of the ready use of a declaratory order is that it be employed only in situations where the critical facts can be explicitly stated, without the possibility that subsequent events will alter them.[1] In its recent order denying a petition for declaratory order in Docket 76-60, served August 9, 1978, the Commission also recognized that declaratory orders are not suited to dispose of contested factual issues. Accordingly, it will usually not be necessary to resort to discovery procedures or evidentiary hearing in declaratory order proceedings. For this

[1] Attorney General's Manual on the Administrative Procedure Act, U.S. Department of Justice, 1947, p. 60.

reason we are proposing a filing schedule limited to petitions and replies with such filings to be accompanied by the party's complete legal and factual presentation as to its desired disposition of the merits of the petition. Relief from this schedule would be available only if the party could clearly substantiate its need for discovery or evidentiary hearing.

Under this proposal all petitions meeting the requirements of the rules will be referred to a formal docket and notice of filing thereof will be published in the FEDERAL REGISTER. The notice will indicate to what extent replies are permitted. In the case of petitions which are not of general public interest, but which involve matters limited to specifically named parties, replies by persons other than those named in the petition will be permitted only upon grant of intervention by the Commission under Rule 72 (46 CFR 502.72). Participation by the Commission's Bureau of Hearing Counsel will be governed by the same standards as other persons.

In an effort to clarify the circumstances under which petitions for declaratory order are not appropriate, the proposed rule recites the recognized limited purpose of declaratory orders viz. to allow persons to act without peril upon their own view.[2] The rule further distinguishes between declaratory orders and coercive orders and refers to the appropriate sections of the rules under which the latter are to be sought. Finally, the proposed rule makes it clear that declaratory orders are to be limited to matters involving conduct or activity regulated by the Commission under statutes adminstered by the Commission.

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)), § 502.68 of Title 46 CFR is proposed to be revised to read as follows:

§ 502.68 Declaratory orders.

(a) The Commission may, in its sound discretion, issue a declaratory order to terminate a controversy or to remove uncertainty. Petitions for the issuance thereof shall state clearly and concisely the controversy or uncertainty, shall name the persons and cite the statutory authority involved, shall include a complete statement of the facts and grounds prompting the petition, together with full disclosure of petitioner's interest, shall be served upon all parties named therein, and shall conform to the requirements of Subpart H of this part.

(b) Petitions under this section shall be limited to matters involving conduct or activity regulated by the Commission under statutes administered by the Commission. The procedures of this section shall be invoked solely for the purpose of obtaining declaratory rulings which will allow persons to act without peril upon their own view. Controversies involving an allegation of violation by another person of statutes administered by the Commission, for which coercive rulings such as payment of reparation or cease and desist orders are sought, are not proper subjects of petitions under this section. Such matters must be adjudicated either by filing of a complaint under section 22 of the Shipping Act, 1916 and § 502.62, or by filing of a petition for investigation under § 502.69.

(c) Petitions under this section shall be accompanied by the complete factual and legal presentation of petitioner as to the desired resolution of the controversy or uncertainty, or a detailed explanation why such can only be developed through discovery or evidentiary hearing.

(d) Replies to the petition shall contain the complete factual and legal presentation of the replying party as to the desired resolution, or an explanation why such is not possible. Replies shall conform to the requirements of § 502.74.

(e) No additional submissions will be permitted unless requested by the Commission or the presiding officer. If discovery or evidentiary hearing on the petition is deemed necessary by the parties, such must be requested in the petition or replies. Requests shall state in detail the facts to be developed their relevance to the issues, and why discovery or hearing procedures are necessary to develop such facts.

(f) A notice of filing of any petition which meets the requirements of this section shall be published in the FEDERAL REGISTER. The notice will indicate the time for filing of replies to the petition. If the controversy or uncertainty is one of general pubic interest, and not limited to specifically named persons, opportunity for reply will be given to all interested persons including the Commission's Bureau of Hearing Counsel. In the case of petitions involving a matter limited to specifically named persons, participation by persons not named therein will be permitted only upon grant of intervention by the Commission pursuant to § 502.72. Petitions to intervene shall be submitted on or before the reply date and shall be accompanied by intervener's complete reply including its factual and legal presentation in the matter.

(g) Petitions for declaratory order which conform to the requirements of this section will be referred to a formal docket. Referral to a formal docket is not to be construed as the exercise by the Commission of its discretion to issue an order on the merits, of the petition.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-33883 Filed 12-4-78; 8:45 am]

[2] Attorney General's Manual cited above, p. 59.

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 30)]

COMMERCIAL ZONES AND TERMINAL AREAS

Washington, D.C., Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: In response to a petition filed by the Loudon County, VA, Chamber of Commerce, the Commission is opening a proceeding to consider whether to amend its existing regulations set forth in 49 CFR 1048.10 so as to expand the Washington, D.C., commercial zone to include all or a portion of Loudon County.

DATES: Comments should be filed by January 4, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg Phone: 202-275-7292.

PETITIONER'S PROPOSALS: The Washington, D.C., commercial zone as defined in 49 CFR 1048.10 includes that part of Dulles International Airport which lies within Loudon County, VA, and a very small portion of Loudon County which is within 15 miles of the municipal limits of Washington, D.C. The Loudon County Chamber of Commerce seeks expansion of this commercial zone to include a specified section of eastern Loudon County.

This section can be described as follows:

That portion of Loudon County, VA, not already included in the Washington, D.C., commercial zone, which lies on and east of a line beginning at the junction of U.S. Hwy 15 and the Loudon-Prince William County line and extending along U. S. Hwy 15 to the municipal limits of Leesbury, VA, then along the southern, western, and northern municipal limits of Leesbury, VA, to U.S. Hwy 15, and then along U.S. Hwy 15 to the Potomac River.

The Chamber of Commerce presents various geographic, demographic, and

economic information regarding Loudon County in support of its proposal.

The Loudon County Board of Supervisors joins in the Chamber of Commerce's request for expansion of the Washington, D.C., commercial zone. The Board, however, believes that all of Loudon County should be included in this commercial zone. It submits the results of a recent survey of country residents which its believes support this position. The County Board also submits eight letters from representatives of governmental and commercial groups and individual businesses which favor expansion of the Washington commercial zone to include all or part of Loudon County.

COMMENTS AND PROCEDURAL MATTERS

No oral hearing in this proceeding is contemplated. Any person (including petitioner) wishing to participate in the proceeding, in support of or in opposition to the proposals, shall file an original and 11 copies (wherever possible) of written representations, views, and arguments.

Written material or suggestions submitted will be available for public inspection at the office of the Interstate Commerce Commission, 12th and Constitution Ave., Washington, D.C. during regular business hours.

Notice to the general public of the matters under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-33922 Filed 12-4-78; 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.

[6050-01-M]

ACTION

PRIVACY ACT OF 1974

Change of Systems of Records

AGENCY: ACTION.

ACTION: Notice of change in Systems of Records.

SUMMARY: This notice is issued to inform the public that we are combining previously published notices of systems of records and to include mention of records which were in effect prior to September 27, 1975 and were not included in our previous notices. The two systems of records published in this notice covers our general personnel records and our general volunteer records. There is no change in the physical location or in the responsibility for the records. Individuals wishing to gain access to their records may request them from the office identified in the notice or from the Director of our Administrative Services Division.

DATE: This notice is effective December 5, 1978.

ADDRESS: ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT:

Mr. John F. Nolan, Director, Administrative Services Division, phone number 202-254-8105.

SUPPLEMENTARY INFORMATION: This notice combines notices which were published in the FEDERAL REGISTER on September 20, 1977. We initially published notices for each segment of records established for staff and volunteers. We have consolidated those notices to two major systems with subsystems. One system is entitled, "ACTION Staff Applicant and Employee Records" (ASAER), and the other is "ACTION Volunteer Applicant and Service Records System" (AVASR). This change in our method of notification will not affect or impede an individual's access to his or her records.

Our prior notices for the "Peace Corps Trainee and Volunteer Personnel and Pay Records" and the "Employee Pay and Leave Records" did not mention the computer record for the two subsystems. Also, the "Overseas Peace Corps Post Volunteer Service Folder", "Personnel Management Information System" and the "Inactive Employee Service Record Card File" systems were not included in our earlier notices. These were in effect prior to September 27, 1975. Our general routine uses are incorporated by reference and were last published in the FEDERAL REGISTER, Volume 42 on September 20, 1977, at page 47349.

System name:

ACTION Staff Applicant and Employee Records, ACTION/1

System location:

ACTION, Personnel Management Division, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system:

Current and former employees, applicants; any individual involved in a grievance or grievance appeal or who has filed a complaint with the Department of Labor, Federal Labor Relations Council, Federal Mediation and Conciliation Service, or similar organization; and individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

Categories of records in the system:

(1) The staff security files contain investigative information regarding an individual's character, conduct, behavior in the community where he or she lives; loyalty to the U.S. Government; arrests and convictions for any violations against the law; reports or interviews with former supervisors; coworkers, associates, educators, etc., reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers, educational institutions attended; and other similar information developed from the above. (2) The Grievance, Appeal and Arbitration files contain copies of petitions, complaints, charges, responses, rebuttals, evidentiary material, briefs, affidavits, statements, records of hearings and decisions or findings of fact with respect thereto and incidental correspondence regarding complaints and appeals with respect to grievances and arbitration matters. (3) The Employees Indebtedness files contain records which are primarily correspondence regarding alleged indebtedness of ACTION employees, including employees' responses, the agency's response to the employee and/or creditor and administrative correspondence and records relating to agency assistance to the employee in resolving the indebtedness, if appropriate. (4) The Employee Reemployment and Repromotion Priority Consideration files contain a listing on a person's name and the positions he or she was considered for, dates of consideration and a copy of the individual's latest Standard Form 171 and performance evaluation. (5) The Performance Evaluation files consist of the annual performance evaluations of employee performance prepared by supervisors and reviewed by supervisory reviewing officials, together with comments, if any, by the employees evaluated. (6) The Management-Union Records system consists of automated data printouts showing an employee's name, grade, series, title, organizational entity and other associated data which determines his or her inclusion or exclusion from the bargaining unit under the existing union contract. The record also contains a printout showing the amount of dues withheld from each employee who has authorized such withholding, and other related data. (7) The Personnel Management Information system is a computer-based record which includes data relating to tenure, benefits eligibility, whether former volunteer, end of tour dates, awards, etc., and other data needed by Personnel and agency managers which is used for management purposes. (8) The Inactive Service Record Card contains a record of personnel actions made during employment, forwarding address, reason for leaving, social security number, date of birth, tenure, information and disposition of the official personnel folder.

Authority for maintenance of the system:

The Peace Corps Act, 22 U.S.C 2501 Et Seq., the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 Et Seq., provisions of the Federal Personnel Manual, the Foreign Affairs Manual, Executive Orders concerning management relations with employment organizations and Executive Order 10450 and various acts of Congress relating

to personnel investigations authorizing the same by the Civil Service Commission which responsibility can, under Civil Service regulations and law, be delegated in whole or in part to agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

As indicated below the subsystems incorporate all or some of our published routine uses. (1) Staff Security files—in addition to our general routine uses may be disclosed to the CSC as part of the central personnel investigation records system. (2) Grievance, Appeal and Arbitration Records and Files—in addition to our general routine uses may be disclosed and used: (a) To the CSC on request in conjunction with any appeal or in conjunction with its official duties with regard to personnel matters and investigation regarding complaints of Federal employees and applicants. (b) To designate hearing examiners, arbitrators and third-part appellate authorities involved in the hearing or appeal processes. (3) Employees Indebtedness Records and files—may be released under our routine uses numbers 1, 2 and 3 except that under routine use number 1 records may be released only to an appropriate Federal agency and the records may also be referred to a court of law and before an administrative board of hearing to matters related to probation and parole. (4) Employee Reemployment and Repromotion Priority Consideration Records and Files—in addition to our general routine uses may be disclosed to (a) the CSC as part of the CSC personnel management evaluation system and (b) to the CSC for information concerning the reemployment and repromotion rights of individuals covered under the CSC system. (5) Performance Evaluation files—in addition to our general routine uses may be disclosed to the CSC in connection with any request for information or inquiry as to Federal personnel regulations. (6) Management-Union Records—in addition to the general routine uses may be disclosed and used for the following (a) to the ACTION employees union for maintenance of its records with respect to dues and inclusion in the bargaining, (b) to the Treasury Department for preparation of payroll checks with appropriate withholding of dues, (c) to the CSC for union related reporting in the area of management/labor relations. (7) Personnel Management Information System—is used by agency officials for day to day work processing; statistical reports without personal identifiers and for in-house reports relating to personnel management. Information contained in this record is reflected in the individual's official personnel folder. (8) Inactive Service Record Card File—is used by personnel staff to verify service and for day to day work information.

Policies and pratices for storing, retrieving, accessing, retaining and disposing of records in the system: Storage:

Records are maintained in file folders, magnetic tape, lists or looseleaf binders and are stored in metal file cabinets with a three-way combination lock and/or secured rooms with access limited to those employees whose official duties require access.

Retrievability:

Records are indexed by name, social security number or employee number.

Safeguards:

Records are generally available only to ACTION employees having a need for such records in the performance of their duties. Generally the security files are available only to personnel of the Security office or to agency office heads or other agency security personnel and such personnel must have an appropriate security clearance.

Retention and disposal:

After termination, death or retirement or consideration of an applicant the Staff Security files are kept in the security office three years and then retired to a Federal Records Center for 27 years and then destroyed. The Grievance, Appeals and Arbitration files are retained indefinitely in the Personnel Management Division. The Employee Indebtedness files are destroyed on a bi-annual basis or when the problem is resolved. The Employee Reemployment and Repromotion Priority Consideration files are retained according to length of reemployment or repromotion eligibility. The Performance Evaluation files are retained one year or until superseded. The Personnel Management Information system records and the Inactive Employee Service Record Cards are kept indefinitely in the Personnel Management Division. The Management-Union Lists are retained until superseded by a corrected or updated list.

System manager(s) and address:

The Director of Personnel has overall responsibility for records covered by this system. Personnel branch chiefs are responsible for the subsystems as follows: (a) Staff Security Files—Chief, Employee Security Branch; (b) Grievance, Appeal and Arbitration; Employee Indebtedness Files; and Management-Union Records—Chief, Labor and Employee Relations Branch; (c) Performance Evaluation File; Employee Reemployment and Repromotion Priority Consideration File; Personnel Management Information System and the Inactive Employee Service Record File—Chief, Personnel Staffing Branch.

The address for all systems is ACTION, Personnel Management Division, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Record source categories:

From the individual, the official personnel folder, statistical and other information developed by the Personnel Management Division staff, such as end of tour dates, arrival at post dates and within class increase due dates; agency supervisors and reviewing officials, individual employee fiscal and payroll records, alleged creditors of employees, witnesses to any occurrence giving rise to a grievance, appeal or other action, hearing records and affidavits and other documents used or usable in connection with grievance, appeal and arbitration hearings, and information contained in the Staff Security files was obtained from (a) applications and other personnel and security forms furnished by the individual, (b) investigative material furnished by other Federal agencies, (c) by personal investigation or written inquiry from such associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above, and (e) from the individual.

Notification procedure:

Individuals wishing to see information in their records, inquire if this system of records contains information about them, or contest/correct information should provide their name, any former name, date of birth, social security number, dates of service, if known, location of service and type of service. Individuals may address their inquiries to the Personnel Management Branch System Manager, the Director of Personnel or to the Director of the Administrative Services Division. All requests should be addressed to ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525, and should have "Privacy Act Request" noted on the envelope.

Record access procedures:

See "Notification" above.

Contesting record procedures:

See "Notification" above.

System name:

ACTION Volunteer Applicant and Service Records System, ACTION/2.

System location:

This system is made up of subsystems which are located agencywide at

ACTION offices. These locations are (a) ACTION Headquarters, (b) all ten Domestic Regional and State Offices; (c) all five Service Center offices, area and sub-area Recruitment offices; and (d) each Peace Corps overseas program office. There is at present an excess of 60 such overseas offices and this number fluctuates as programs are added or withdrawn. Specific addresses will be provided upon request to the Director of the Administrative Services Division. Any particular country in which Peace Corps maintains a program may be addressed by writting to the Country Director, Peace Corps, c/o The American Embassy in the country.

Categories of individuals covered by the system:

Current and former ACTION full-time volunteers, trainees and applicants for volunteer service in the Peace Corps, including Peace Corps United Nations Volunteers, or in one of ACTION's full-time Domestic Operations programs including Volunteers in Service to America (VISTA), University Year for ACTION (UYA), ACTION Cooperative Volunteers ACV), Program for Local Service (PLS), and Volunteers in Justice (VIJ). A Record may exist in a subsystem depending on whether a record was established as part of the application, placement, selection and services process. Normally, an applicant record will exist for all applicants and a service record will exist for all trainees and volunteers.

Categories of records in the system:

This major system covers a number of temporary and permanent records established during the applicant, placement, selection and service stages. Most information maintained in this system is furnished by the individual. Generally, the individual is also aware of any necessary investigations being conducted and is either counselled or authorizes such investigations. As the record progresses through the subsystems an applicant, medical, volunteer service, legal or special services file may be established. These records are explained in detail in the following paragraphs. At the processing and program support desk levels temporary day to day sets of records may be used or set up to speed up work processes. The information used at the desk level is usually information extracted from the main file or is a duplicate of information contained in the main file and is utilized only as long as needed for a particular decision, project or period of services. Upon completion of the use of such records they are destroyed or, if a permanent document or record, are forwarded to the ACTION Records Center for consolidation, retirement and ultimate destruction.

(1) *Volunteer Application Folder and Computer Based Record:* This record contains forms related to the application process such as the application, references, invitation to training and other trainee enrollment forms, correspondence relating to the application, copies of other application documents, such as Peace Corps background investigation form, evaluator-recruiter interview forms. Information is extracted from the hard copy to create a computer record which is used to track progress, issue labels for correspondence to the applicant and account for the establishment, retirement and ultimate destruction of the individual record. Statistical information, without personal identifiers, is issued from the computer record.

(2) *Trainee and Volunteer Service and Pay Folder and Computer based record:* This record contains correspondence, forms related to pay allowances, travel and service such as, the Oath, designation of beneficiary, address, social security number, duty station, next of kin, trainee registration form, service and termination documents. Information is coded from hard copy documents to create a record for pay and verfication of service purposes.

(3) *Medical Folder:* The medical record contains medical examination forms and fitness for duty reports, medical claims, correspondence and cables, medical histories, payment records, record of the consulting physician, treatment, hospitalization and disposition of the case. History of psychiatric or psychological treatment.

(4) *Legal Folder:* These records contain a record of any legal matter affecting volunteers or applicants. Includes grievances, appeals, claims litigation, legal queries from volunteers/applicants and answers, and any other matter involving contact between a volunteer/applicant and the Office of the General Counsel.

(5) *Special Services Folder:* This record in set up to cover any unusual or extraordinary action or circumstance happening during service or causing the termination of the volunteer or trainee. These records contain details of extensions, transfers, reenrollments, reinstatements, death or terminations. Details include name, country of assignment, program number, dates of the action, supportive documentation. Supportive documentation would include termination reports, staff recommendations, cables, financial information, travel arrangements and medical clearance. Death cases may also include autopsy report, documentation of account of the death, designation of beneficiary, police report, death certificate, correspondence related to final arrangements, money payments and other financial matters.

(6) *Overseas Post Service and Medical Records:* Contain correspondence and forms relating to in country service such as, records of all payments or accrued credit to volunteers and trainees, advances or other items due to the government from volunteers or trainees, monthly living allowances, leave allowances, settling in allowance, property assignments. The medical record is maintained at post by the Peace Corps Health official. It contains the entrance physical and dental examination records and record of treatment received while in Peace Corps.

(7) *Headquarters International Operations Region Correspondence Files:* These files contain copies and originals or correspondence to and from the volunteers of trainees regarding project activities.

(8) *United Nations Volunteers Records:* These records contain applications, correspondence related to the applicant/placement process, other records connected with the application, training and placement of persons wishing to serve or serving as United Nations Volunteers. For short periods of time references furnished by the applicant may be kept in the file but they are transferred to the ACTION Office of Recruitment which has the responsibility for the selection process. Similarly, medical history forms are collected but are immediately forwarded to the United Nations or the Health Services Division of ACTION. Upon the end of service or inactivation of the record they are forwarded to the ACTION Records Center for combining and retirement as regular Peace Corps records.

Authority for maintenance of the system:

The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., The Peace Corps Act, 22 U.S.C. 2501 et seq., and The Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The contents of these files and records may be disclosed and used as follows:

(a) A stated in our general routine uses unless specifically stated otherwise under this heading.

(b) To the Domestic Volunteer's sponsor concerning placement, performance, support and related matters.

(c) To Peace Corps Volunteer host country officials to obtain visas, inform of pending arrival of the trainee/volunteer and for review of their qualifications for the program.

(d) To the trainee/volunteer's family or next of kin so that he or she may be located in case of emergency.

(e) To the Social Security Administration for crediting of social security accounts and reporting withholdings.

(f) To the Internal Revenue Service to report on taxes paid and for income tax purposes.

(g) To Federal agencies having a need to verify volunteer eligibility for Federal employment under provisions of Executive Order 11103.

(h) To the Treasury Department for purposes of issuing payroll checks, readjustment allowance checks or to report overpayments.

(i) For Peace Corps volunteers, to appropriate overseas U.S. Government agencies for monthly payroll preparation.

(j) To verify active or former volunteer service.

(k) Regarding the legal record: Information contained in the legal file is not routinely disclosed outside the agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2, 7 and 10 of our general routine uses.

(l) Regarding the United Nations Volunteer records: In addition to our general routine uses the contents of these records and files may be disclosed and used as follows: 1. To designated officers and employees of the United Nations having a responsibility for the selection and placement of U.N. Volunteers. 2. To officials of a proposed host country desiring the assignment or placement of U.N. Volunteers.

(m) Regarding Medical records: In addition to our general routine uses the medical records and files may be disclosed or used as follows: 1. To the contractor under the ACTION Health Policy, for purposes of adjudication of volunteer claims. 2. To the Office of Workers Compensation, U.S. Department of Labor in connection with claims under the Federal Employee's Compensation Act. 3. To a physician or other medical personnel treating or involved in the medical treatment and/or care of an applicant, trainee or volunteer and having a need for such records for the provision of the medical treatment or care. In situations where it is practicable the individual's consent will be obtained before releasing such information. 4. To psychiatrists or clinical psychologists when necessary for treatment. To the extent practicable disclosure will not be made without approval of the individual. The existence of psychiatric or psychological records *but not their contents* may be disclosed to designated officers and employees of other agencies and departments of the Federal government and the District of Columbia government having an interest in an individual for employment purposes including a security clearance or access determination. 5. In death cases to notify designated life and/or personal property insurance companies to obtain payment of insurance benefits; to notify the Office of the Vice-President for the preparation of condolence letters; to the Department of Labor, Office of Federal Employee's Compensation; to the family and next of kin; and for Peace Corps Volunteers, the Department of State.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system: Storage:

Files or records are maintained in folders, log books, cards, magnetic tape or disc packs with tape backup and are filed in metal filing cabinets with a manipulation proof combination lock or in a room with a combination lock in the door, or in a locked room when not in use.

Retrievability:

The majority of the subsystem records are retrievable alphabetically by the last name. A few are retrievable by the social security number; by subject headings but access may be gained by reference to an alphabetical name index; or by alphabetical order by country of assignment.

Safeguards:

Records are generally available only to ACTION employees with specifically assigned duties which requires working with the records on a day to day basis. They are available to other ACTION employees having the need for such records in the performance of their official duties. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal:

Most volunteer records are kept no longer than seven years. The Domestic Operations Full-Time Volunteer Census Master File, the Domestic Operations Volunteer Status Change Card and the Peace Corps Personnel and Payroll Computer Record and the Peace Corps Description of Service records are kept permanently. The legal files are kept 27 years. The medical records are kept for 25 years. Applications rejected immediately are destroyed in six months. Applications, including any medical records, rejected before enrollment as a volunteer are destroyed in one year.

System manager(s) and address:

As the record flows from one state to another, or if a record is established for a specific purpose, the system manager is the agency official responsible for the particular function. If an individual is in doubt as to whom to contact he or she should contact the Director, Administrative Services Division.

The subsystem managers are:

a. The five ACTION Service Center Managers located as the New York Service Center; Atlanta Service Center; Chicago Service Center; Dallas Service Center and the San Francisco Service Center.

b. The Administrative Officers for the ten Domestic Operations Regional offices.

The following officers are located at ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525:

c. The Chief, International Operations Peace Corps Placement Branch.

d. The Chief, Health Benefits and Analysis Branch.

e. The Chief, Medical Screening and Services Branch.

f. The Chief, Medical Operations Branch.

g. The Chief, Domestic Volunteer Payroll Section.

h. The Director, Planning and Evaluation Division.

i. The General Counsel.

j. The Chief, International Volunteer Support Services Branch.

k. The Chief, ACTION Records Center.

l. The Chief, Special Services Branch.

m. The Director, Office of Multilateral and Special Programs.

n. Peace Corps Country Desk Officers.

The Following officers can be contacted at the post of assignment:

o. Peace Corps Country Directors Overseas.

p. Peace Corps Medical Officers Overseas.

Notification procedure:

Individuals wishing to see information in their records, inquire if this system or records contains information about them, or contest/correct information should provide their name, any former name, date of birth, social security number, dates of service if known, location of service and type of volunteer (Peace Corps or VISTA). Individuals should address their inquiries to the subsystem manager or the Director, Administrative Services Division, Office of Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. All inquiries should have "Privacy Act Request" noted on the envelope.

Record access procedures:

See "Notification" above.

Contesting record procedures:

See "Notification" above.

Record source categories:

Information is obtained from the individual; sources whom the individual has named; ACTION employees or other volunteers/trainees; medical personnel who have examined or treated a volunteer or applicant or his or her records; medical contractors; U.S. Government investigative agencies, including the Civil Service Commission, and local law enforcement officials; Peace Corps Host Country Nationals; Peace Corps Country American Embassy and Consulates, United Nations Staff; and job supervisors.

This notice is issued in Washington, D.C., on November 21, 1978.

JIM DUKE,
Executive Officer.

[FR Doc. 78-33873 Filed 12-4-78; 8:45 am]

[3410-34-M]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Approval

The regulations in 9 CFR Part 76, as amended, contain restrictions on the interstate movement of swine and swine products to prevent the spread of hog cholera and other swine diseases. This document adds certain livestock markets to the list of livestock markets approved for purposes of the regulations on the basis of a determination of their eligibility for such approval under § 76.18 of the regulations and removed from the list certain other livestock markets which have been found no longer to qualify for such approval.

The following livestock markets preceded by an asterisk are specifically approved to handle any class of swine and those livestock markets *not* preceded by an asterisk are specifically approved to handle slaughter swine only:

ALABAMA

Capital Stockyard, Montgomery.
*Louisville Auction Company, Louisville.
*Pickens County Livestock Commission Company, Aliceville.

ARKANSAS

*Lafayette County Livestock Co., Lewisville.
*Magnolia Livestock Auction, Magnolia.

CALIFORNIA

*Dixon Livestock Auction Company, Dixon.

COLORADO

*High Plains Marketing Assn., Inc., Burlington.

IOWA

*Story City Auction Sales, Inc., Story City.

KANSAS

Ogle Hog Company, Emmett.
Stafford Brothers Hog Market, Fort Scott.
*The Stockmans Livestock Exchange, Belleville.
*Fort Scott Sale Company, Inc., Fort Scott.

KENTUCKY

*Clay-Wachs Stockyard, Lexington.

MASSACHUSETTS

J. P. Hass & Sons, Rehoboth.

MINNESOTA

*Minnesota Feeder Pig Market, Windom.
Smith Livestock Market, Granada.
*Sleepy Eye Auction Market, Sleepy Eye.

MISSISSIPPI

W. N. Heidel, Jr. Assembly Point, Vaughn.
Mattox Livestock Dealer, Inc., Belden.
*Southwest Stockyard, Port Gibson.

MISSOURI

County Line Hog Market, Cainsville.
Five County Collection Center, Mountain Grove.
*Fruitland Livestock Market, Inc., Jackson.
*Donald Ghere Marketing Facility, Butler.
Heinold Hog Market, Trenton.
George A. Hormel & Co., Princeton.
*Interstate Producers Livestock Assn., Deepwater.
*Kingsville Livestock Auction, Kingsville.
*Midstates Livestock Market, Inc., Maryville.
*Olean Livestock Market, Inc., Eldon.
*Tina Feeder Pig Auction, Tina.
*West Plains MFA Feeder Pig Yards, West Plains.

NEBRASKA

*Humboldt Sale Barn & Humboldt Hog Market, Humboldt.
*Lexington Livestock Market, Lexington.
*Pender Livestock, Inc., Pender.
Weichman Pig Company, Inc., Fremont.

NEW MEXICO

B & D Hog Company, Clovis.
Clovis Hog Market, Clovis.
Portales Livestock Commission Company, Portales.

NORTH CAROLINA

M & R Livestock Co., Inc., Dunn.
Norwood Stockyard at Charlotte, Charlotte.
Tommie Turner Livestock Market, Pink Hill.
Trenton Livestock, Inc., Richlands.
R. O. Whitley, Inc., Buying Station, Como.

NORTH DAKOTA

*Tri-State Auction Market, Inc., Hettinger.

OHIO

*Middendorf Stockyards Company, d.b.a. Kenton Farmers Market, Kenton.

OKLAHOMA

*Antlers Livestock Auction, Inc., Antlers.
*Comanche Hog Sale, Ardmore.
*Comanche Hog Sale, Comanche.
*Delaware County Livesock Auction, Inc., Grove.
*Tonkawa Livestock Exchange, Tonkawa.
*Welch Livestock Auction, Welch.

PENNSYLVANIA

*Perkiomenville Livestock & Sales, Inc., Perkiomenville.
*Wayne County Auction Barn, Inc., Honesdale.

SOUTH DAKOTA

*Eureka Livestock Sales, Eureka.

TENNESSEE

Clarkville Livestock Co., St. Bethlehem.
Newbern Sales Barn, Inc., Newbern.
*Warren County Livestock Assn., McMinnville.

UTAH

*Producers Livestock Marketing Association, North Salt Lake.

VIRGINIA

Farmers Livestock Market, Rose Hill.

WISCONSIN

*Ray Wolosek, Jr., Wisconsin Rapids.

The following livestock markets are deleted from the list specifically approved to handle interstate shipments of swine:

ALABAMA

Pickens County Livestock Commission Company, Aliceville.

ARKANSAS

Magnolia Livestock Auction, Magnolia.

COLORADO

*Burlington Livestock Market Center, Burlington.

IOWA

*Woodbury County Livestock Auction, Lawton.

KANSAS

*Belleville Livestock Commission Company, Belleville.
Fort Scott Sale Co., Inc., Fort Scott.
*Washington Sale Co., Inc., Washington.

KENTUCKY

Adair County Stockyard, Columbia

MASSACHUSETTS

*J. P. Hass & Sons, Rehoboth.

MINNESOTA

*Farmers Feeder Pig Association, Worthington.
*L&L Livestock, Dunnell.
Meyer Livestock, Granada.
*Skelton Feeder Pig Market, Bemidji.

MISSOURI

*Browing & Crowe Order Buyers, Monroe.
Browning & Crowe Order Buyers, Inc., Paris.
*Charleston Auction Co., Charleston.
Constable Stockyards, Princeton.
*Fruitland Livestock Auction, Inc., Jackson.
*McDonald County Sale Company, Jane.
*Olean Livestock Market, Inc., Olean.

*Platta County Livestock Co., Platte City.
*Jack Sivils Sales Co., Inc., Butler.
Wilson & Co. Hog Market, Unionville.

NEBRASKA

*Morris Livestock Auction, Plattsmouth.
*Scottsbluff Livestock Auction, Inc., Scottsbluff.
*The Weichman Pig Company, Fremont.

NORTH CAROLINA

C & J Livestock, Lumberton.
*Greensboro Graded Feeder Pig Sale, Greensboro.
Murphy Livestock Auction Co., Murphy.
*Sessons Packing Co., Ahoskie.
R. G. Whitley & Son, Inc., Como.

NORTH DAKOTA.

*Hettinger Action Market, Inc., Hettinger.

OKLAHOMA

*Delaware County Livestock Auction, Jay.
*Kay County Farm Center, d.b.a. Tonkawa Action Center, Tonkawa.
*Maxson Sales Company, Inc., Welch.

PENNSYLVANIA

*Perkiomenville Sales Stables, Inc., Perkiomenville.
*Wayne County Livestock Exchange, Honesdale.

SOUTH DAKOTA

*Eureka Sales Company, Eureka.

TENNESSEE

Altsheler & Payne, d/b/a/ Clarksville Livestock Company, Clarksville.
*Hughes Feeder Pig, Guys.
*Meridith Livestock Auction, Pocahontas.
David Via-Newbern Sales Company, Inc., Newbern.
Warren County Livestock Co., McMinnville.
*Weakley County Feeder Pig Sale, Dresden.

UTAH

*Producers Livestock Marketing Association and North Salt Lake Livestock Company, North Salt Lake.

WISCONSIN

Peshtigo Livestock Sales, Peshtigo.
*Ray Wolosek, Sr., Wisconsin Rapids.

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 5, 23 Stat. 32, as amended; sec. 1, 75 Stat. 481; sec. 1, 32 Stat. 791, as amended; secs. 3 and 4, 33 Stat. 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g 120, 125, 126, 134b, 134f; 37 F.R. 28464, 28477; 38 F.R. 1914)).

Effective date. The foregoing notice shall become effective non December 5, 1978.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER

Done at Washington, D.C., this 29th day of November 1978.

NOTE. This "Notice of Approval" has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations" and has not been designated to be "significant" under these criteria.

PIERRE A. CHALOUX,
Deputy Administrator, Veterinary Services.

[FR Doc. 78-33788 Filed 12-4-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

NOVEMBER 29, 1978.

APPLICATION FOR AN ALL-CARGO AIR SERVICE CERTIFICATE

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 9, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 33977, from Pacific Alaska Airlines, Inc., of Paine Field, Everett, Washington, 98304, for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, any interested person may file an answer in opposition to this application on or before December 26, 1978. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-33896 Filed 12-4-78; 8:45 am]

[6320-01-M]

[Docket No. 33363]

FORMER LARGE IRREGULAR AIR SERVICE INVESTIGATION

Postponement of Hearing

The hearing on the application of Land-Air Corp., heretofore set for 21 November 1978 (43 FR 53784, November 17, 1978) and postponed to 28 November 1978 (43 FR 55271, November 27, 1978) is for good cause shown postponed to 6 December 1978 at 9:00 a.m. at the address heretofore set, hearing Room B.

Dated at Washington, D.C., 28 November 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 78-33898 Filed 12-4-78; 8:45 am]

[6320-01-M]

[Docket No. 28298, et al.]

TRANS WORLD AIRLINES, INC., RESPONDENT

Postponement of Hearing on Enforcement Proceeding

By motion dated November 22, 1978, respondent Trans World Airlines, Inc. (TWA) has requested the deferral of the hearing in this matter from December 6 and 7, 1978 until final action by the Board in Docket 29044. In the alternative, TWA requests a 31 day postponement to allow the parties one last opportunity to settle the matter amicably. The Bureau of Consumer Protection and three complainants (Gordon, Goland, and Health Research Group) do not oppose either part of TWA's motion. Action on Smoking and Health (ASH), which represents the majority of the complainants, opposes the deferral of the hearing until the Board has acted in Docket 29044, but does not oppose the 31 day postponement.

I am not persuaded that the hearing in the present matter should be deferred pending the outcome in Docket 29044. The rulemaking proceeding in that matter has been pending for some time and may not be concluded for a substantial additional time period. Meanwhile, the evidence in this proceeding could grow stale. The Board has taken no action, either in instituting Docket 29044 or in holding in abeyance the Eastern Air Lines enforcement case (Docket 26363, *et al.*), which is inconsistent with proceeding immediately to hear the present case.

However, I am convinced that a short postponement might serve a useful purpose. In addition to the possibility that such a postponement might facilitate a settlement, it would appear that the month of January would be more convenient for some of the witnesses to be called in this proceeding. (See Answer of the Bureau of Consumer Protection, dated November 28, 1978).

Accordingly, *It is ordered* That: The hearing in the above-entitled proceeding, which was assigned to be held on December 6 and 7, 1978 (43 FR 51435, November 3, 1978), is postponed to January 16 through 18, 1979, beginning at 10:00 a.m. (local time) on January 16, and will be held in Room C, Hearing Room 1003, Universal North

Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., November 29, 1978.

JOHN J. MATHIAS,
Administrative Law Judge.

[FR Doc. 78-33887 Filed 12-4-78; 8:45 am]

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

VERMONT ADVISORY COMMITTEE

Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission originally scheduled for November 28, 1978 (Fr Doc. 78-32490) on page 54115 has been changed to December 12, 1978.

The meeting place and time will remain the same.

Dated at Washington, D.C., November 30, 1978.

JOHN I. BINKLEY,
Advisory Committee Management Officer

[FR Doc. 78-33900 Filed 12-4-78; 8:45 am]

[6325-01-M]

CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Charter Renewal

Pursuant to Section 14(b) of the Federal Advisory Committee Act, notice is hereby given to the renewal of the charter of the Committee on Private Voluntary Agency Eligibility. The Committee was established under the authority of Executive Order 10927. The objective of the Committee is to insure through prior review of applications and supplementary financial and accounting data that only responsible and worthy national voluntary agencies are authorized to solicit Federal employees and military personnel on the job.

The renewal of this Committee is in the public interest. A new charter for the Committee has been approved and filed as required.

DONALD J. BIGLIN,
Advisory Committee Management Officer.

[FR Doc. 78-33876 Filed 12-4-78; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

NATIONAL PETROLEUM COUNCIL, TASK GROUPS OF THE COMMITTEE ON MATERIALS AND MANPOWER REQUIREMENTS

Meetings

Notice is hereby given that three task groups of the Committee on Materials and Manpower Requirements will meet in December 1978 and January 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Materials and Manpower Requirements will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The three task groups scheduling meetings are the Task Group on Tubular Steel, the Task Group on Geological and Geophysical Services, and the Task Group on Production Equipment. The time, location and agenda of each task group meeting follows:

The first meeting of the Tubular Steel Task Group will be on Wednesday, December 13, 1978, starting at 9:00 a.m. in the Conference Room of the U.S. Steel offices on the 20th floor of the Tenneco Building, 1010 Milam Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of scope of the NPC study on Materials and Manpower Requirements.
3. Discussion of the study methodology to be employed by the Tubular Steel Task Group.
4. Discussion of the timetable of the Tubular Steel Task Group.
5. Discussion of any other matters pertinent to the overall assignment of the Tubular Steel Task Group.

The first meeting of the Geological and Geophysical Task Group will be on Friday, December 15, 1978, starting at 10:00 a.m. in the office of Mr. Grant A. Dove, Marriott Inn North, 7750 LBJ Freeway North, Dallas, Texas.

The tentative agenda for the Chairman and Government Cochairman.

2. Discussion of scope of the NPC study on Materials and Manpower Requirements.
3. Discussion of the study methodology to be employed by the Geological and Geophysical Services Task Group.
4. Discussion of the timetable of the Geological and Geophysical Services Task Group.
5. Discussion of any other matters pertinent to the overall assignment of the Geological and Geophysical Services Task Group.

The first metting of the Production Equipment Task Group will be on Wednesday, January 10, 1979, starting at 10:00 a.m. in Room 1992 on the 19th floor of the Exxon Building, 800 Bell Avenue, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of scope of the NPC study on Materials and Manpower Requirements.
3. Discussion of the study methodology to be employed by the Production Equipment Task Group.
4. Discussion of the timetable of the Production Equipment Task Group.
5. Discussion of any other matters pertinent to the overall assignment of the Production Equipment Task Group.

The meetings are open to the public. The chairmen of the task groups are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task groups will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform James R. Hemphill, Office of Resource Applications, 202-566-7575, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcripts from the reporter.

Issued at Washington, D.C., on November 29, 1978.

GEORGE S. MCISAAC,
Assistant Secretary for Resource Applications.

[FR Doc. 78-33865 Filed 11-30-78; 11:45 am]

[6450-01-M]

Economic Regulatory Administration

ASSESSMENT OF SHORT-TERM MIDDLE DISTILLATE AND GASOLINE SUPPLY SITUATION AND PRICE TRENDS

Conference

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of conference.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) will conduct a conference on Friday, December 15, 1978, at 9:30 a.m. The purpose of the conference is to obtain an assessment of the short-term middle distillate and gasoline supply situation and price trends. DOE is inviting to participate representatives of the domestic oil companies, terminal operators, and marketers, together with interested states, members of Congress, consumer groups, and other interested Federal Agencies. The public may attend to observe. Written comments on the meeting are invited.

DATES: Conference Date: December 15, 1978, 9:30 a.m. Requests to speak by December 13, 1978, 4:30 p.m. Speakers to bring written statements on day of conference. Comments by December 26, 1978, 4:30 p.m.

ADDRESSES: Written comments and requests to speak to Public Hearing Management, Box WI, Economic Regulatory Administration, 2000 M Street, NW., Room 2313, Washington, D.C. 20461. Telephone requests to speak to 202-254-5201.

CONFERENCE LOCATION: Departmental Auditorium, Conference Room B, between 12th and 14th Streets on Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Alan T. Lockard (Fuels Regulation), 2000 M Street, NW., Room 6222, Washington, D.C. 20461, 202-254-7422.

Robert Reinstein (Regulations and Emergency Planning), 2000 M Street, NW., Room 6003, Washington, D.C. 20461, 202-254-9766.

Robert C. Gillette (Hearings Procedures) 2000 M Street NW., Room 2214, Washington, D.C. 20461, 202-254-5201

Joel Yudson (Office of the General Counsel), 12th & Pennsylvania Avenue, NW., Room 5119, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Background

The DOE has recently become aware of increased public concern over the adequacy of supplies for the coming winter of middle distillates (heating oils and kerosene) and gasoline, and the supply adequacy for next spring and summer of gasoline. Further concern has been expressed over recent price trends for gasoline and middle distillates.

Specifically, motor gasoline stocks are lower than they were last year and below the average level achieved for the same period in 1972-1977. Middle distillate stocks are lower than last year, although about at the average level achieved during the same period in 1972-1977. At the same time, demand for gasoline has exceeded expected levels for the post-summer period. Particularly, there are indications that gasoline demand, which historically has abated following summer peaks, has continued at relatively high levels. Because refiners are unable to maximize both gasoline and middle distillate production simultaneously, the continued level of motor gasoline demand has necessitated many refiners to continue to maximize gasoline production, at the expense of middle distillate production. In addition, it appears that a few refiners are also having difficulties in meeting demand for unleaded gasoline of higher octane than regular grade unleaded gasoline.

In response to these concerns and to assess the situation more accurately, the DOE is convening a conference to receive comments from concerned states, members of Congress, and consumer groups and to gather information on these matters from industry representatives, i.e., oil companies, terminal operators, and marketers. Representatives of other interested Federal agencies may also participate.

II. Agenda

The conference will begin with an opening statement by the Department and an assessment of the current supply and price situation for middle distillates and gasoline. Following the DOE presentation, we will invite representatives of state governments, members of Congress and representatives of consumer groups to express their concerns and views. We are interested in receiving specific factual assessments as it affects those groups.

DOE will then permit industry representatives to present their analyses and forecasts of the short-term overall supply and demand situations for middle distillates and motor gasoline. Discussions of supply should focus on the adequacy of stocks, production capability, and import availability. A general discussion concerning the factors and pressures causing recent price trends is also requested.

We will prohibit any company-specific discussion of production, marketing or pricing, but specific discussion of aggregate data and information to be supplied by and to participants will be permitted. Any participant who believes that the discussion poses an antitrust risk may leave and ask that the record note that fact. Representatives of the Department of Justice and/or DOE's Office of General Counsel will be in attendance.

III. Conference Procedures

The conference will be presided over by a senior official of DOE. A transcript of the conference will be prepared and made available for inspection at the ERA's Office of Public Information, Room B110, 2000 M Street, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may purchase a copy of the transcript of the conference from the reporter.

Written and telephonic requests to speak should be submitted by December 13, 1978, as set forth in the "Addresses" section. Each participant who requests to speak at the conference is requested to provide on the day of the conference at the location of the conference one hundred copies of his or her prepared statement.

Time constraints may limit the times for actual oral presentation depending on the number of speakers requesting to be heard. In this connection, DOE reserves the right to select the speakers to be heard to receive the broad range of views offered. The conference will be non-evidentiary and of a non-adversary nature. There will be no cross-examination of the participants. Questions of participants may only be asked by DOE officials. The presiding official will announce any additional procedures necessary at the conference.

IV. Further Data Submissions

To augment the information received at the conference, we intend to seek written data separately from relevant segments of the petroleum industry. A questionnaire is being prepared by ERA and will be distributed shortly. The information obtained therefrom will be aggregated and made publicly available.

V. Written Comments

Anyone may comment on the subject of this conference in writing. Identify comments on the outside envelope and on documents you submit with the description "Motor Gasoline and Middle Distillate Conference", Box WI, at the address noted in the "Addresses" section of this notice. Submit fifteen copies of your com-

ments by December 26, 1978, 4:30 p.m. All comments received will be available for public inspection in the ERA Official Public Inspection Room, Room B110, 2000 M Street, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, in one copy only, in accordance with procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. The Economic Regulatory Administration reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., November 30, 1978.

HAZEL R. ROLLINS,
Acting Administrator, Economic Regulatory Administration.

[FR Doc. 78-33867 Filed 11-30-78; 1:57 pm]

[6450-01-M]

Office of Hearings and Appeals

CASES FILED

Week of November 10, 1978 Through November 17, 1978

Notice is hereby given that during the week of November 10, through November 17, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

NOVEMBER 29, 1978.

List of Cases Received by the Office of Hearings and Appeals

[Week of Nov. 10 through 17, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 10, 1978	Anadarko Production Co., Washington, D.C.	DSG-0038 and DES-0121.	Petition for special redress and stay request. If granted: The Office of Hearings and Appeals would review the Oct. 27, 1978, denial of the application to quash a supbena submitted by Anadarko Production Co. and the firm's compliance with the subpena would be stayed pending a determination of the petition for special redress.
Nov. 13, 1978	Bob Adams (St. Louis Post), Washington, D.C.	DFA-0247	Appeal of an information request denial. If granted: The DOE's Aug. 23, 1978, information request denial would be rescinded and Bob Adams would receive access to EEO-1 forms and other data on hiring practices.
Do	Continental Oil Co., Houston, Tex	DES-1979	Stay request. If granted: Continental Oil Co.'s base period suply obligations to certain refiners would be stayed pending a final decision on the application for exception which the firm has filed.
Do	Gasoline Merchants Inc., Whaltam, Mass.	DEE-2003	Exception to change suppliers. If granted: Gasoline Merchants would be assigned a new base period supplier of motor gasoline to replace Litchfield Oil Co.
Do	Gulf Oil Corp., Houston, Tex.	DFA-0248	Appeal of an information request denial. If granted: The Sept. 26, 1978, information request denial would be rescinded and Gulf Oil Corp. would receive access to certain DOE materials relating to Advance Sales Corp.
Do	Piedmont Natural Gas Co., Inc., Greensboro, N.C.	DES-0122 and DST-0122.	Stay request and request for temporary stay. If granted: Piedmont Natural Gas Co., Inc., would receive a stay of the provisions of 10 CFR Part 211, pending a final determination on its application for adjustment to its base period use of propane.
Nov. 14, 1978	Belcher Oil Co., Washington, D.C.	DFA-0249	Appeal of an information request denial. If granted: The DOE's Oct. 11, 1978, information request denial would be rescinded Belcher Oil Co. would receive access to DOE materials regarding Florida Power & Light.
Do	Champlin Petroleum Co., Corpus Christi, Tex.	DEN-1309	Interim order. If granted: Champlin Petroleum Co. would be permitted to sell certain quantities of crude oil produced from the State 18 lease at upper tier ceiling prices pending the issuance of a decision and order in final form in connection with an application for exception which the firm has filed.
Do	Chevron U.S.A., Inc., San Francisco, Calif.	DEE-2004	Price exception (sec. 212.73). If granted: Chevron U.S.A., Inc., would be permitted to sell crude oil produced from the Vickers Rindge located in the Inglewood field, Los Angeles County, Calif., at upper tier ceiling prices.
Do	Crown Central Petroleum Corp., Baltimore, Md.	DRD-0013	Motion for discovery. If granted: Discovery would be granted to Crown Central Petroleum Corp. in connection with its challenge to a proposed remedial order, Case No. DRO-0111.
Do	Energy Cooperatives, Inc., Washington, D.C.	DEA-0252	Appeal of the entitlements notice. If granted: The DOE's August 1978, entitlements notice would be amended and the entitlement sales obligations of Energy Cooperatives, Inc., would be recomputed to eliminate the $0.21/bbl. factor set forth in sec. 211.67(i)(4).
Do	McAlester Fuel Oil Co., Houston, Tex.	DEE-2010	Price exception (sec. 212.73). If granted: McAlester Fuel Oil Co. would be permitted to sell the crude oil produced from its Kelly Field Tyler Sand Unit located in Musselshell County, Mont., at upper tier ceiling prices.
Do	R. W. Tyson Producing Co., Jackson, Miss.	DXE-2005	Extension of relief granted in *R. W. Tyson Producing Co.*, 2 DOE Par. —— (July 26, 1978). If granted: R. W. Tyson Producing Co. would continue to sell crude oil produced from its Glazier field located in Perry County, Miss., at upper tier ceiling prices.
Nov. 15, 1978	A.H. Todd & Sons, Inc., Fleischmanns, N.Y	DEE-2009	Exception to the reporting requirements. If granted: A. H. Todd & Sons, Inc., would no longer be required to submit reports concerning No. 2 fuel oil to the Department of Energy.
Do	Champlin Petrolem Co., Fort Worth, Tex.	DEE-2011	Price exception (sec. 212.73). If granted: Champlin Petroleum Co. would be permitted to sell the crude oil produced from its Mary Ellen O'Connor field located in Refugio County, Tex., at upper tier ceiling prices.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Nov. 10 through 17, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do	Columbia Gas System, Inc., Wilmington, Del.	DEE-2006 and DEE-2017.	Price exception (sec. 212.165(a)). If granted: Columbia Gas System, Inc., would be permitted to increase its first sale prices of natural gas liquids and natural gas liquid products to reflect on a dollar-for-dollar basis increased processing costs which it has incurred since the firm's first quarter of 1973 at the Kenova and Siloan plants.
Do	Data Technology Industries, Riverdale, Md	DFA-0250	Appeal of an information request denial. If granted: The DOE's Nov. 2, 1978, information request denial would be rescinded and Data Technology Industries would receive access to information pertaining to the technical proposal submitted by Sterling Systems, Inc.
Do	Lago Petroleum Co., Houston, Tex	DEE-2008	Price exception (sec. 212.73). If granted: Lago Petroleum Co. would be permitted to sell the crude oil produced from its Wharton South field located in Wharton County, Tex., at upper tier ceiling prices.
Do	Mobil Oil Corp., New York, N.Y	DXE-2007	Extension of relief granted in *Mobil Oil Corporation*, 2 DOE Par. —— (Sept. 28, 1978). If granted: Mobil Oil Corp. would be permitted to sell the crude oil produced from the North Russell Devonian field, located in Gaines County, Tex., at upper tier ceiling prices.
Do	O'Meara Bros., New Orleans, La	DXE-2013	Extension of relief granted in *O'Meara Brothers*, 1 DOE Par. 81,089 (Mar. 8, 1978). If granted: O'Meara Bros. would continue to sell the crude oil produced from the Louisiana State Lease 2192, at upper tier ceiling prices.
Do	Pennzoil Producing Co., Houston, Tex	DXE-2012	Extension of relief granted in *Pennzoil Producing Company*, 2 DOE Par. —— (Aug. 7, 1978). If granted: Pennzoil Producing Co. could continue to sell crude oil produced from the Woodruff Unit at market prices.
Do	Phillips Petroleum Co., Bartlesville, Okla	DFA-0251	Appeal of an information request denial. If granted: The DOE's Oct. 17, 1978, information request denial would be rescinded and Phillips Petroleum Co. would receive access to certain DOE documents.
Nov. 16, 1978	Guam Oil & Refining Co., Inc., Washington, D.C.	DEE-2015	Exception from the entitlements program. If granted: Guam Oil & Refining Co. would be granted an exception from the provisions of 10 CFR 211.67 so as to relieve the firm from the $0.21/bbl. entitlements penalty which is imposed upon the use of foreign crude oil.
Do	Shell Oil Co., Washington, D.C.	DEE-2014, DES-2014, and DST-2014.	Exception to base period supply obligations, request for stay, request for temporary stay. If granted: Shell Oil Co. would be granted a temporary exception from the allocation regulations which would permit the firm to determine its motor gasoline supply obligations on the basis of its customers' levels of purchases in the corresponding month of 1977 or the 1972 base period, whichever is greater.
Do.	Union Oil Co. of California, Los Angeles, Calif.	DXE-2016	Extension of relief granted in *Union Oil Co. of California*, 2 DOE Par.——(Sept. 29, 1978). If granted: Union Oil Co. of California could continue to sell crude oil produced from the West Richfield Chapman Zone Unit, located in the Richfield Field, California, at upper tier ceiling prices.
Nov. 17, 1978	Supreme Petroleum Co. of New Jersey, Inc., Washington, D.C.	DRD-0014	Motion for Discovery. If granted: Supreme Petroleum Co. of New Jersey, Inc., would be granted discovery with respect to a remedial order issued to Champlin Petroleum Co. on Sept. 19, 1977, by region VI.

Notices of Objection Received

Date	Name and location of applicant	Case No.
Nov. 13, 1978	Samedan Oil Corp., Ardmore, Okla	DEE-1171
Do.	Estate of Inez and Loyce Phillips, Austin, Tex	DEE-0319
Nov. 14, 1978	Allen K. Trobaugh, Midland, Tex	DXE-1860
Nov. 16, 1978	Phillips Petroleum Co., Bartlesville, Okla	DEE-1357
Do.	General Development utilities, Inc., Miami, Fla	DEO-0144

Remedial Orders, Notices of Objection Received

Nov. 14, 1978	Batson Petroleum Corp., Alexandria, Va	DRO-0136

[FR Doc. 78-33852 Filed 12-4-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1018-1]

DIESEL EMISSION HEALTH EFFECTS RESEARCH

Notice of Open Meeting

NOVEMBER 27, 1978.

To be held on December 12 and 13, 1978 at 8:00 a.m. at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, Virginia 22020, 703-892-4100.

Action—Open Scientific Review Meeting, December 12 and 13, 1978.

Contact: Mr. Brent Norton, GEOMET, Inc., Gaithersburg, Maryland, 301-948-0755.

Purpose: Present the EPA diesel emission health effects research plan to a scientific panel for review and scientific evaluation.

Agenda:

DECEMBER 12, 8:00 A.M. TO 5:30 P.M.

Introductory Overview of EPA Health Effects Research Plan.
In Vitro Studies.
Skin Painting Studies.
Intraperitoneal Injection Studies.
Inhalation Studies: cancer, noncancer.
Intratracheal Instillation and Injection Studies.
Epidemiology Studies.

DECEMBER 13, 8:00 A.M. TO 2:00 P.M.

Open Question and Comment Session.
Panel Deliberations and Report Writing.

Comments: Written comments may be filed during or after the meeting until December 27 for inclusion in the proceedings.

Proceedings: Summary proceedings will be published and made available.

STEPHEN J. GAGE,
Assistant Administrator for Research and Development.

[FR Doc. 78-33822 Filed 12-4-78; 8:45 am]

[6560-01-M]

[FRL 1020-7; OPP-00082]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

Open Meeting

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel from 9:30 a.m. to 4:30 p.m. daily on Thursday and Friday, December 14 and 15, 1978. The meeting will be held in Room 1112A, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va., and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS-766), Room 803, Crystal Mall, Building No. 2, at the above address, telephone 703-557-7560.

SUPPLEMENTARY INFORMATION: Notice of this meeting is published late because it was hoped that a discussion regarding amitraz (BAAM) could be added to the agenda; however, more time was needed to prepare a final cancer risk assessment. the Panel will comment on the impact on health and the environment of regulatory actions under section 6(b) and 25(a) of the amended FIFRA prior to implementation.

The purpose of this meeting is to discuss the following topics:

1. Completion of Panel review of topics continued from previous meetings;

2. Review of FIFRE Section 3(c)(7) interim-final regulations for conditional registration of pesticides;

3. A briefing will be given to the Panel by EPA on decision options under consideration by the Agency to conclude RPAR (Rebuttable Presumption Against Registration) action on Pronamide products; or

4. If the interim-final regulations referred to in item 2 above are not ready for review, the Panel will consider in an informal session the following subparts of the Guidelines for Registering Pesticides in the United States: Subpart H: Label Development; Subpart I: Experimental Use Permits; and Subpart J: Hazard Evaluation: Non-target Plants. These subparts are in preparation for proposal in the FEDERAL REGISTER.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above to be sure that the meeting is still scheduled. Interested persons are permitted to file written statements before or after the meeting and may upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. Written or oral statements will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirous of making oral statements must notify the Executive Secretary and submit copies of a summary no later than December 8, 1978.

Individuals who wish to file written statements are advised to submit copies of statements to the Executive Secretary in a timely manner to ensure appropriate consideration by the Panel.

STATUTORY AUTHORITY: Section 25(d) of FIFRA, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) and Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).

Dated: November 30, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-33937 Filed 12-4-78; 8:45 am]

[6560-01-M]

[OPP-50391A, FRL 1019-8]

ISSUANCE OF EXPERIMENTAL USE PERMIT; CORRECTION

In FR Doc. 78-30929 appearing at page 51132 in the issue of November 2, 1978, in experimental use permit No. 27586-EUP-23, the following correction should be made to the applicant's name in the first line of the description as follows: "* * * Forest Service, United States Department of Agriculture, Washington, D.C. 20013. This experimental * * *."

Dated: November 27, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-33825 Filed 12-4-78; 8:45 am]

[6560-01-M]

[OPP-50394, FRL 1019-7]

ISSUANCE OF EXPERIMENTAL USE PERMITS

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2224-EUP-4. Mobil Chemical Company, Richmond, Virginia 23261. This experimental use permit allows the use of the remaining supply of approximately 3,265 pounds of the herbicide bifenox on corn, barley, oats, rice, wheat, and sorghum to evaluate control of weeds; this use was authorized in a previous experimental use permit. A total of 340 acres is involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North

Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from November 9, 1978 to March 31, 1980. Permanent tolerances for residues of the active ingredient in or on corn, grain and straw of barley, oats, rice, wheat, and sorghum grain and forage have been established (40 CFR 180.351). (PM-25, Room: E-301, Telephone: 202-755-2196).

No. 524-EUP-46. Monsanto Company, St. Louis, Missouri 63166. This experimental use permit allows the use of 3,930 pounds of the herbicide glyphosate on forage grasses and legumes to evaluate control of weeds. A total of 2,620 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming. The experimental use permit is effective from November 14, 1978 to November 14, 1980. Temporary tolerances for residues of the active ingredient in or on forage legumes, liver and kidney of cattle, goats, hogs, horses, poultry, and sheep have been established. A permanent tolerance for residues of the active ingredient in or on forage grasses has been established (40 CFR 180.364). (PM-25, Room: E-310, Telephone: 202-755-2196).

No. 4581-EUP-30. Pennwalt Corporation, Monrovia, California 91016. This experimental use permit allows the use of 662 pounds of the plant growth regulator CIPC on stored potatoes to evaluate sprout inhibition in potatoes during the storage period. The program is authorized only in the States of Idaho, Minnesota, North Dakota, Oregon, and Washington. The experimental use permit is effective from November 4, 1978 to November 4, 1979. A permanent tolerance for residues of the active ingredient in or on potatotes has been established (40 CFR 180.181). (PM-25, Room: E-301, Telephone: 202-755-2196.)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: November 27, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-33823 Filed 12-4-78; 8:45 am]

[6560-01-M]

[FRL 1019-5; PP 6G1862, 7G1903, 8G2020/T170A]

Establishment of Temporary Tolerances for Glyphosate; Correction

In FR Doc. 78-29974 appearing at page 49846 in the issue of Wednesday, October 25, 1978, an incorrect statement was made in the third paragraph, to wit, "A nitrosamine compound, which is a suspect carcinogen, appears in the formulations as an impurity." The impurity is not a nitrosamine compound. Thus, the second sentence, third paragraph, should have read "*N*-nitrosoglyphosate appears in the formulations as a contaminant." the next sentence remains unchanged: "However, no residues of the compound are present at detectable levels in the raw agricultural commodities."

Dated: November 27, 1978.

DOUGLAS D. CAMPT,
Acting Director
Registration Division.

[FR Doc. 78-33826 Filed 12-4-78; 8:45 am]

[6560-01-M]

[FRL 10-19-6; PP 8G2032/T167A]

PESTICIDE PROGRAMS

Establishment of Temporary Tolerances for Glyphosphate; Correction

In FR Doc. 78-29108 appearing at page 47606 in the issue of Monday, October 16, 1978, an incorrect statement was made in the second paragraph, to wit, "A nitrosamine compound, which is a suspect carcinogen, appears in the formulations as an impurity." The impurity is not a nitrosamine compound. Thus, the second sentence, second paragraph, should have read "*N*-nitrosoglyphosate appears in the formulations as a contaminant." The next sentence remains unchanged: "However, no detectable residues of the compound are present in the raw agricultural commodities."

Dated: November 27, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-33827 Filed 12-4-78; 8:45 am]

[6560-01-M]

[PF-115, FRL 1019-4]

PESTICIDE PROGRAMS

Notice of Filing of Pesticide Petition

E. I. duPont de Nemours & Co., Wilmington, DE 19898, has submitted a petition (PP 8F2119) which proposes that 40 CFR Part 180 be amended by establishing a tolerance for residues of the herbicide hexazinone [3-cyclohexyl - 6 - (dimethylamino) - 1 methyl-1,3,5-triazine-2,4,(1*H*)-dione] and its metabolites (calculated as the parent compound) in or on sugarcane with a tolerance limitation of 0.2 part per million (ppm). The proposed analytical method for determining residues is by nitrogen selective gas chromatography. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW., Washington, D.C. 20460. Inquiries concerning this petition may be directed to Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, at the above address, or by telephone at 202/755-1397. Written comments should bear a notation indicating the petition number.

Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: November 27, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-33824 Filed 12-4-78; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

FM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: November 21, 1978.

Released: November 29, 1978.

By the Acting Chief, Broadcast Facilities Division.

CUT-OFF DATE: January 17, 1979.

Notice is hereby given, pursuant to § 1.573(d) of the Commission's rules, that on January 18, 1979, the FM broadcast applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules,

an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 17, 1979, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on January 17, 1979. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to §1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending FM broadcast applications, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

BPH-10764 (WQDW), Kinston, N.C., Smiles of Lenoir, Inc., Has: 97.7 MHz; channel No. 249A. ERP: 3 kW; HAAT: 170 ft. (Lic.). Req: 97.7 MHz; channel No. 249.A ERP: 3 kW; HAAT: 248 ft.

BPH-10875(new), Princeton, W. Va., Fincastle Communications Co., Inc., Req: 100.9 MHz; channel No. 265A. ERP: 1.9 kW; HAAT: 366 ft.

BPH-10876 (new), Chadron, Nebr., Big Sky Co. Req: 97.5 MHz; channel No. 248C. ERP: 100 kW; HAAT: 844 ft.

BPH-10879 (new), Houghton, Mich., Desnick Broadcasting Co. Req: 97.7 MHz; channel No. 249A. ERP: 1 kW; HAAT: 475 ft.

BPH-10895 (new), Kealakekua, Hawaii, Kona Koast Broadcasting Co. Req: 92.1 MHz; channel No. 221A. ERP: 3 kW; HAAT: 158 ft.

BPH-10907 (new), Craig, Colo., R & R Associates, Inc. Req: 102.5 MHz; channel No. 273C. ERP: 100 kW; HAAT: 1,206 ft.

BPH-10913 (new), Tawas City, Mich., Carroll Enterprises, Inc. Req: 103.9 MHz; channel No. 280A. ERP: 3 kW; HAAT: 300 ft.

BPH-11001 (new), Shelby, Ohio, Harry Wilber. Req: 100.1 MHz; channel No. 261A. ERP: 2.09 kW; HAAT: 350 ft. (Allocated to Plymouth, Ohio)

BPH-11002 (new), Raton, N. Mex., Raton Broadcasting Co. Req: 94.3 MHz; channel No. 232A. ERP: 3 kW; HAAT: 528 ft.

BPH-11003 (new), Benton, La., Benton Broadcasting Corp. Req: 92.1 MHz; channel No. 221A. ERP: 3 kW; HAAT: 300 ft.

BPH-11018 (WMIK-FM), Middlesboro, Ky., Cumberland Gap Broadcasting Co. Has: 92.7 MHz; channel No. 224A. ERP: 3 kW; HAAT: —190 ft. (Lic.). Req: 92.7 MHz; channel No. 224A. ERP: 0.129 kW; HAAT: 1,438 ft.

BPH-11019 (KWEZ), Monroe, La., Cyrene Broadcasting Corp. Has: 104.1 MHz; channel No. 281C. ERP: 17 kW; HAAT: 175 ft. (Lic.). Req: 104.1 MHz; channel No. 281C. ERP: 100 kW; HAAT: 852 ft.

BPH-11021 (new), Silsbee, Tex., Jewel P. White. Req: 101.7 MHz; channel No. 269A. ERP: 3 kW; HAAT: 188.4 ft.

BPH-11024 (KYLT-FM), Missoula, Mont., Scottie Broadcasting Co. Has: 100.1 MHz; channel No. 261A. ERP: 2.90 kW; HAAT: —810 ft. (Lic.). Req: 100.1 MHz; channel No. 261A. ERP: 3 kW; HAAT: —201 ft.

BPH-11033 (WZND), Zeeland, Mich., West-State Broadcasters, Inc. Has: 99.3 MHz; channel No. 257A. ERP: 3 kW; HAAT: 98 ft. (Lic.). Req: 99.3 MHz; channel No. 257A. ERP: 2 kW; HAAT: 353.6 ft.

BPH-11039 (new), Refugio, Tex., Price K. Johnson. Req: 106.3 MHz; channel No. 292A. ERP: 3 kW; HAAT: 300 ft.

BPH-11084 (WLER-FM), Butler, Pa., WBUT, Inc. Has: 97.7 MHz; channel No. 249A. ERP: 0.72 kW; HAAT: 290 ft. (Lic.). Req: 97.7 MHz; channel No. 249A. ERP: 1.16 kW; HAAT: 374 ft.

BPH-11097 (WSIV-FM), Pekin, Ill., Dick Lashbrook Corp. Has: 95.3 MHz; channel No. 237A. ERP: 2.8 kW; HAAT: 89 ft. (Lic.). Req: 95.3 MHz; channel No. 237A. ERP: 1.1 kW; HAAT: 461 ft.

BPH-11105 (new), Heidelberg, Miss., New Laurel Radio Station, Inc. Req: 99.3 MHz; channel No. 257A. ERP: 3 kW; HAAT: 300 ft.

BPH-11108 (new), Forsyth, Mont., Gold Won Radio Corp. Req: 101.3 MHz; channel No. 267C. ERP: 100 kW; HAAT: 1,025 ft.

BPH-11134 (KENE-FM), Toppenish, Wash., Radio Broadcasters, Inc. Has: 92.7 MHz; channel No. 224A. ERP: 1 kW; HAAT: —35 ft. (Lic.). Req: 92.7 MHz; channel No. 224A. ERP: 2.5 kW; HAAT: —35 ft.

BPH-11137 (KBCR-FM), Steamboat Springs, Colo., Big Country Radio, Inc. Has: 96.7 MHz; channel No. 244 A. ERP: 0.07 kW; HAAT: 1,880 ft. (Lic.). Req: 96.7 MHz; channel No. 244 A. ERP: 0.87 kW; HAAT: 514 ft.

BPH-11144 (KOPA-FM), Scottsdale, Ariz., First Media Corp. Has: 100.7 MHz; channel No. 264 C. ERP: 50 kW; HAAT: 170 ft. (Lic.). Req: 100.7 MHz; channel No. 264 C. ERP: 100 kW; HAAT: 1847 ft.

BPH-11146 (new), Rhinelander, Wis., Rhinelander Broadcasting Corp. Req: 97.5 MHz; channel No. 248 C. ERP: 100 kW; HAAT: 500 ft.

BPH-11148 (new), Safford, Ariz., KSIL, Inc. Req: 94.1 MHz; channel No. 231 C. ERP: 100 kW; HAAT: —316 ft.

BPH-11149 (WIKZ), Chambersburg, Pa., Chambersburg Broadcasting Co., Inc. Has: 95.1 MHz; channel No. 236 B. ERP: 2.8 kW; HAAT: 240 ft. (Lic.). Req: 95.1 MHz; channel No. 236 B. ERP: 50 kW; HAAT: 234 ft.

BPH-11162 (WABB-FM), Mobile, Ala., WABB-FM, Inc. Has: 97.5 MHz; channel No. 248 C. ERP: 100 kW; HAAT: 450 ft. (Lic.). Req: 97.5 MHz; channel No. 248 C. ERP: 100 kW; HAAT: 844.3 ft.

BPH-11170 (WRFB), Stowe, Vt., RFB, Inc. Has: 101.7 MHz; channel No. 269 A. ERP: 0.030 kW; HAAT: 2,289 ft. (Lic.). Req: 101.7 MHz; channel No. 269 A. ERP: 3 kW; HAAT: 85 ft.

BPH-11172 (WQYK-FM), St. Petersburg, Fla., Suncoast Stereo Corp. Has: 99.5 MHz; channel No. 258 C. ERP: 100 kW; HAAT: 240 ft. (Lic.). Req: 99.5 MHz; channel No. 258 C. ERP: 100 kW; HAAT: 546 ft.

BPH-11174 (new), Jersey Shore, Pa., Jersey Shore Broadcasting Co. of Pa., Inc. Req: 97.7 MHz; channel No. 249 A. ERP: 3 kW; HAAT: 300 ft.

BPH-11175 (new), Lonoke, Ark., Lonoke County Radio. Req: 106.3 MHz; channel No. 292 A. ERP: 3 kW; HAAT: 300 ft.

BPH-11176 (KUGN-FM), Eugene, Oreg., Obie Communications Corp. Has: 97.9 MHz; channel No. 250 C. ERP: 3.5 kW; HAAT: 780 ft. (Lic.). Req: 97.9 MHz; channel No. 250. ERP: 100 kW; HAAT: 784 ft.

BPH-11178 (WCHQ-FM), Camuy, P.R., Camuy Broadcasting Corp. Has: 102.9 MHz; channel No. 275 B. ERP: 5.9 kW; HAAT: —135 ft. (Lic.). Req: 102.9 MHz; channel No. 275 B. ERP: 50 kW; HAAT: 58 ft.

BPH-11184 (new), Canyon, Tex., Canyon Broadcasting Co. Req: 107.1 MHz; channel No. 296 A. ERP: 3 kW; HAAT: 295 ft.

BPH-11188 (KFMT), Moses Lake, Wash., KWIQ Radio, Inc. Has: 100.3 MHz; channel No. 262 C. ERP: 27.4 kW; HAAT: 210 ft. (Lic.). Req: 100.3 MHz; channel No. 262 C. ERP: 26.8 kW; HAAT: 210 ft.

BPH-11188 (new), Moses Lake, Wash., KSEM, Inc. Req: 99.3 MHz; channel No. 257 A. ERP: 3 kW; HAAT: 200.5 ft.

BPH-11189 (WKOA-FM), Hopkinsville, Ky., Pennyrile Broadcasting Co. Has: 100.3 MHz; channel No. 262 C. ERP: 30 kW; HAAT: 93 ft. (Lic.). Req: 100.3 MHz; channel No. 262 C. ERP: 100 kW; HAAT: 602 ft.

BPH-11192 (KQYN), Twentynine Palms, Calif., Hi-Desert Broadcasting Corp. Has: 95.7 MHz; channel No. 239 B. ERP: 5 kW; HAAT: —89 ft. (Lic.). Req: 95.7 MHz; channel No. 239 B. ERP: 16.2 kW; HAAT: —79 ft.

BPH-11193 (new), Holtville, Calif., William N. Babcock. Req: 100.1 MHz; channel No. 261 A. ERP: 3 kW; HAAT: 260 ft.

BPH-11194 (new), Eastland, Tex., Micro Media. Req: 96.7 MHz; channel No. 244 A. ERP: 3 kW; HAAT: 275 ft.

BPH-780710AD (new), Harlan, Iowa, Shelby Broadcasting Co. Req: 105.5 MHz; channel No. 288 A. ERP: 3 kW; HAAT: 300 ft.

BPH-780714AC (new), Harrison, Ark., Bowman & Loveland Broadcasting Co., Inc., Req: 96.7 MHz; channel No. 244 A. ERP: 3 kW; HAAT; 300 ft.

BPH-780717AC (new), Denair, Calif., Denair Broadcasting Co., Inc. Req: 95.9 MHz; channel No. 240 A. ERP: 3 kW; HAAT: 127 ft.

BPH-780717AM (new), Baker, Oreg., Oregon Trail Broadcasting, Inc. Req: 95.3 MHz; channel No. 237 A. ERP: 3 kW; HAAT: —200 ft.

BPH-780719AB (new), Ocilla, Ga., Irwin County Broadcasting Corp. Req: 97.7 MHz; channel No. 249 A. ERP: 3 kW; HAAT: 300 ft.

BPH-780724AN (new), Grants, N. Mex., Grants Broadcasting Co. Req: 95.3 MHz; channel No. 237 A. ERP: 3 kW; HAAT: 298 ft.

BPH-780726AG (KENO-FM), Las Vegas, Nev., Lotus Broadcasting Corp., Has: 92.3 MHz; channel No. 222 C. ERP: 27 kW; HAAT: 180 ft. (Lic.). Req: 92.3 MHz; channel No. 222 C. ERP: 100 kW; HAAT: 1,524 ft.

BPH-780801AH (new), Luray, Va., WRAA Broadcasters, Inc. Req: 103.9 MHz; channel No. 280 A. ERP: 3 kW; HAAT: 11 ft.

BPH-780802AI (new), Rusk, Tex., E. H. Whitehead. Req: 97.7 MHz; channel no. 249 A. ERP: 1.38 kW; HAAT: 423 ft.

BPH-780802AM (new), Homerville, Ga., Southern Broadcasting & Investment Co., Inc. Req: 105.5 MHz; channel No. 288 A. ERP: 3 kW; HAAT: 300 ft.

BPH-780803AD (new), Le Roy, Ill., S.M.C. Broadcasting Corp. Req: 92.7 MHz; channel No. 224 A. ERP: 3 kW; HAAT: 300 ft.

BPH-780814AF (KHBM-FM), Monticello, Ark., Andres Broadcasting Co., Inc. Has: 93.5 MHz; channel No. 228 A. ERP: 3 kW; HAAT: 205 ft. (Lic.). Req: 93.5 MHz; channel No. 228 A. ERP: 2.33 kW; HAAT: 337 ft.

BPH-780817AD (new), Terrytown, Nebr., Christian Media, Inc. Req: 103.9 MHz; channel No. 280 A. ERP: 3 kW; HAAT: 108 ft.

BPH-780818AG (new), Rawlins, Wyo., Korral Radio, Inc. Req: 92.7 MHz; channel No. 224 A. ERP: 3 kW; HAAT: 118 ft.

BPH-780821AC (new), Yakutat, Alaska, Intercontinental Ministries, Inc. Req: 103.9 MHz; channel No. 280 A. ERP: 0.004 kW; HAAT: 78.3 ft.

BPH-780821AE (new), Amherst, Va., Amherst Broadcasting Associates, Inc. Req: 107.9 MHz; channel No. 300 B. ERP: 50 kW; HAAT: 500 ft.

BPH-780822AA (new), Belen, N. Mex., Wuenschel Broadcasting Co., Inc. Req: 97.7; channel No. 249 A. ERP: 3 kW; HAAT: 276 ft.

BPH-780822AB (WEFA), Waukegan, Ill., WEFA, Inc. Has: 102.3 MHz; channel No. 272 A. ERP: 3 kW; HAAT: 190 ft. (Lic.). Req: 102.3 MHz; channel No. 272 A. ERP: 3 kW; HAAT: 300 ft.

BPH-780824AA (new), Cresson, Pa., Great American Wireless Signal Co., Inc. Req: 94.3 MHz; channel No. 232 A. ERP: 0.6 kW; HAAT: 598 ft.

BPH-780830AF (WMDH), New Castle, Ind., Delta D, Inc. Has: 102.5 MHz; channel No. 273 B. ERP: 20.5 kW; HAAT: 440 ft. (Lic.). Req: 102.5 MHz; channel No. 273 B. ERP: 50 kW; HAAT: 500 ft.

BPH-780830AH (WMEQ), Menomonie, Wis., Phillips Broadcasting Co., Inc. Has: 92.1 MHz; channel No. 221 A. ERP: 3 kW; HAAT: 150 ft. (Lic.). Req: 92.1 MHz; channel No. 221 A. ERP: 1.32 kW; HAAT: 431 ft.

BPH-780831AL (new), Paris, Ark., Logan County Broadcasting Co. Req: 95.3 MHz; channel No. 237 A. ERP: 0.7 kW; HAAT: 562 ft.

BPH-780831AS (WHOP-FM), Hopkinsville, Ky., Hopkinsville Broadcasting Co., Inc. Has: 98.7 MHz; channel No. 254 C. ERP: 39 kW; HAAT: 210 ft. (Lic.). Req: 98.7 MHz; channel No. 254 C. ERP: 100 kW; HAAT: 293 ft.

BPH-780911AE (KAYL-FM), Storm Lake, Iowa, Northwest Iowa Broadcasting Corp. Has: 101.5 MHz; channel No. 268 C. ERP: 17.5 kW; HAAT: 400 ft. (Lic.). Req: 101.5 MHz; channel No. 268 C. ERP: 87 kW; HAAT: 400 ft.

BPH-780911AJ (new), Ozark, Ark., Valley Communications, Inc., Req: 96.7 MHz; channel No. 244 A. ERP: 1.1kW; HAAT: 480 ft.

BPH-780915AC (KOTN-FM), Pine Bluff, Ark., Joellen Broadcasting Corp. Has: 92.3 MHz; channel No. 222C. ERP: 27 kW; HAAT: 115 ft. (Lic.). Req: 92.3 MHz; channel No. 222 C. ERP: 100kW; HAAT: 1,011 ft.

BPH-780918AM (KESM-FM), Eldorado Springs, Mo., Cedar County Broadcasting Corp. Has: 107.1 MHz; channel No. 296 A. ERP: 3 kW; HAAT: 135 ft. (Lic.). Req: 105.5 MHz; channel No. 288 A. ERP: 3 kW; HAAT: 208 ft.

BPH-780920AH (new), Princeton, Ill., WZOE, Inc. Req: 98.3 MHz; channel No. 252 A. ERP: 3 kW; HAAT: 300 ft.

BPH-780927AA (WUUU), Oak Ridge, Tenn., Rau Radio Stations, Inc. Has: 94.3 MHz; channel No. 232 A. ERP: 2.5 kW; HAAT: −45 ft. (Lic.). Req: 94.3 MHz; channel No. 232 A. ERP: 1.82 kW; HAAT: 383 ft.

BPH-781017AI (KLWN-FM), Lawrence, Kans., Lawrence Broadcasters, Inc. Has: 105.9 MHz; channel No. 290 C. ERP: 17 kW; HAAT: 135 ft. (Lic.). Req: 105.9 MHz; channel No. 290 C. ERP: 100 kW; HAAT: 593.7 ft.

BMLH-635 (WJRZ), Manahawkin, N.J., Jersey Shore Broadcasting Corp., Has: 100.1 MHz; channel No. 261 A. ERP: 3 kW; HAAT: 300 ft. (Lic.). (Ship Bottom, N.J.) Req: 100.1 MHz; channel No. 261 A. ERP: 3 kW; HAAT: 300 ft. (Manahawkin, N.J.).

BMPH-15456 (WQON), Grayling, Mich., Ausable Communications, Inc. Has: 100.1 MHz; channel No. 261 A. ERP: 0.3 kW; HAAT: 300 ft. (CP). Req: 100.1 MHz; channel No. 261 A. ERP: 1.65 kW; HAAT: 389 ft.

BMPH-15557 (KRQK), Lompoc, Calif. JWR Broadcasting Corp. Has: 100.9 MHz; channel No. 265 A. ERP: 3 kW; HAAT: 29 ft. (CP). Req: 100.9 MHz; channel No. 265 A. ERP: 3 kW; HAAT: 808 ft.

BMPH-780713AA (KPDJ), Eureka, Calif., Pauldon, Inc. Has: 92.3 MHz; channel No. 222 C. ERP: 100 kW; HAAT: 230 ft. (CP). Req: 92.3 MHz; channel No. 222 C. ERP: 100 kW; HAAT: 1,544 ft.

BMPH-781004AO (KFMG), Albuquerque, N. Mex., KFMG, Inc. Has: 107.9 MHz; channel No. 300 C. ERP: 77 kW; HAAT: −41 ft. (CP). Req: 107.9 MHz; channel No. 300 C. ERP: 10.1 kW; HAAT: 4,164 ft.

BPED-2585 (new), Ceres, Calif., Assyrian Cul. Center Bet-Nahrain, Inc., Req: 89.5 MHz; channel No. 208 D. ERP: 0.03 kW; HAAT: 135 ft.

BPED-2596 (new), Corpus Christi, Tex., Spindizzy Pubcom. Req: 91.9 MHz; channel No. 220 A. ERP: 2.39 kW; HAAT: 316.8 ft.

BPED-2604 (WCRH), Williamsport, MD., Cedar Ridge Childrens Home & School, Inc. Has: 90.5 MHz; channel No. 213 B. ERP: 7.5 kW; HAAT: 27 ft. (Lic.). Req: 90.5 MHz; channel No. 213 B. ERP: 10 kW; HAAT: 884 ft.

BPED-2609 (new), Claremore, Okla., Claremore College. Req: 91.3 MHz; channel No. 217 D. TPO: 0.01 kW.

BPED-2616 (KMSM-FM), Butte, Mont. Associated Students of Montana Tech. Has: 91.5 MHz; channel No. 218 D. TPO: 0.01 kW (Lic.). Req: 91.5 MHz; channel No. 218 A. ERP: 0.168 kW; HAAT: −322 ft.

BPED-2620 (WFIT), Melbourne, Fla., Florida Institute of Technology. Has: 91.5 MHz; channel No. 218 D. TPO: 0.01 kW (Lic.). Req: 89.5 MHz; channel No. 208 A. ERP: 2.97 kW; HAAT: 92.6 ft.

BPED-2624 (new), Champaign, Ill., Prairie Air, Inc. Req: 90.1 MHz; channel No. 211 A. ERP: 0.399 kW; HAAT: 390 ft.

BPED-2639 (new), Schofield, Wis., D.C. Everest Area School District. Req: 89.1 MHz; channel No. 206 D. ERP: 0.012 kW; HAAT: 42.38 ft.

BPED-2645 (WCVH), Flemington, N.J., Hunterdon Central High School Board of Education. Has: 90.5 MHz; channel No. 213 A. ERP: 0.069 kW; HAAT: 300 ft. (Lic.). Req: 90.5 MHz; channel No. 213 A. ERP: 0.039 kW; HAAT: 459 ft.

BPED-2653 (new), Paonia, Colo. North Fork Valley Public Radio, Inc. Req: 90.9 MHz; channel No. 215D. TPO: 0.01 kW; HAAT: −988 ft.

BPED-2657 (new), College Park, Md. University of Maryland. Req: 88.1 MHz; channel No. 201D TPO: 0.01 kW; HAAT: 3 ft.

BPED-2669 (new), Acton, Mass. Acton-Boxborough Regional School District. Req: 89.1 MHz; Channel No. 206D. ERP: 0.008 kW; HAAT: 26 ft.

BPED-2671 (WGTD), Kenosha, Wis. Gateway Adult Education District HAS: 91.1 MHz; channel No. 216A. ERP: 0.8 kW; HAAT: 145 ft. (Lic.). Req: 91.1 MHz; channel No. 216A. ERP: 5 kW; HAAT: 133 ft.

BPED-2672 (new), Gerlach, Nev. Washoe County School District. Req: 91.5 MHz; channel No. 218D. ERP: 0.014 kW; HAAT: −298 ft.

BPED-2673 (new), Farmington, N. Mex. Navajo Missions, Inc. Req: 88.9 MHz; channel No. 205D. ERP: 0.431 kW; HAAT: 355.5 ft.

BPED-2674 (WXGC), Milledgeville, Ga. Georgia College Radio Board. HAS: 88.9 MHz; channel No. 205D. TPO: 0.01 kW. (Lic.). Req: 88.9 MHz; channel No. 205C. ERP: 4.2 kW; HAAT: 95 ft.

BPED-2676 (new), Duluth, Minn. Northwestern College, Req: 90.5 MHz; channel No. 213A. ERP: 0.55 kW; HAAT: 621 ft.

BPED-2677 (new), Brockport, N.Y. State Unversity of New York. Req: 88.9 MHz; channel No. 205D. ERP: 0.008 kW; HAAT: 151 ft.

BPED-2681 (KEPC) Colorado Springs, Colo. Pikes Peak Community College. HAS: 90.5 MHz; channel No. 213C. ERP: 3.7 kW; HAAT: −1180 ft. (Lic.). Req: 90.5 MHz; channel No. 213C. ERP: 3.7 kW; HAAT: −273 ft.

BPED-2687 (new), Las Vegas, Nev. University of Nevada System Board of Regents. Req: 91.5 MHz; channel No. 218C. ERP: 14.7 kW; HAAT: 45 ft.

BPED-2688 (new), Sweet Briar, Va. Sweet Briar College. Req: 91.5 MHz; channel No. 218D. ERP: 0.008 kW; HAAT: 218 ft.

BPED-2691 (WUEC), Eau Claire, Wis. Board of Regents of University of Wisconsin. HAS: 89.7 MHz; channel No. 209D. TPO: 0.01 kW. (Lic.). Req: 89.7 MHz; channel No. 209C. ERP: 0.750 kW; HAAT: 632 ft.

BPED-2692 (WVKR-FM), Poughkeepsie, N.Y. Vassar College. HAS: 91.3 MHz; channel No. 217D. TPO: 0.01 kW. (Lic.). Req: 91.3 MHz; channel No. 217A. ERP: 1.0 kW; HAAT: −85 ft.

BPED-2694 (new), Logansport, Ind. Calvary Bible Church and Schools, Inc. Req: 88.5 MHz; channel No. 203D. ERP: 0.015 kW; HAAT: 24 ft.

BPED-2703 (KFCF), Fresno, Calif. Fresno Free College Foundation. HAS: 88.1 MHz; channel No. 201B. ERP: 0.39 kW; HAAT: 1,940 ft. (Lic.). Req: 88.1 MHz; channel No. 201B. ERP: 2.40 kW; HAAT: 1,877 ft.

BPED-2708 (WUSM), North Dartmouth, Mass. Southeastern Massachusetts University. HAS: 90.5 MHz; channel No. 213D. TPO: 0.01 kW. (Lic.) Req: 91.1 MHz; channel No. 216A. ERP: 0.302 kW; HAAT: 301 ft.

BPED-780714AK (KTCU-FM), Fort Worth, Tex. Texas Christian University. HAS: 88.7 MHz; channel No. 204A. ERP: 3 kW; HAAT: 125 ft. (Lic.). Req: 88.7 MHz; channel No. 204A. ERP: 3 kW; HAAT: 300 ft.

BPED-780724AS (new), Rochester, Minn. Faith Sound, Inc. Req: 88.5 MHz; channel No. 203C. ERP: 7 kW; HAAT: 317 ft.

BPED-780814AL (WGCS), Goshen, Ind. Goshen College Broadcasting Corp. HAS: 91.1 MHz; channel No. 216A. ERP: 0.39 kW; HAAT: 65 ft. (Lic.). Req: 91.1 MHz; channel No. 216B. ERP: 7.65 kW; HAAT: 56.5 ft.

BPED-780901AC (WVIK), Rock Island, Ill., Augustana College. HAS: 91.1 MHz; channel No. 216D. TPO: 0.01 kW. (Lic.). Req: 90.1 MHz; channel No. 211C. ERP: 85 kW; HAAT; 497 ft.

BPED-780920AM (KALA), Davenport, Iowa. St. Ambrose College. HAS: 90.1 MHz channel No. 211D. TPO: 0.01 kW; HAAT: 102 ft. (Lic.) Req: 88.5 MHz; channel No. 203A. ERP: 0.1 kW; HAAT: 110 ft.

BMPED-1613 (WDNA), Miami, Fla. Bascomb Memorial Broadcast Foundation, Inc. HAS: 88.9 MHz; channel No. 205C. ERP: 2.3 kW; HAAT: 710 ft. (CP) Req: 88.9 MHz; channel No. 205C. ERP: 95.1 kW; HAAT: 709 ft.

BMPED-780814AE (KOKF), Edmond, Okla. Oklahoma Foundation for Research and Development Utility. HAS: 90.9 MHz; channel No. 215D. TPO: 0.01 kW. (CP). Req: 90.9 MHz; channel No. 215C. ERP: 3.25 kW; HAAT: 234 ft.

[FR Doc. 78-33844 Filed 12-4-78; 8:45 am]

[6712-01-M]

FM BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Adopted: November 28, 1978.

Released: November 28, 1978.

By the Chief, Broadcast Facilities Division.

CUT-OFF DATE: January 2, 1979.

Notice is hereby given that the FM broadcast application listed below will be considered as ready and available for processing on January 3, 1979. Since the listed application is timely filed and mutually exclusive with the earlier-filed and cut-off application of Bermey E. Stevens (File No. BPH-10,775), no other applications which involve 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 Section 1.584.

BPH-11,004 (new), Windsor, N.C. Cashie Valley Broadcasters, Inc. Req: 97.7 MHz, 249; 3 kW; 300 feet.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-33845 Filed 12-4-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; 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 December 26, 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. 5200-33.

Filing Party: David C. Nolan, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111.

Summary: Agreement No. 5200-33, among the members of the Pacific Coast European Conference, modifies the self-policing procedures of the basic conference agreement to comply with the recent revision of Federal Maritime Commission General Order No. 7 set forth in Docket No. 73-64.

Agreement No. 8682-17.

Filing Party: Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 8682-17 would amend various articles of the U.S. Gulf/Japan Cotton Pool Agreement for the purpose of (1) reducing the minimum sailing requirements for American and Japanese carriers, and (2) revising the shares of percentage participation of the American and Japanese groups from 50 percent each to, respectively, 40 percent and 60 percent.

Agreement No. 9891-7.

Filing Party: Edwin Longcope, Esq., Hill, Betts & Nash, Suite 5215, One World Trade Center, New York, New York 10048.

Summary: Agreement No. 9891-7, between Armement Deppe, S.A. and Ozean/Stinnes-Lines Joint Service, changes the expiration date of the basic agreement from January 1, 1979 to January 1, 1982.

Agreement No. 10045-3.

Filing Party: Donald J. Brunner, Esquire, Ragan & Mason, 900 Seventeenth Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 10045-3, between Coordinated Caribbean Transport, Inc., Linea Naviera Pan Atlantica, S.A., d/b/a Pan Atlantic Lines, Inc., and Sea-Land Service, Inc., modifies the parties' basic forty-eight hour rate agreement in the trade between Florida ports and ports in the Republic of Panama and the Republic of Costa Rica by (1) providing for the admission of Sea-Land Service, Inc. as a party to the agreement; (2) expanding the geographic scope of the agreement to also include U.S. Atlantic and Gulf ports and to include inland points; (3) including demurrage charges as an item on which the parties may agree; and (4) incorporating neutral body self-policing provisions.

Agreement No. 10105-1.

Filing Party: Donald J. Brunner, Esquire, Ragan & Mason, 900 Seventeenth Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 10105-1, between Coordinated Caribbean Transport, Inc., Pan American Mail Lines, Inc., d/b/a Pan Atlantic Lines, Inc., and Sea-Land Service, Inc., modifies the parties' basic forty-eight hour rate agreement in the trade between Florida ports and Caribbean ports of Guatemala and Honduras, and via the latter, to and from inland ports in Guatemala, Honduras and El Salvador by (1) providing for the admission of Sea-Land Service as a party to the agreement; (2) expanding the geographic scope of the agreement to also include U.S. Atlantic and Gulf ports; (3) including demurrage charges as an item on which the parties may agree; and (4) incorporating neutral body self-policing provisions.

Dated: November 29, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-33869 Filed 12-4-78; 8:45 am]

[6730-01-M]

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, Louisiana; San Francisco, California; Chicago, Illinois, 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 December 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.: T-182-3.

Filing Party: David D. Pollack, Assistant General Counsel and Assistant Secretary, Youngstown Sheet and Tube Company, P.O. Box 900, Youngstown, Ohio 44501.

Summary: Agreement No. T-182-3, between Transoceanic Terminal Corporation and South Chicago Dock Leasing Company, Division of Youngstown Sheet and Tube Company, modifies the parties' basic agreement providing for the lease of certain property at Chicago, Illinois. The purpose of the modification is to terminate the agreement, effective upon the date (required by Order of the Court to be within 14 days after November 16, 1978) that possession of the property is awarded (pursuant to Order in a condemnation proceeding) to the Chicago Regional Port District.

Dated: November 29, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-33870 Filed 12-4-78; 8:45 am]

[6730-01-M]

[Independent Ocean Freight Forwarder License No. 1903]

E.A.M. INTERNATIONAL, ERIC A. MARANDOLA D/B/A

Order of Revocation

On November 20, 1978, E.A.M. International, Eric A. Marandola d/b/a, 1529 W. 14th Street, Long Beach, California 90813, requested the Commissioner to revoke its Independent Ocean Freight Forwarder License No. 1903, effective November 30, 1978.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1903 issued to E.A.M. International, Eric A. Marandola d/b/a be and is hereby revoked effective November 30, 1978 without prejudice to reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon E.A.M. International, Eric A. Marandola d/b/a.

ROBERT G. DREW,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-33871 Filed 12-4-78; 8:45 am]

[6730-01-M]

[Docket No. 72-35]

PACIFIC WESTBOUND CONFERENCE

Investigation of Rates, Rules and Practices Pertaining to the Movement of Wastepaper and Woodpulp From U.S. West Coast Ports to Ports in Japan; Availability of Final Environmental Impact Statement

Upon completion of a Final Environmental Impact Statement ("FEIS"), the Federal Maritime Commission's Office of Environmental Analysis ("OEA") has identified the energy and environmental consequences of the Commission's final resolution in this proceeding. the FEIS indicates that if the Commission decides PWC's rates on wastepaper violate the Shipping Act, 1916 and orders them reduced, there may be lower U.S. solid waste management costs, less fuel consumed in the U.S., less landfill and process water used, as well as, fewer air and water pollutants produced in the U.S. The assessment of energy use is required under section 382(b) of the Energy Policy and Conservation Act of 1975, and an environmental assessment is required under section 4332(2)(c) of the National Environmental Policy Act of 1969.

Docket No. 72-35 was instituted by Order of Investigation served on July 20, 1972, and is to determine whether the Pacific Westbound Conference's rates, rules and practices for moving wastepaper and woodpulp from United States West Coast ports to ports in Japan, South Korea, South Vietnam, Taiwan, the Philippines and Thailand violate sections 15, 16, 17, 18(b)(5) and 22 of the Shipping Act, 1916.

The OEA's conclusions are contained in the FEIS which is available on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone 202-523-5725.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-33872 Filed 12-4-78; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

BOWMAN CAPITAL CO.

Formation of Bank Holding Company

Bowman Capital Co., Omaha, Nebraska, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C.) 1842 (a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of The First National Bank of Bowman, Bowman, North Dakota. The factors that are considered in acting on the Application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The Application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 28, 1978. Any comment on an application that requests a hearing must be sent to the Secretary's office within 30 days of the date of this notice and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-33854 Filed 12-4-78; 8:45 am]

[6210-01-M]

CENTRAL WISCONSIN BANKSHARES, INC.

Acquisition of Bank

Central Wisconsin Bankshares, Inc., Wausau, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50.66 per cent or more of the voting shares of Community State Bank, Eau Claire, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 23 days of the date of this notice. Any comment on

an application that requests a hearing must be sent to the Secretary's Office and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-33855 Filed 12-4-78; 8:45 am]

[6210-01-M]

FIRST HAWAIIAN, INC.

Proposed Continuation of Insurance Agency Activities

First Hawaiian, Inc., Honolulu, Hawaii, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the sale of credit related life, accident, and health insurance in connection with loans or extensions of credit made by its wholly owned subsidiary, Hawaii Thrift & Loan, Incorporated, Honolulu, Hawaii. Notice of the application was published on September 29, 1978 in *The Honolulu Advertiser*, a newspaper circulated in Honolulu, Hawaii. The activities proposed have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 28, 1978.

Board of Governors of the Federal Reserve System, November 28, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-33856 Filed 12-4-78; 8:45 am]

[6210-01-M]

FIRST MUNDAY BANCSHARES, INC.

Formation of Bank Holding Company

First Munday Bancshares, Inc., Munday, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less director's qualifying shares) of First National Bank in Munday, Munday, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than 24 days of the date of this notice. Any comment on an application that requests a hearing must be sent to the Secretary's Office and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal System, November 27, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-33857 Filed 12-4-78; 8:45 am]

[6210-01-M]

FIRST NATIONAL CORP.

Acquistition of Bank

First National Corporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 70 per cent or more of the voting shares of The Oshkosh National Bank, Oshkosh, Wisconsin. The factors that are considered in acting on the application are set forth in 3 section (c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 27, 1978. Any comment on an application that requests a hearing must be sent to the Secretary's Office within 30 days of the date of this notice and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1978

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-33858 Filed 12-4-78; 8:45 am]

[6210-01-M]

HOUSTON BANCSHARES, INC.

Formation of Bank Holding Co.

Houston Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of North Side Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than 23 days of the date of this notice. Any comment on an application that requests a hearing must be sent to the Secretary's Office and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-33859 Filed 12-4-78; 8:45 am]

[6210-01-M]

RAYMONDVILLE STATE BANCSHARES, INC.

Formation of Bank Holding Co.

Raymondville State Bancshares, Incorporated, Raymondville, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more (less directors' qualifying shares) of the

voting shares of Raymondville State Bank, Raymondville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than 24 days of the date of this notice. Any comment on an application that requests a hearing must be sent to the Secretary's Office and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-33860 Filed 12-4-78; 8:45 am]

[6210-01-M]

SAFRACORP

Formation of Bank Holding Company

SafraCorp, Miami, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of SafraBank, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than December 28, 1978. Any comment on an application that requests a hearing must be sent to the Secretary's Office within 30 days of the date of this notice and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-33861 Filed 12-4-78; 8:45 am]

[6210-01-M]

STANDARD CHARTERED BANK LTD. ET AL.

Formation of Bank Holding Companies and Acquisition of Bank

Standard Chartered Bank Limited ("SCB"), London, England, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly 100 per cent (less directors' qualifying shares) of Union Bank, Los Angeles, California. This acquisition is proposed to be accomplished by a merger of SCB's indirect subsidiary, Standard Chartered Bancorp, San Francisco, California, and Union Bancorp, Inc., Los Angeles, California, a bank holding company that controls Union Bank. Subsequently, Applicant intends to effect a merger of Union Bank and SCB's indirect bank subsidiary, Chartered Bank of London, San Francisco, California. SBC's subsidiaries, Standard Chartered Overseas Holding Limited, London, England, and Standard Chartered Bancorp, have also applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(1)) to become bank holding companies by acquiring 100 percent (less directors' qualifying shares) of Union Bank and Chartered Bank of London, as a result of the same proposed transactions.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 28, 1978. Any comment on an application that requests a hearing must be sent to the Secretary's Office within 30 days of the date of this notice and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 28, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-33862 Filed 12-4-78; 8:45 am]

[6210-01-M]

STATE NATIONAL FINANCIAL CORP.

Formation of Bank Holding Company

State National Financial Corporation, Corsicana, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98.4 percent of the voting shares of The State National Bank of Corsicana, Corsicana, Texas. The factors that are considered in acting on the Application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The Application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the Application should submit views in writing to the Reserve Bank, to be received not later than 24 days of the date of this notice. Any comment on an Application that requests a hearing must be sent to the Secretary's Office and must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 27, 1978

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-33863 Filed 12-4-78; 8:45am]

[6820-96-M]

GENERAL SERVICES ADMINISTRATION

Federal Property Resources Service

ORDER TRANSFERRING TO THE TENNESSEE VALLEY AUTHORITY THE USE, POSSESSION, AND CONTROL OF CERTAIN LAND IN ANDERSON COUNTY, TENNESSEE, FROM THE DEPARTMENT OF ENERGY

By virtue of the authority vested in the President of the United States by Section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b) (1970)), and delegated to the Administrator of General Services by Section 1 (17) of Executive Order No 11609 of July 22, 1971, and further delegated to the Commissioner, Federal Property Resources Service, by GSA Order ADM 5450.49 of July 20, 1978, it is hereby ordered that the use, possession, and control of the land hereinafter described be, and it is hereby transferred to the Tennessee Valley Authority from the Department of Energy, successor to the Energy Research and Development Aministration, such transfer being deemed necessary and proper for the purposes of

the Tennessee Valley Authority as stated in the Tennessee Valley Authority Act of 1933, as amended, said transfer to be effective as of the date hereof:

TRACT NO. MHR-8

A portion of a tract of land lying in the Eighth Civil District of Anderson County, State of Tennessee, on the original right bank of the Clinch River at Solway Bridge, the said portion being more particularly described as follows:

Beginning at a point where the centerline of the westbound lane of the relocated State Highway 62 crosses the west end of the new Solway Bridge, said point also being in the easterly extension of the centerline of partially completed exit ramp "D" (as identified on Sheet 7 of State of Tennessee Department of Highways Plan and Profile of State Highway Project 01008-2211-04); thence with a severance line and a line that extends with the centerline of the ramp extension in a westerly direction and subsequently with the centerline of the said ramp as it curves to the right in a general northerly direction for a total distance of approximately 1,100 feet to a point 60 feet southeast of and radially opposite a point on the centerline of the old location of Bethel Valley Road and in the city of Oak Ridge's line; thence with the city of Oak Ridge's line, with a line 60 feet southeast of and parallel to the centerline of the said old road location and with a curve having a radius of 16,371.53 feet as it curves to the left in a northeasterly direction 445 feet to the tangent point of the curve; thence N. 57° 36' E., 230 feet to a point, a corner of the land of the city of Oak Ridge and the land of the United States of America in the custody of the Tennessee Valley Authority; thence with the line of the land in the custody of the Tennessee Valley Authority S. 55° E., 515 feet to the Clinch River as it was prior to the impoundment of Melton Hill Lake; thence with the said original Clinch River as it meanders downstream approximately 985 feet to a point in the centerline of the new Solway Bridge (State Highway 62); thence with the centerline of the new bridge N. 75° 35' W., 200 feet to the point of beginning, and containing 18.5 acres, more or less.

Furthermore, such appurtenant right, title, and interest as may attach to the title of the above-described land in and to that portion of the right-of-way of Bethel Valley Road which abuts the described land on the northwest.

Furthermore, such appurtenant right, title, and interest as may attach to the title of the above-described land in and to the bed of the original Clinch River.

The positions of corners and directions of lines are referred to the Tennessee Coordinate System.

The above-described land is subject to the following:

1. Such rights as may be vested in the state and county to rights-of-way for roads.

2. Such rights as may be vested in third parties to rights-of-way for telephone lines and electric power distribution lines.

This 17th day of November, 1978.

ROY MARKON,
Commissioner, Federal Property Resources Service.

[FR Doc. 78-33847 Filed 12-4-78; 8:45 am]

[4110-12-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

METHODS OF COLLECTION, MEASUREMENT, AND VALUATION OF SELECTED WEALTH COMPONENTS

Notice of Program Results

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces the results, findings, data, or recommendations reported as a result of activities associated with an HEW project entitled, "Methods of Collection, Measurement, and Valuation of Selected Wealth Components."

This project, part of the development program for the new Survey of Income and Program Participation reviewed methods employed in prior field surveys of collection, measurement, and valuation of selected wealth components. The product of this research project consisted of four reports, each on a component of an individual's personal wealth. The four components were: owner-occupied housing; insurance holdings; savings; and individually owned farms or businesses. Each report presents a clear and relevant analysis of problems associated with the collection and measurement of these data which have been encountered in previous studies collecting data through field survey methodology. In addition, the contractor evaluated the results of the different survey methods that might be useful in the development of the Survey of Income and Program Participation.

To obtain information or copies of the reports, please contact the Office of the Assistant Secretary for Planning and Evaluation, Income Survey Development Staff, Room 3627, 330 Independence Aveune, SW., Washington, D.C. 20201.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

Date: November 29, 1978.

[FR Doc. 78-33888 Filed 12-4-78; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-900]

PRIVACY ACT OF 1974

Proposed New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed new system of records.

SUMMARY: The Department is giving notice of a new system of records it intends to maintain that is subject to the provisions of the Privacy Act of 1974.

EFFECTIVE DATE: The system of records shall become effective without further notice January 4, 1979 unless comments are received on or before January 4, 1979, which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, telephone 202-755-5192.

SUPPLEMENTARY INFORMATION: The new system identified as Mortgagee Activities Review System will consist of name, address, social security account number, educational achievement, professional and employment histories and references of individuals designated as directors, officers and managers of firms applying to become HUD-approved mortgagees.

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 August 16, 1978. The prefatory statement containing General Rountine Uses applicable to all of the Department's systems of records was published at 42 FR 54765 (October 7, 1977) Appendix A, which lists the addresses of HUD's field offices, was published at 42 FR 54777 (October 7, 1977).

HUD/H-4

System name:

Mortgagee Activities Review System

System location:

Headquarters and most field offices. For a complete listing of these offices, with addresses, see Appendix A.

Categories of individuals covered by the system:

Individuals designated as directors, officers and managers and listed in a firm's application filed with HUD for the purpose of becoming a HUD-approved mortgagee.

Categories of records in the system:

Applications and resumes containing name; address, social security account number; educational, and professional and employment history; and personal references.

Rountine uses of records maintined in the system including categories of users and the purposes of such uses:

See Routine Uses Paragraphs in prefatory statement. Other routine uses: none.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

In file folders and on magnetic tape/disc/drum.

Retrievability:

Name, social security account number.

Safeguards:

Manual files are kept in lockable cabinets; computer records are maintained in secured areas. Access to either type of record is limited to authorized personnel.

Retention and disposal:

Records are maintained in perpetuity.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Officer of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Record source categories:

Subject, previous and current employers, and business and character references.

AUTHORITY: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., November 28, 1978.

WILLIAM A. MEDINA
Assistant Secretary for Administration.

[FR Doc. 78-33819 Filed 12-4-78; 8:45 am]

[4310-09-M]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CONTRACT NEGOTIATIONS WITH SNIPES MOUNTAIN IRRIGATION DISTRICT, YAKIMA PROJECT, WASHINGTON

Intent To Begin Contract Negotiations for Repayment of Emergency Loan Funds

Although the Department of the Interior has not formally adopted procedures for public participation in contract negotiations, we believe that it is in the interests of the Department to advise the public that a contract is being considered.

The Department of the Interior, through the Bureau of Reclamation, intends to open negotiations with the Snipes Mountain Irrigation District leading to a contract pursuant to the Act of June 26, 1948 (62 Stat. 1052), to return the costs of replacing the discharge manifold of the South Branch (Main) Pumping Plant, Snipes Mountain Irrigation District. The discharge manifold failed near the end of the 1977 irrigation season. Replacement of this key facility, through which water is supplied to nearly all of the lands within the Snipes Mountain Irrigation District, was required prior to commencing irrigation in 1978. The manifold has been replaced with Federal emergency funds at a cost of approximately $130,000.

The public is invited to observe the negotiating sessions and to submit written comments on the form of proposed contract not later than 30 days after the completed contract draft is declared to be available to the public.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact: Mr. Richard M. Rigby, Contract and Repayment Specialist, Division of Water, Power and Lands, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, Idaho 83724, telephone 208-384-1163.

Dated: November 29, 1978.

R. KEITH HIGGINSON,
Commissioner of Reclamation.

[FR Doc. 78-33875 Filed 12-4-78; 8:45 am]

[4310-55-M]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Ichthyological Associates, Inc., 100 S. Cass Street, Middletown, Delaware 19709.

The applicant requests a permit to conduct various scientific research including tagging and collecting meristic and morphometric and other data on short-nosed sturgeon (*Acipenser brevirostrum*) taken incidental to commercial fishing activities by others and to release them immediately and to salvage dead or mortally injured specimens.

Humane care and treatment during transport has been indicated by applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3431. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 4, 1979. Please refer to the file number when submitting comments.

Dated: November 30, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-33930 Filed 12-4-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Tennessee Valley Authority, Norris, Tennessee 37828.

The applicant requests a permit to capture birdwing pearly mussels (*Conradilla caelata*) by hand in the Duck River, Tennessee; Little Cypress; Alabama and the Clinch and Powell rivers of Tennessee and Virginia for identification, population census and immediately return them to the place where taken except to salvage those found dead or dying.

Humane care and treatment during transport has been indicated by applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Viriginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3410. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 4, 1979. Please refer to the file number when submitting comments.

Dated: November 30, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-33931 Filed 12-4-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: John W. Twente, Ph.D., Dalton Research Center, University of Missouri, Columbia, Missouri 65211.

The applicant requests a permit to capture 30 hibernating Indiana bats (*Myotis sodalis*) per year for 3 years to conduct hibernation research. Bats will be released to the wild where taken after the completion of each seasons hibernation.

Humane care and treatment during transport has been indicated by applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-3421. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 4, 1979. Please refer to the file number when submitting comments.

Dated: November 30, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-33932 Filed 12-4-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Application: University of Minnesota, St. Paul, Minnesota, L.D. (Dan) Frenzel.

The applicant requests a permit to take (capture) endangered bald eagles (*Haliaeetus leucocephalus*) for banding, color marking, x-raying for lead pellets and other research and to salvage injured birds for rehabilitative care.

Humane care and treatment during transport has been indicated by applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3407. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 4, 1979. Please refer to the file number when submitting comments.

Dated: November 30, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-33933 Filed 12-4-78; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Randall W. Weems, Box 116, Megargel, Archer County, Texas 76370, L.D. (Dan) Frenzel.

The applicant requests a permit to purchase 1 pair of Hawaiian ducks (*Anas wyvilliana*) and 2 pairs of Laysan ducks (*Anas laysanensis*) in interstate commerce from Mr. William Lemburg of Cairo, Nebraska for enhancement of propagation.

Humane care and treatment during transport has been indicated by applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3413. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before January 4, 1979. Please refer to the file number when submitting comments.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 78-33934 Filed 12-4-78; 8:45 am]

[4310-55-M]

ISSUANCE OF PERMIT FOR MARINE MAMMALS

On August 23, 1978, a notice was published in the FEDERAL REGISTER (Vol. 43, No. 164), that an application has been filed with the Fish and Wildlife Service by the Director, National Fish and Wildlife Laboratory, National Museum of Natural History, Washington, D.C. 20560, for a permit to sacrifice not more than 25 adult female and relocate 6 adult male sea otters (*Enhydra lutris*) in Prince William Sound, Alaska for the purpose of scientific research.

Notice is hereby given that on October 4, 1978, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit (PRT 2-3106) to the Director, National Fish and Wildlife Laboratory, subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: November 30, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc. 78-33935 Filed 12-4-78; 8:45 am]

[4310-55-M]

ISSUANCE OF PERMIT FOR MARINE MAMMALS

On August 23, 1978, a Notice was published in the FEDERAL REGISTER (Vol. 43, No. 164), that an application had been filed with the Fish and Wildlife Service by the Director, National Fish and Wildlife Laboratory, Nation-

al Museum of Natural History, Washington, D.C. 20560, for a permit to mark with paintsticks 10 West Indian manatees (*Trichecus manatus*) in the Crystal River, Citrus County, Florida for the purpose of scientific research.

Notice is hereby given that on November 15, 1978, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Endangered Species Act of 1973 (16 U.S.C. 1539), the Fish and Wildlife Service issued a permit (PRT 2-3093) to the Director, National Fish and Wildlife Laboratory, subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated November 30, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-33936 Filed 12-4-78; 8:45 am]

[4310-31-M]

Geological Survey

OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF (OCS)

Proposed Requirements for Verifying the Structural Integrity of OCS Platforms

AGENCY: Geological Survey, U.S. Department of the Interior.

ACTION: Proposed Geological Survey Standard.

SUMMARY: The Geological Survey has developed and is soliciting comments on the contents of a draft document entitled "Requirements for Verifying the Structural Integrity of OCS Platforms." This document contains detailed state-of-the-art performance standards which must be met or exceeded in the course of designing, fabricating, and installing new (fixed and/or bottom founded) oil and gas platforms. The primary thrust is aimed at platforms to be installed in frontier areas, in deep water, or those of unique design. Platforms directly associated with oil and gas leasehold production activities, including those structures that support processing, compression, pumping, and storage facilities, are addressed. Platforms that support main-line compressor or pumping stations are not addressed nor are structures that are located within the confines of a Deepwater Port.

These OCS platform requirements represent one part of the Platform Structural Verification Program. The program objective is to provide maximum assurance of the structural integrity of fixed and/or bottom founded oil and gas platforms on the OCS. The Platform Structural Verification Program will integrate two major elements: one substantive and one procedural.

The substantive elements of the program are contained in the main body of the draft requirements document. Permissible alternative procedures are contained in the associated appendices. In addition, an explanation of the basic intention underlying the requirements is provided in the associated commentary.

The procedural elements of the Program will be described in OCS Order No. 8.

DATE: Comments must be received on or before January 30, 1979.

ADDRESS: Comments should be mailed to: Acting Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 600, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Richard J. Giangerelli, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 620, Reston, Virginia 22092, (703) 860-6822.

AUTHOR: Richard J. Giangerelli, Geological Survey, Department of the Interior.

SUPPLEMENTARY INFORMATION: Because of the volume of the document entitled "Requirements for Verifying the Structural Integrity of OCS Platforms" and its associated appendices and commentary, they are not being published in the FEDERAL REGISTER. Copies of these documents may be obtained from the Acting Chief, Conservation Division.

The submission procedures and other requirements for the Platform Structural Verification Program will be included in OCS Order No. 8.

ENVIRONMENTAL IMPACT AND REGULATORY ANALYSIS STATEMENTS: The Department of the Interior has determined that the publication of this notice of a proposed Geological Survey standard will not have a significant impact on the quality of the human environment and, therefore, will not require preparation of an Environmental Impact Statement. The Department has also determined that this notice of a proposed Geological Survey standard does not require preparation of a regulatory analysis under Executive Order 12044.

Dated: November 28, 1978.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-33890 Filed 12-4-78; 8:45 am]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 7, 1978, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ALABAMA

Bibb County

Centreville, *Centreville, Historic District,* Walnut St., East and West Court Sq. (10-19-78)

Lee County

Auburn, *Old Main and Church Street Historic District,* Roughly bounded by E. Drake Ave., Western RR. of Alabama, N. Gay St., N. College St. and Bragg Ave. and Warrior Ct.

Marengo County

Demopolis, *Ashe Cottage,* 307 N. Commissioners (10-19-78)

ALASKA

Juneau Division

Juneau, *Alaskan Hotel (AHRS JUN-125),* 167 S. Franklin St. (10-25-78)
Juneau, *Holy Trinity Church,* 325 Gold St. (10-19-78)

Matanuska-Susitna Division

Wasilla, *Teeland's Country Store,* Mile 42 George Parks Hwy. and Knik Rd. (11-14-78)

Yukon-Koyukuk Division

Fort Yukon, *Old Mission House* (11-7-78)

ARIZONA

Maricopa County

Phoenix, *Phoenix Townsite,* bounded by 6th, 7th, Monroe, and Adams Sts. (11-7-78)

Pima County

Lukeville vicinity, *Gachado Well and Line Camp,* E of Lukeville in Organ Pipe Cactus National Monument (11-2-78)

ARKANSAS

Clark County

Arkadelphia vicinity, *Bozeman House*, W of Arkadelphia on AR 26/51 (11-14-78)

Garland County

Hot Springs, *Doherty House*, 705 Malvern Ave. (11-14-78)

Miller County

Texarkana, *Texarkana Union Station*, State Line and Front St., #1 Union Plaza (also in Bowie County, TX) (10-19-78)

Pulaski County

Little Rock, *Pettefer, Harry, House*, 105 E. 24th St. (10-19-78)

Washington County

Prairie Grove vicinity, *Tilley, John, House*, W of Prairie Dr. on Rhea's Mill Rd. (11-2-78)

CALIFORNIA

Los Angeles County

Norwalk, *Johnston, Darius David, House*, 12426 Mapledale St. (11-2-78)

Sacramento County

Sacramento, *Travelers' Hotel*, 428 J St. (10-19-78)

San Joaquin County

Stockton, *Stockton Savings and Loan Society Bank*, 301 E. Main St. (10-19-78)

Santa Clara County

Palo Alto Vicinity, *Hanna-Honeycomb House*, 737 Frenchman's Rd. (11-7-78)

Tuolumne County

Sonora, *Tuolumne County Jail*, 156 W. Bradford St. (11-7-78)

COLORADO

Prowers County

Lamar, *Davies Hotel*, 122 N. Main (10-19-78)

CONNECTICUT

Fairfield County

Shelton *Plumb Memorial Library*, 47 Wooster St. (11-7-78)

Hartford County

Hartford, *Stackpole, Moore and Tryon Building*, 105-115 Asylum St. (10-19-78)

FLORIDA

Gadsden County

Quincy, *Quincy Historic District*, roughly bounded by Sharon, Clark, Stewart, and Corry Sts. (11-9-78)

GUAM

Merizo vicinity, *Asmaile Point*, 4 mi. (6.4 km) E of Merizo off GU 4 (11-7-78)
Umatac vicinity, *Creto Site (66-06-0140)*, 2 mi. (3.2 km) SE of Umatac (11-7-78)
Umatac vicinity, *Machadgen Point (66-06-0130)*, SW of Umatac (11-7-78)
Yigo vicinity, *Hanum Site (66-07-0019)*, 2 mi. (3.2 km) E of Yigo (11-7-78)

HAWAII

Honolulu, *Hawaii Theatre*, 1130 Bethel St. (11-14-78)

IDAHO

Bingham County

Blackfoot, *Nuart Theater*, 195 N. Broadway (10-19-78)

Jefferson County

Roberts, *Hotel Patrie*, U.S. 91 (11-7-78)

INDIANA

Dubois County

Jasper, *Gramelspacher-Gutzweiler House*, 7th and Main Sts. (11-2-78)

IOWA

Appanoose County

Centerville, *U.S. Post Office*, 100 W. Maple St. (11-7-78)

Black Hawk County

Raymond, *Waterfield, William, House*, 308 3rd St. South (10-19-78)

Dallas County

Perry, *Perry Volunteer Fire Department Engine House*, 1208 lst St. (11-7-78)

Lee County

Keokuk, *Keokuk Lock and Dam*, at Mississippi River (10-19-78)

Linn County

Cedar Rapids, *May's Island Historic District*, between 1st and 5th Aves. on May Island (10-19-78)

KENTUCKY

Fayette County

Lexington, *Hathaway Houses*, 760-766 Pine St. (11-2-78)

Henderson County

Henderson, *St. Paul's Episcopal Church*, 338 Center St. (10-19-78)

MAINE

Cumberland County

Cape Elizabeth vicinity, *Richmond's Island Archeological Site* (11-2-78)

Knox County

Rockland, *Rankin Block*, 600-610 Main St. (11-7-78)

Washington County

Columbia Falls, *Bucknam, Samuel, House*, U.S. 1 (10-19-78)

MARYLAND

Washington County

Keedysville vicinity, *Baker Farm*, N of Keedysville (10-19-78)

MISSISSIPPI

Lowndes County

Columbus, *Snowdoun*, 906 3rd Ave. N. (10-19-78) HABS.

MISSOURI

St. Louis (independent city)

St. Francis de Sales Church, 2653 Ohio St. (11-2-78)

MONTANA

Beaverhead County

Dillion, *Dillion City Library*, 121 S. Idaho St. (11-14-78)

Ravalli County

Stevensville, *Bass Mansion*, 216 N. College St. (11-14-78)

NEBRASKA

Adams County

Hastings, *Chautauqua Pavilion*, Chautauqua Park (10-19-78)

NEW HAMPSHIRE

Cheshire County

Swanzey vicinity, *Sawyers Crossing Covered Bridge*, N of Swanzey off NH 32 (11-14-78)
Westport, *Slate Covered Bridge*, off NH 10 (11-14-78)

Sullivan County

Cornish Mills, *Dingleton Hill Covered Bridge*, off NH 12A (11-8-78)

NEW JERSEY

Bergen County

Hackensack, *U.S.S. Ling*, Hackensack River at 150 River St. (10-19-78)
Leonia, *Civil War Drill Hall and Armory*, 130 Grand Ave. (10-19-78)

Cumberland County

Carmel, *Beth Hillel Synagogue*, Irving Ave. (11-7-78)

Morris County

Morristown vicinity, *Fordville*, E of Morristown at 30 Ford Hill Rd. (11-2-78)
Parsippany vicinity, *Howell, Benjamin, Homestead*, 709 S. Beverwyck Rd. (10-19-78)

Somerset County

Plainfield vicinity, *Smalley-Wormser House*, W of Plainfield at 84 Mountain Ave. (10-19-78)

Union County

Elizabeth, *Belcher-Ogden House*, 1046, E. Jersey St. (11-2-78)

NEW MEXICO

Rio Arriba County

Cordova, *San Antonio de Padua del Quemado Chapel*, off NM 76 (11-2-78)

NEW YORK

Albany County

Albany, *Young Men's Christian Association Building*, 60-64 N. Pearl St. (11-2-78)
Green Island, *St. Mark's Episcopal Church*, 69-75 Hudson Ave. (11-7-78)

Chautauqua County

Fredonia, *Fredonia Commons Historic District*, Main, Temple, Church, Day, and Center Sts. (10-19-78)

Jefferson County

Fishers Landing vicinity, *Rock Island Light Station*, N of Fishers Landing on Rock Island (11-14-78)

Ontario County

Phelps, *St. John's Episcopal Church*, Church St. (11-7-78)

Otsego County

Gilbertsville, *Tianderah*, off NY 51 (11-2-78)

Queens County

Astoria, *Paramount Studios Complex*, 35th Ave., 35th, 36th, and 37th Sts. (11-14-78)

NORTH DAKOTA

Benson County

Minnewaukan, *Benson County Courthouse*, B Ave. (11-2-78)

Williams County

Ray, *Ray Opera House*, 111 Main St. (11-2-78)

OHIO

Brown County

Ripley vicinity, *Burgett House and Barn*, W of Ripley on White Rd. (11-14-78)

Crawford County

Orestline, *Methodist Episcopal Church*, Thoman and Union Sts. (10-27-78)

Lucas County

Toledo, *St. Paul's United Methodist Church*, Madison and 13th Sts. (11-2-78)

OKLAHOMA

Roger Mills County

Hammon vicinity, *Allee Site*, W of Hammon (11-8-78)

Tulsa County

Tulsa, *Mincks-Adams Hotel*, 403 S. Cheyenne St. (11-7-78)

OREGON

Jackson County

Ashland, *Taverner, George, House*, 912 Siskiyou Blvd. (11-7-78)
Rock Point, *White, John B., House*, 86 N. River Rd. (11-2-78)

Multnomah County

Portland, *Heusner, George F., House*, 333 NW. 20th Ave. (10-19-78)

PENNSYLVANIA

Adams County

McSherrystown vicinity, *Conewago Mass House*, N of McSherrystown on SR 476 (10-19-78)

Allegheny County

Pittsburgh, *Allegheny West Historic District*, Roughly bounded by Brighton Rd., Jabok Way, Ridge and Allegheny Aves. (11-2-78)

Bucks County

Pineville vicinity, *Keith House—Washington's Headquarters*, E of Pineville on Pineville Rd. (11-14-78)

Huntington County

Allenport vicinity, *Smalley, Lewis, Homestead*, E of Allenport on PA 103 (11-14-78)

Lancaster County

Lancaster, *Lancaster County Courthouse*, 43 E. King St. (11-7-78)

Lehigh County

Allentown, *Trout Hall*, 414 Walnut St. (11-14-78)

Somerset County

Meyersdale vicinity, *Bollman, W., and Company Bridge*, 1.5 mi. (2.4 km) N of Myersdale on U.S. 219 (11-8-78)

RHODE ISLAND

Providence County

Pawtucket, *Modern Diner*, 13 Dexter St. (10-19-78)

Washington County

Lafayette, *Lafayette Village*, RI 102 (11-14-78)
North Kingstown, *Camp Endicott*, Davisville Construction Battalion Center, between 7th and 10th Sts. (10-19-78)

SOUTH CAROLINA

Florence County

Florence, *Bonnie Shade*, 1439 Cherokee Rd. (11-14-78)
Florence vicinity, *Christ Episcopal Church*, NE of Florence on SC 327 (11-14-78)

Greenwood County

Greenwood, *Sunnyside*, 105 Dargan Ave. (11-14-78)

Kershaw County

Liberty Hill, *Liberty Hill Historic District*, SC 97 (11-14-78)

Laurens County

Madens vicinity, *Lindley's Fort Site*, W of Madens off SC 36 (11-7-78)

Spartanburg County

Spartanburg vicinity, *Anderson's Mill*, W of Spartanburg off SC 296 (11-14-78)

Sumter County

Sumter vicinity, *Salem Black River Presbyterian Church*, E of Sumter on SC 521 (11-14-78)

SOUTH DAKOTA

Brookings County

Brookings, *Stock Judging Pavilion*, 11th St. and Medary Ave. (10-19-78)

TENNESSEE

Blount County

Maryville, *Thompson-Brown House*, 1005 Tuckaleechee Pike (11-2-78)

Davidson County

Nashville, *Christ Church*, 900 Broadway (11-14-78)

Dyer County

Dyersburg, *Latta House*, 917 Troy Ave. (11-14-78)

Knox County

Knoxville, *Fire Station No. 5*, 419 Arthur St., NW (11-2-78)

Maury County

Columbia, *Church House*, 312 W. 7th St. (10-19-78)
Columbia, *State Bank of Tennessee*, 201 W. 7th St. (11-2-78)

Monroe County

Vonore vicinity, *Citico Site*, E of Vonore at Little Tennessee River (11-2-78)
Vonore vicinity, *Icehouse Bottom Site (40MR23)*, E of Vonore (10-19-78)
Vonore vicinity, *Mialoquo Site (40MR3)*, N of Vonore (10-19-78)
Vonore vicinity, *Tomotley Site (40MR5)*, SE of Vonore (10-19-78)

Rhea County

Dayton vicinity, *Hiwassee Garrison Site (Site 40Rh35)*, *S of Dayton (11-14-78)*

TEXAS

Bowie County

Texarkana Union Station. Reference—see Miller County, Arkansas

Crockett County

Ozona vicinity, *Turkey Roost Petroglyph Site*, NW of Ozona (10-19-78)

Garza County

Post vicinity, *Cooper's Canyon Site*, S of Post off TX 669 (11-7-78)
Post vicinity, *Post-Montgomery Site*, W of Post off U.S. 380 (11-7-78)

Harrison County

Leigh vicinity, *Mimosa Hall*, S of Leigh off SR 134 (11-2-78)

Hays County

San Marcos vicinity, *Freeman, Harry, Site*, NW of San Marcos off TX 12 (11-7-78)

Hill County

Huron vicinity, *Bear Creek Shelter Site*, SW of Huron (10-19-78)

UTAH

Garfield County

Panguitch vicinity, *Bryce Canyon Airport Hangar*, SE of Panguitch off UT 12 (10-19-78)

Iron County

Cedar City, *Wood, George H., House*, 432 N. Main St. (11-14-78)

Salt Lake County

Salt Lake City, *Nelden, William A., House*, 1172 E. 100 South (10-19-78)

Sanpete County

Spring City, *Spring City School*, off UT 117 (11-14-78)

Washington County

St. George vicinity, *Blake, Wallace, House,* S of St. George (11-14-78)

VERMONT

Addison County

Addison, *Addison Baptist Church,* jct. of VT 22A and VT 17 (11-2-78)
Ferrisburg vicinity, *Hawley's Ferry House,* NW of Ferrisburg on Kingsland Bay (11-2-78)
New Haven, *New Haven Junction Depot,* jct. U.S. 7 and VT 17 (10-19-78)

Rutland County

Sudbury, *Sudbury School No. 3,* jct. of VT 30 and VT 73 (11-2-78)

Washington County

Montpelier, *Montpelier Historic District,* U.S. 2 and VT 12 (11-3-78)

Windsor County

Cavendish, *Glimmerstone,* VT 131 (11-14-78)

WASHINGTON

San Juan County

Orcas Island, *Rosario,* S of East Sound on Orcas Island (11-2-78)

WEST VIRGINIA

Kanawha County

Belle, *Shrewsbury, Samuel Sr., House,* 310 Stubb Dr. (11-2-78)

WISCONSIN

Columbia County

Merrimac vicinity, *Durward's Glen,* NE of Merrimac off WI 78 (11-7-78)

Grant County

Lancaster, *Grant County Courthouse,* 126 W. Maple St. (10-19-78)

Iowa County

Linden, *Linden Methodist Church,* Main and Church Sts. (10-19-78)

* * * * *

The following is a list of corrections to properties previously listed in the Federal Register.

ARKANSAS

Phillips County

Helena, *Deisch-Bieri House,* 409 Biscoe St. (10-18-74) (previously listed as Short-Bieri House)

IDAHO

Lewis County

Kamiah, *State Bank of Kamiah,* ID 64 (8-29-78) (previously listed in Idaho County)

TENNESSEE

Greene County

Chuckey vicinity, *Earnest Fort House,* S of Chuckey on Nolichucky River (1-30-78) (previously listed as Mauris-Earnest Fort House)

* * * * *

The following properties have been demolished and/or removed from the National Register of Historic Places.

KENTUCKY

Boone County

Burlington vicinity, *Piatt's Landing,* S of Burlington on KY 338 (demolished)

Knott County

Hindman vicinity, *Stewart, Dr. Jasper, House,* 5.75 mi. (9 km) N. of Hindman (demolished)

Knox County

Barbourville, *Owens House,* 335 Knox St. (demolished)

Woodford County

Versailles vicinity, *Crittenden, John Jordan, Birthplace Cabin,* U.S. 60 (demolished)

MARYLAND

Anne Arundel County

Gambrills, *Hammond Manor House* (U.S. Naval Academy Diary Farm) U.S. Naval Academy Diary off MD 175 (demolished)

* * * * *

* * * * *

Determination of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for requesting determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures, 36 CFR part 800. Properties determined to be eligible under section 63.3 of the procedures for requesting determinations of eligibility are designated by (63.3).

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before any agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

The following list of additions, deletions and corrections to the list of properties determined for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

ARIZONA

Coconino County

Grant Canyon National Park, *Little Jug Site (G.C.-663)*

Maricopa County

Archeological Site: AZ T:6:3 (63.3)
Archeological Site: AZ T:6:4 (63.3)

CALIFORNIA

Colusa County

Sacramento River Bridge, spans Sacramento River (63.3)

Fresno County

Archeological Sites: FRE-625 and FRE-635, near Kerckhoff Lake (63.3)

Imperial County

Holtville vicinity, *Archeological Sites: 4-IMP-2936, 2937, 2939* (63.3)

Los Angeles County

Pasadena, *Shea House,* 524 N. Marengo Ave. (63.3)

Madera County

Archeological Sites: MAD-289 and MAD-293, near Kerckhoff Lake (63.3)

San Bernardino County

Redlands vicinity, *Marshall House,* 27297 Barton Rd.
Redlands vicinity, *White House,* 26849 Barton Rd.

Santa Clara County

San Jose, *Masonic Temple,* 262-272 1st St. (63.3)

CONNECTICUT

Hartford County

Hartford, *Elizabeth Park* (western portion) (63.3)

GEORGIA

DeKalb County

Dunwoody, *Spruill Homeplace,* 4681 Ashford-Dunwoody Rd. (63.3)
Dunwoody, *Wood Home,* 4834 Ashford-Dunwoody Rd. (63.3)
Soapstone Ridge (Archeological Site 9Da69) (63.3)

Walker County

Blowing Spring, *Blowing Spring Mill Houses,* GA 193 (63.3)
Blowing Spring, *Grant House,* GA 193 (63.3)
Blowing Spring, *Scholze House,* GA 193 (63.3)
Flintstone vicinity, *Flintstone Methodist Church,* near Flintstone (63.3)
Flintstone vicinity, *Hixon, William, House,* NE of Flintstone on Burnt Mill Rd. (63.3)

IOWA

Buena Vista County

Storm Lake, *Chicago, Milwaukee, St. Paul, and Pacific Railroad Company Storm Lake Depot*

Polk County

Des Moines, *Fire Station No. 4*, 1041 8th St. b

KENTUCKY

Lewis County

Concord vicinity, *Bierly, Maude, House*, KY 8
Concord vicinity, *Carrs Methodist Church*, KY 8
Concord vicinity, *Cook, Hazel, House*, KY 8
Concord vicinity, *Dickerson, Walter, House*, KY 8
Concord vicinity, *Kimble, Helen Rose, House*, KY 8

Scott County

Georgetown, *Thorne House*, Lemons Mill Rd. (63.3)

MARYLAND

Baltimore (independent city)

Arthur's Bakery, 223 N. Eutaw St.
Hutzlers High Rise Building, 220-228 N. Howard St.
Murphy Building, 320-322 W. Lexington St.
Palace Building, 210-218 N. Howard St.
Provident Savings Bank of Baltimore, 236-240 N. Howard St.
Stewart and Company Department Store, 201 N. Howard St.

MINNESOTA

Murray County

Fulda, *Chicago, Milwaukee, St. Paul and Pacific Railroad Company's Fulda Railway Depot* (63.3)

MISSOURI

Jackson County

Kansas City vicinity, *Archeological Sites: 23JA36, 23JA40, 23JA42, 23JA44, 23JA54, 23JA77, 23JA78, 23JA81, 23JA83, 23JA84, 23JA85, 23JA89, 23JA115, 23JA119, 23JA120, 23JA125, 23JA185, 23JA186, 23JA187*, Little Blue River Channel area (63.3)

MONTANA

Phillips County

Malta vicinity, *Beaucoup Site Complex (Sites 188/189)*

NEBRASKA

Boyd County

Sunshine Bottom Historic District, S of Missouri River

NEW JERSEY

Hudson County

Jersey City, *Car-Float Transfer Bridge 1*, Liberty State Park
Jersey City, *Car-Float Transfer Bridge 2*, Liberty State Park
Jersey City, *Pier G*, Liberty State Park
Jersey City, *Pier No. 19*, Liberty State Park

NEW YORK

Delaware County

Hancock, *Dunn Site*, E of Delaware River (63.3)

Nassau County

Ridgewood Aqueduct (also in Queens County) (63.3)

Westchester County

Yonkers, *Moquette Row Housing*, Nepperhan Ave. (63.3)
Yonkers, *Smith, Alexander, Carpet Mills*, Nepperhan Ave. (63.3)
Yonkers, *Yonkers City Hall*, S. Broadway (63.3)
Yonkers, *Yonkers Public Library*, S. Broadway and Nepperhan Ave. (63.3)

PUERTO RICO

San Juan, *Miraflores Chapel*

SOUTH CAROLINA

Berkeley County

Cooper River vicinity, *Archeological Sites: 38 BK 75, 38 BK 76, 38 BK 88, 38 BK 109, 38 BK 225, 38 BK 226, 38 BK 229, 38 BK 230, 38 BK 231, 38 BK 235, 38 BK 236, 38 BK 239, 38 BK 245, 38 BK 246*, Cooper River Rediversion Archeological Survey (63.3)

TEXAS

Lamar County

Archeological Site: 41 LR 45 (63.3)
Ellis I Site X 41 LR 62 (63.3)
Pin Hook vicinity, *Morton Site 41 LR 44*, SW of Pin Hook (63.3)

WISCONSIN

Columbia County

Wisconsin Dells, *211 Wisconsin Avenue House*

Jackson County

Melrose, *Black River Bridge* (63.3)

WYOMING

Teton County

Grand Teton National Park, *Three Rivers Ranch*

[FR Doc. 78-33245 Filed 12-4-78; 8:45 am]

[4310-03-M]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before November 24, 1978. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted by December 15, 1978.

WILLIAM J. MURTAGH,
Keeper of the National Register.

CALIFORNIA

San Francisco County

San Francisco, *Six-Inch Rifled Gun No. 9*, Baker Beach

Tulare County

Three Rivers, *Colony Mill Historic Sites*, N of Three Rivers

COLORADO

Eagle County

Redcliff vicinity, *Camp Hale Site*, S of Redcliff off U.S. 24

GEORGIA

Fulton County

Atlanta, *Bass Furniture Building*, 142-150 Mitchell St.
Atlanta, *Grant, W. D., Building (Prudential Building)* 44 Broad St., NW.
Atlanta, *Kriegshaber, Victor, H., House*, 292 Moreland Ave., NE.

Muscogee County

Columbus, *Dismukes, Robert E., Sr., House*, 1617 Summit Dr.
Columbus, *Old Dawson Place (Gordonido)* 1420 Wynnton Rd.

Union County

Blairsville vicinity, *Walasi-yi Inn*, S of Blairsville on U.S. 29

ILLINOIS

Cook County

Chicago, *Wicker Park Historic District*, roughly bounded by Wood, Crystal and N. Caton Sts. Claremont and North Aves.

IOWA

Jackson County

Maquoketa, *Decker House Hotel*, 128 N. Main St.

Johnson County

Amish vicinity, *Washington Township Center High School*, NE of Amish

Jones County

Monticello vicinity, *Ely's Stone Bridge*, NW of Monticello at Hardscrabble Rd.

Marshall County

Marshalltown, *First Church of Christ, Scientist*, 412 W. Main St.

Pottawattamie County

Council Bluffs, *Jefferis, Thomas, House*, 523 6th Ave.

Poweshick County

Grinnell, *Ricker, B. J., House*, 1510 Broad St.

Scott County

Davenport, *Petersen, Max, House*, 1607 W. 12th St.

KENTUCKY

Bell County

Middlesboro, *American Association, Limited, Office Building,* 2215 Cumberland Ave.

Jessamine County

Keene vicinity, *Ebenezer Reformed Presbyterian Church,* SW of Keene on Ebenezer Rd.

Woodford County

Versailles vicinity, *Moss Side,* SW of Versailles on McCowans Ferry Pike

MINNESOTA

Dakota County

South St. Paul, *Stockyards Exchange Building,* 200 N. Concord St.

Douglas County

Alexandria, *U.S. Post Office Building,* 625 Broadway St.

Hennepin County

Minneapolis, *First Congregational Church,* 500 8th Ave., SE.

Pine County

Sandstone, *Sandstone Public School Building,* off MN 123

Rice County

Northfield, *Northfield Historic District,* roughly bounded by Water, Division, 3rd and 4th Sts.

MISSISSIPPI

Lauderdale County

Meridian, *Meridian Baptist Seminary,* 16th St. and 31st Ave.

Noxubee County

Macon, *Old Noxubee County Jail,* 209 Monroe St.

Warren County

Vicksburg, *Bobb House,* 1503 Harrison St.

NEW JERSEY

Morris County

Mendham vicinity, *Cooper, Gen. Nathan, Mansion,* W of Mendham on GA 24

OHIO

Cuyahoga County

Brecksville vicinity, *Coonrad, Jonas, House,* SE of Brecksville at 10340 Riverview Rd.

PENNSYLVANIA

Chester County

Malvern vicinity, *White Horse Tavern,* NW of Malvern at 480 Swedesford Rd.

RHODE ISLAND

Providence County

Woonsocket, *U.S. Post Office,* 295 Main St.

SOUTH CAROLINA

Richland County

Columbia, *Columbia Multiple Resource Area,* various locations in Columbia

TENNESSEE

Davidson County

Nashville, *Miles House,* 631 Woodland St.

Montgomery County

St. Bethlehem vicinity, *Cloverlands,* N of St. Bethlehem on Clarksville-Trenton Rd.

Rutherford County

Lascassas vicinity, *Brown's Mill,* SE of Lascassas on Brown's Mill Rd.

Shelby County

Memphis, *Cotton Row Historic District,* S. Front St. between Monroe and Gayoso Aves.

Memphis, *Hill, Frank Fontaine, House,* 1400 Union Ave.

Sumner County

Castalian Springs vicinity, *Locust Grove,* N of Castalian Springs

Gallatin vicinity, *Walnut Grove,* W of Gallatin on Red River Rd.

Wilson County

Lebanon, *Buchanan, I. W. P., House,* 428 W. Main St.

UTAH

Salt Lake County

Salt Lake City, *City Creek Canyon Historic District,* roughly bounded by Spencer Ct., Capitol Blvd., 4th and 6th Aves.

VERMONT

Washington County

Barre, *Twing, Joshua, Gristmill, 450 N. Main St.*

WISCONSIN

Waukesha County

Brookfield, *Dousman Inn (Dunkel Inn)* 15670 Blue Mound Rd.

[FR Doc. 78-33603 Filed 12-4-78; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-39]

CERTAIN LUGGAGE PRODUCTS

Commission Determination and Action

The United States International Trade Commission conducted investigation No. 337-TA-39 pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on certain luggage products covered by the claim of U.S. Letters Patent Des. 242,181, owned by the complainant, Airway Industries, Inc., of Ellwood City, Pa. The Commission determined that there is a violation of the statute by the respondents, with the exception of Henry Rosenfeld Luggage, and hereby directs exclusion of unlicensed articles meeting the claim of the patent. Chairman Parker determined that there is no violation of section 337 of the Tariff Act of 1930, as amended. Commissioner Stern did not participate.

COMMISSION DETERMINATION

Having reviewed the evidentiary record in this matter including (1) the submissions filed by the parties, (2) the transcripts of the hearings on temporary and permanent relief and the exhibits which were accepted into evidence in the course of the hearings or by the subsequent order of the presiding officer, (3) the recommended determination of the presiding officer, and (4) the public hearing before the Commission on September 20, 1978, the Commission on October 31, 1978, determined—

1. To grant in part motion No. 39-12 and dismiss Shen-Tai Industry Co., Ltd.; Win Quality Industry Co., Ltd.; Nan Zong Leather Products Co., Ltd.; and Lih Hwa Industries, Ltd., as respondents in the investigation; and also grant motion No. 39-18 and dismiss Tuerkes-Beckers as a respondent in this investigation;

2. With respect to the remaining respondents in investigation No. 337-TA-39,[1] except Henry Rosenfeld Luggage, that there is a violation of section 337 of the Tariff Act of 1930, as amended, in the importation into the United States of articles that meet the claim of the complainant's U.S. Letters Patent Des. 242,181, and in their sale by the owner, importer, consignee or their agents, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States; with respect to Henry Rosenfeld Luggage, there is no violation of section 337 of the Tariff Act of 1930, as amended; Chairman Parker determined there is no violation of section 337 of the Tariff Act of 1930, as amended;

3. That the appropriate remedy for such violation is to direct that certain luggage products made in accordance with the claim of U.S. Letters Patent Des. 242,181 be excluded from entry into the United States for the term of said patent, except under license of the patent owner; [1]

4. That after considering the effect of such exclusion upon the public

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[1] Chang Cheng Plastic Enterprise Co., Ltd.; Dongmee Trading Co., Ltd.; Suh Won Industries, Inc.; Dong-A Sewing Products Co., Ltd.; Pung Kook Industrial Co., Ltd.; Sam Yung Chemical Ind. Co., Ltd.; Tsun-Ho Yeh; Yoo Poong Luggage Mfg. Co., Ltd.; Yuan-Fong; Worldmart Industries, Ltd.; Youngnam Enterprises Co., Ltd.; San Ho Plastics Fabrication Co., Ltd.; Henry Rosenfeld Luggage; Worldmart Industries, Inc.; Winn International Corp.; Collins Co., Ltd.; Dae Dong Chemical Co.; and Dae Wha Products, Inc.

[1] Chairman Parker, having determined there is no violation, did not vote on the questions of remedy, public policy, and bonding.

health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, such articles should be excluded from entry; [1] and

5. That the bond provided for in subsection (g)(3) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(g)(3)) be in the amount of 210 percent of the value of the articles concerned,[1] f.o.b. foreign port.

COMMISSION ORDER

Accordingly, it is hereby ordered that—

1. Shen-Tai Industry Co., Ltd.; Win Quality Industry Co., Ltd.; Nan Zong Leather Products Co., Ltd.; Lih Hwa Industries, Ltd.; and Tuerkes-Beckers are dismissed as respondents in the investigation;

2. Certain luggage products made in accordance with the claim of complainant's U.S. Letters Patent Des. 242,181 are excluded from entry into the United States for the term of said patent except (1) as provided in paragraph 3 of this order, infra, or (2) as such importation is licensed by the owner of U.S. Letters Patent Des. 242,181;

3. That the articles ordered to be excluded from entry are entitled to entry into the United States under bond in the amount of 210 percent of the value of the articles, f.o.b. foreign port, from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he approves this action or disapproves this action, but, in any event, not later than sixty (60) days after such day of receipt;

4. That this order will be published in the FEDERAL REGISTER and served upon each party of record in this investigation and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and

5. That the United States International Trade Commission may amend this order at any time.

Issued: November 30, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-33929 Filed 12-4-78; 8:45 am]

[4510-43-M]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-78-115-C]

GARDEN CREEK POCAHONTAS CO.

Petition for Modification of Application of Mandatory Safety Standard

Garden Creek Pocahontas Company, P.O. Box 11430, Lexington, Kentucky 40575, has filed a petition to modify application of 30 CFR 77.214(a) (refuse piles) to its V.P. 6 Mine in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977, Public Law 95-164.

The substance of the petition is as follows:

(1) The petitioner proposes to construct and maintain a refuse pile for the mine in an area that contains three abandoned mine openings and the outcrop of one seam of coal which has been auger mined.

(2) The petitioner proposes to seal and cover these areas with non-combustible material according to technical specifications presented with the petition.

(3) The petitioner states that the construction and maintenance of the refuse site according to these technical specifications will achieve no less protection than that provided by the standard.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before January 4, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: November 23, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 78-33903 Filed 12-4-78; 8:45 am]

[4510-28-M]

Office of the Secretary

APPLICATIONS FOR WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 21st day of November 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Atlas Tack Corp. (UAW)	Fairhaven, Mass	Nov. 13, 1978	Nov. 7, 1978	TA-W-4,404	Shoe eyelets.
Dunwell Bra Accessories (Intimate Apparel Workers Union, ILGWU).	New York, N.Y.	Nov. 17, 1978	Nov. 15, 1978	TA-W-4,405	Brassieres and girdles.
Famous Maid Brassiere Co. (Intimate Apparel Workers' Union, ILGWU).	Brooklyn, N.Y.	Nov. 13, 1978	Nov. 9, 1978	TA-W-4,406	Brassieres.
Fisher Controls Co. (UAW)	Marshalltown, Iowa	Nov. 14, 1978	Nov. 7, 1978	TA-W-4,407	Control valves and electronic components.
General Housewares Corp., Columbian Division (USWA).	Terre Haute, Ind	Nov. 15, 1978	Nov. 13, 1978	TA-W-4,408	Porcelain on steel cookware.
Jay Garment Co. (ACTWU)	Clarksville, Tenn	do	do	TA-W-4,409	Work shirts and one-piece worksuits for men.
Louisville Pant Corp. (company)	Louisville, Miss	Nov. 16, 1978	Nov. 7, 1978	TA-W-4,410	Men's and boys' dress pants.
M & S Knitwear Corp. (workers)	Newark, N.J.	Nov. 15, 1978	Nov. 8, 1978	TA-W-4,411	Sewing of knitted jackets, dresses, blouses, pants, etc.
Macon Pant Corp. (company)	Macon, Miss	Nov. 16, 1978	Nov. 17, 1978	TA-W-4,412	Men's and boys' dress pants.
National Pants Corp. (company)	New York, N.Y	do	Nov. 7, 1978	TA-W-4,413	Headquarters and sales office for Macon Pant Corp., and Louisville Pant Corp.
Pan American World Airways, Inc. (workers).	East Boston, Mass	Nov. 15, 1978	Nov. 2, 1978	TA-W-4,414	Mechanics, administrative, selling, and checking, marketing, loading cargo, etc.
Spatola Brothers Shoe Co. (company)	Waycross, Ga	Nov. 7, 1978	Nov. 10, 1978	TA-W-4,415	Cold cure casuals for women, jogging shoes and dress shoes for men.
Trans Spectra, Inc. (workers)	Palmersville, Tenn	do	Nov. 14, 1978	TA-W-4,416	Electronic capacitors.
Warnaco Mens Sportswear, Inc. (workers).	Altoona, Pa	Nov. 13, 1978	Nov. 10, 1978	TA-W-4,417	Knit shirts, knit outerwear, knit sweaters for men.

[FR Doc. 78-33719 Filed 12-4-78; 8:45 am]

[4510-28-M]

APPLICATIONS FOR WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 15, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of November 1978.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of:	Location	Date Received	Date of Petition	Petition No.	Articles produced
Binghamton Steel & Fabricating Co., Inc. (workers).	Binghamton, N.Y	Nov. 17, 1978	Nov. 15, 1978	TA-W-4,418	Fabricated structural steel.
Brown Shoe Co. (United Shoe Workers of America).	Piggott, Ark	do	Nov. 13, 1978	TA-W-4,419	Men's shoes and boots.
Creative Knitting, Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	Nov. 20, 1978	Nov. 15, 1978	TA-W-4,420	Knit sweater fabrics.
Favorite Footwear Co. (United Shoe Workers of America).	Long Island City, N.Y	do	Nov. 16, 1978	TA-W-4,421	Hard sole and soft sole men slipper shoes.
Garment Makers, Inc. (workers)	Brooklyn, N.Y	do	Nov. 17, 1978	TA-W-4,422	Ladies' coats.
Geralyn Blouse Co., Inc. (ILGWU)	New York, N.Y	Nov. 16, 1978	Nov. 9, 1978	TA-W-4,423	Knit pullovers, shirts, and blouses for women and children.
Hudson Pearl C., Inc. (company)	Union City, N.J	Nov. 14, 1978	Oct. 10, 1978	TA-W-4,424	Pearl coating of necklaces, beads and balls of earrings, and knitting of necklaces.
London Knitting Co., Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	do	Nov. 13, 1978	TA-W-4,425	Men's and boys' sweaters.
Mainline, Incorporated (Knitgoods Union, ILGWU).	do	Nov. 20, 1978.	Nov. 15, 1978	TA-W-4,426	Men's sweaters.
Mark-D Knitting Co. (Knitgoods Union, ILGWU).	do	do	Nov. 17, 1978	TA-W-4,427	Knit fabrics for sweaters.

APPENDIX —Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Meyer Manufacturing, Inc. (Knitgoods Union, ILGWU).	....do	....do	Nov. 15, 1978	TA-W-4,428	Women's swimwear, tennis dresses, tennis warm-up suits and sweaters.
Qualitex Knitwear Mfg. Company (Knitgoods Union, ILGWU).	....do	....do	....do	TA-W-4,429	Men's sweaters.
Riverside Service (workers)	Buffalo, N.Y	....do	Nov. 17, 1978	TA-W-4,430	Trucking service—delivering freights.
S & E Knitting Co. (Knitgoods Union, ILGWU).	Philadelphia, Pa	....do	....do	TA-W-4,431	Knit doubleknits for dresses and blouses.
Saddlemakers Mfg., Inc. (workers)	Worcester, Mass	....do	....do	TA-W-4,432	Leather belts, leather and fabric combination handbags.
Salz Leather, Inc. (Amalgamated Meat Cutters & Butcher Workmen of North America).	Santa Cruz, Calif	....do	Nov. 9, 1978	TA-W-4,433	Tanning of raw cattle hides to a finished leather state.
Sheroff—Green, Inc. (workers)	Mutuchen, N.J	Nov. 17, 1978	Nov. 14, 1978	TA-W-4,434	Tooling (machinery) for shoe and clothing industry.
Sturbridge, Inc. (Knitgoods Union, ILGWU).	Philadelphia, Pa	Nov. 20, 1978	Nov. 15, 1978	TA-W-4,435	Men's sweaters and some ladies' sweaters.

[FR Doc. 78-33720 Filed 12-4-78; 8:45 am]

[4510-28-M]

Office of the Secretary

ALDON'S INC. ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 18, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 18, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of November 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aldon's Inc. (ACTWU)	New Braunfels, Tex	Nov. 13, 1978	Nov. 8, 1978	TA-W-4,436	Men's full-fashioned knit sweater shirts and sweaters.
Aluminum Co. of America (USWA)	Rockdale, Tex	Nov. 20, 1978	Nov. 15, 1978	TA-W-4,437	Primary aluminum in the form of ingots, aluminum powder and redraw rods.
Breneman, Inc. (UAW)	Madison, Ind	Nov. 27, 1979	Nov. 21, 1978	TA-W-4,438	Plastic window shades.
Cameron Dress Division of Genesco, Inc. (ILGWU).	Harrisburg, Pa	Nov. 21, 1978	Nov. 17, 1978	TA-W-4,439	Ladies' jackets, slacks, skirts, gowns, blouses, dresses, etc.
Capitol Footwear Co. (Workers)	Worcester, Mass	Nov. 6, 1978	Nov. 3, 1978	TA-W-4,440	Men's slippers, casual shoes, boots and sandals.
Joseph F. Corcoran Shoe Co. (workers).	Stoughton, Mass	....do	....do	TA-W-4,441	Men's boots, dress and military.
Diebold, Inc. (International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmith, Forgers & Helpers).	Canton, Ohio	Nov. 15, 1978	Nov. 10, 1978	TA-W-4,442	Safety deposit boxes, vault doors and bank equipment.
Driver-Harris Co. (USWA)	Harrison, N.J	Nov. 27, 1978	Nov. 20, 1978	TA-W-4,443	Wire and strip products all nickel base for electrical and high temperature applications.
Gulf & Western Energy Product Group (USWA).	Cicero, Ill	Nov. 16, 1978	Nov. 15, 1978	TA-W-4,444	Carbon steel fittings.
Hamilton Web Co. (United Textile Workers of America).	North Kingstown, R.I	Nov. 27, 1978	Nov. 21, 1978	TA-W-4,445	Narrow woven fabrics for garment trim.
Mayflower Knitting Mills (workers)	Brooklyn, N.Y	....do	Nov. 17, 1978	TA-W-4,446	Sweaters and knit dresses.
Mokawk Rubber Co. (URW)	West Helena, Ark	....do	Nov. 20, 1978	TA-W-4,447	Tires—passenger and light trucks.
Pinevalley Sportswear, Inc. (company).	Pine Grove, Pa	Nov. 21, 1978	....do	TA-W-4,448	Men's and boys' jackets.
Rockwell International Corp., Admiral Service Division (IBEW).	Rosemont, Ill	Nov. 17, 1978	Nov. 14, 1978	TA-W-4,449	Provides service repairs for televisions, stereo's, refrigerators, and freezers.
Louis Walter Co., Inc. (ILGWU)	Los Angeles, Calif	Nov. 27, 1978	Nov. 20, 1978	TA-W-4,450	Women's coats.

[FR Doc. 78-33902 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-4122]

ARONSON TEXTILE CO., NEW YORK, N.Y.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4122: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was inititated on August 31, 1978 in response to a worker petition received on August 24, 1978 which was filed by the Distributive Workers of America on behalf of workers and former workers acting as converters of acetate nylon piece goods at Aronson Textile Company, New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on September 12, 1978 (43 FR 40576). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Aronson Textile Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each or the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of finished fabric (bleached, dyed, and printed) fluctuated, in absolute terms, from 1975 through the first half of 1978. From 1974 through 1977 the ratio of imports to domestic production has remained below 2 percent.

A Department survey of Aronson Textile Company's major customers who had reduced their purchases from that firm indicated that none purchased imports while all had increased purchases from other domestic sources in the first three quarters of 1978 compared to the same period in 1977. A change in fashion preferences accounted for the switches away from the products supplied by Aronson Textile Company to products supplied by other domestic suppliers of piece goods.

CONCLUSION

After careful review, I determine that all workers of Aronson Textile Company, New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1978.

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

[FR Doc. 33904 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-4158]

CARDOT MANUFACTURING CO., WEST WARWICK, R.I.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4158: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was intitated on September 14, 1978 in response to a worker petition received on September 13, 1978 which was filed on behalf of workers and former workers producing ladies' sportswear and dresses at the Cardot Manufacturing Company, West Warwick, Rhode Island. the investigation revealed that "sportswear" consisted of jackets and slacks and that the produced skirts, not dresses.

The Notice of Investigation was published in the FEDERAL REGISTER on September 26, 1978 (43 FR 43587). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cardot Manufacturing Company, its manufacturers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm of subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

Cardot Manufacturing Company was engaged in contract work solely for one manufacturer during the period under investigation. A Department survey revealed that this manufacturer did not employ any foreign contractors nor did the manufacturer import any jackets, slacks, or dresses during the past 3 years. Sales by this manufacturer increased in FY 1976 and 1977 compared to the previous fiscal year.

CONCLUSION

After careful review, I determine that all workers of Cardot Manufacturing Company, West Warwick, Rhode Island are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1978.

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

[FR Doc. 33905 Filed 12-4-78; 8:45 am]

[4510-23-M]

[TA-W-4316]

CARLISLE FINISHING CO., CARLISLE, S.C.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4316: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 31, 1978 in response to a worker petition received on October 31, 1978 which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers engaged in the commission dyeing, printing, and finishing of fabric at Carlisle Finishing Company, Carlisle, S.C.

The Notice of Investigation was published in the FEDERAL REGISTER on November 7, 1978 (43 FR 51865). No public hearing was requested and none was held.

The determination was based upon information obtained principally from

officials of Carlisle Finishing Company, Cone Mills Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of production workers employed at Carlisle Finishing Company, Carlisle, S.C. increased in 1977 compared with 1976, and increased in the first three quarters of 1978 compared with the same period in 1977. The average number of hours worked per worker also increased during these same periods. Average quarterly employment increased in every quarter when compared with the same quarter of the previous year from the third quarter of 1977 through the second quarter of 1978. There is no immediate threat of a further separation of workers at this plant.

CONCLUSION

After careful review, I determine that all workers of Carlisle Finishing Company, Carlisle, S.C. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of November 1978.

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

[FR Doc. 78-33906 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-3913]

COMMUNICATION CO., CORAL GABLES, FLA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3913: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 27, 1978 in response to a worker petition received on June 26, 1978 which was filed on behalf of workers and former workers producing land mobile radio equipment at Communication Company, Coral Gables, Florida.

The Notice of Investigation was published in the FEDERAL REGISTER on July 7, 1978 (43 FR 29364). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of E. F. Johnson Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation indicated a downward trend of imports of land mobile radio units from 1976 through 1977 and the first six months of 1978.

Imports of land mobile radio units decreased from $73.1 million in 1976 to $58.1 million in 1977 and decreased from $37.7 million in the first six months of 1977 to $23.0 million in the first six months of 1978. The ratios of imports to domestic production and consumption decreased from 1976 to 1977 and decreased in the first six months of 1978 compared to the first six months of 1977.

CONCLUSION

After careful review, I determine that all workers of Communication Company, Coral Gables, Florida are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of November 1978.

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

[FR Doc. 78-33907 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-3684]

COUNTRY GIRLS FASHIONS INC., LYNDHURST, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3684: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 8, 1978 in response to a worker petition received on April 28, 1978 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' skirts and vests at Country Girls Fashions, Incorporated, Lyndhurst, New Jersey. The investigation revealed that ladies' jackets are also produced.

The Notice of Investigation was published in the FEDERAL REGISTER on May 26, 1978 (43 FR 22793). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Country Girls Fashions, Incorporated, its customers (manufacturers), the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The earliest possible impact date which could be set under the law is April 25, 1977. The average number of workers increased in May through December 1977 compared with the same period of 1976. Employment increased in the first quarter of 1978 compared with the same period of 1977. There have been no significant partial separations.

There is no immediate threat of separation to the workers of Country Girl Fashions.

CONCLUSION

After careful review, I determine that all workers of Country Girls Fashions, Incorporated, Lyndhurst, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of November 1978.

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

[FR Doc. 78-33908 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-3942]

DUPLAN FABRICS, INC., NEW YORK, N.Y.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 5, 1978 in response to a worker petition received on July 5, 1978 which was filed on behalf of workers and former workers at the sales office and headquarters for Duplan Fabrics, Incorporated and Duplan Corporation, New York, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on July 18, 1978 (43 FR 30928-29). No public hearing was requested and none was held.

Since the identical group of workers is the subject of the ongoing investigation TA-W-3940, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 28th day of November 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-33909 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-4113; 4113A; 4113B; and 4113C]

NANNETTE MANUFACTURING CO., GLOUCESTER, N.J.; PHILADELPHIA, PA.; GLASSBORO, N.J; ELKTON, MD.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4113: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 24, 1978 in response to a worker petition received on August 22, 1978 which was filed by the United Garment Workers of America on behalf of workers and former workers producing infants' and children's apparel at Nannette Manufacturing Company, Gloucester, New Jersey. The investigation was expanded to include workers and former workers producing infants' and children's apparel at the Philadelphia, Pennsylvania (TA-W-4113A); Glassboro, New Jersey (TA-W-4113B); and Elkton, Maryland (TA-W-4113C) plants of Nannette Manufacturing Company.

The Notice of Investigation was published in the FEDERAL REGISTER on September 5, 1978 (43 FR 39457). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Nannette Manufacturing Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of children's dresses increased in the first half of 1978 compared to the same period of 1977.

Nannette Manufacturing Company imports finished garments—infants' wear and girls' dresses—for sale in the domestic market. Company imports increased relative to sales and domestic production in 1977 compared to 1976 and in the first three seasons of 1978 compared to the same period of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or drectly competitive with infants' and children's apparel produced at the Philadelphia, Pennsylvania; Glassboro and Gloucester, New Jersey; and Elkton, Maryland plants of Nannette Manufacturing Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Nannette Manufacturing Company, Gloucester, New Jersey; Philadelphia, Pennsylvania; Glassboro, New Jersey; and Elkton, Maryland who became totally or partially separated from employment on or after August 10, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1978.

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

[FR Doc. 78-33910 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-3884]

TOBIN PACKING CO., INC., ALBANY, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3884: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 22, 1978 in response to a worker petition received on June 20, 1978 which was filed on behalf of workers and former workers slaughtering and packaging meat at Tobin Packing Company, Inc., Albany, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on June 30, 1978 (43 FR 28579-28580). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Tobin Packing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

Imports of fresh and frozen pork increased from 25 million pounds in 1976 to 27 million pounds in 1977, and increased from 14 million pounds in the first 6 months of 1977 to 27 million pounds in the first 6 months of 1978. Imports as a percentage of production remained unchanged at 0.21 percent from 1976 to 1977.

Imports of processed pork decreased from 293 million pounds in 1976 to 271 million pounds in 1977, and increased from 148 million pounds in the first 6 months of 1977 to 151 million pounds in the first 6 months in 1978. Imports as a percentage of production decreased from 2.9 percent in 1976 to 2.5 percent in 1977.

Customers responding to the Department's survey indicated that they did not purchase any imported pork products in 1976, 1977 and the first 6 months of 1978.

CONCLUSION

After careful review, I determine that all workers of Tobin Packing Company, Inc., Albany, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of November 1978.

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

[FR Doc. 78-33911 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-3985]

TORSION BALANCE CO., CLIFTON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3985: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 19, 1978 in response to a worker petition received on July 17, 1978 which was filed on behalf of workers and former workers producing balance scales, pharmaceutical and student balances at Torsion Balance Company, Clifton, New Jersey. The investigation revealed that production is not limited to pharmaceutical and student balances, but includes many types of laboratory balances.

The Notice of Investigation was published in the FEDERAL REGISTER on July 28, 1978 (43 FR 32885). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Torsion Balance Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of laboratory balances increased absolutely from $9.7 million in 1976 to $14.3 million in 1977. Imports increased from $3.1 million in the first quarter of 1977 to $4.4 million in the first quarter of 1978.

A survey of customers of Torsion Balance Company, Clifton, New Jersey, revealed that customers decreased purchases of balances from the subject firm in the first half of 1978 compared to the first half of 1977 while increasing purchases of imported balances during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with laboratory balances produced at Torsion Balance Company, Clifton, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Torsion Balance Company, Clifton, New Jersey who became totally or partially separated from employment on or after January 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1978.

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

[FR Doc. 33912 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-4131]

U.S. PLASTIC & CHEMICAL CORP., DANIELSON, CONN.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4131: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 31, 1978 in response to a worker petition received on August 28, 1978 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers engaged in the production, polishing and finishing of buttons at the Danielson, Connecticut plant of U.S. Plastic and Chemical Corporation. The investigation revealed that the Danielson plant produced plastic buttons and is now confined to the polishing and finishing operations of the total process.

The Notice of Investigation was published in the FEDERAL REGISTER on September 12, 1978 (43 FR 40576). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of U.S. Plastic and Chemical Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Production and employment declines at the Danielson, Connecticut plant of U.S. Plastic and Chemical Corporation are attributable to a domestic transfer of production.

U.S. Plastic and Chemical Corporation began the transfer of button production from its Danielson, Connecticut plant to its Putnam, Connecticut plant in April and May of 1977.

The production of buttons at the Danielson plant ceased entirely in February, 1978.

Total Company production of buttons increased, in quantity, in each month from September through December of 1977 as compared to the respective month of 1976. Companywide production continued to increase during the January-August period of 1978 compared to January-August of 1977, as production was transferred to the Putnam, Connecticut plant.

Company sales increased, in quantity and in value, in the January-August period of 1978 compared to the same period of 1977.

U.S. Plastic and Chemical Corporation imported raw materials for button production and some finished buttons. The finished buttons, however, were an insignificant proportion of company sales in 1977 and in the first nine months of 1978. In addition, the finished button imports are not plastic buttons but consist of types and styles of buttons that are not produced by the company.

CONCLUSION

After careful review, I determine that all workers of the Danielson, Connecticut plant of U.S. Plastic and Chemical Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of November 1978.

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

[FR Doc. 78-33913 Filed 12-4-78; 8:45 am]

[4510-28-M]

[TA-W-3771]

WEYERHAEUSER CO., RIDGWAY, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3771: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 24, 1978 in response to a worker petition received on May 23, 1978 which was filed by the United Brotherhood of Carpenters and Joiners of America, incorrectly stated as workers in the Notice of Investigation, on behalf of workers and former workers producing sliced veneer at the Ridgway, Pennsylvania plant of Weyerhaeuser Company. The investigation revealed that solid core apartment/office doors were also produced at the plant.

The Notice of Investigation was published in the FEDERAL REGISTER on June 6, 1978 (43 FR 24634-5). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Weyerhaeuser Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group of eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The ratios of imports to domestic production for wood doors and hardwood veneer were 2 percent or less and 1 percent or less, respectively in each year from 1974 through 1977.

A survey of customers of Weyerhaeuser Company was conducted by the Department. The survey indicated that customers who had purchased doors or veneer from Weyerhaeuser Company did not purchase imports of the respective products in the period January 1976 through August 1978.

CONCLUSION

After careful review, I determine that all workers of the Ridgway, Pennsylvania plant of Weyerhaeuser Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of November 1974.

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

[FR Doc. 78-33914 Filed 12-4-78; 8:45 am]

[4510-29-M]

Pension and Welfare Benefit Programs

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Meeting Rescheduling

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142) on November 21, 1978, the Department announced a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 9:30 a.m. on Tuesday, December 12, 1978, in the Ambassador Room, Shoreham Americana, Connecticut Avenue at Calvert Street, NW., Washington, D.C.

The purpose of this Notice is to advise all interested persons that the meeting has been rescheduled for January 1979 at a date yet to be determined.

Signed at Washington, D.C., this 29 day of November 1978.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 78-33894 Filed 12-4-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Construction Permit Nos. CPPR-139, CPPR-140]

UNION ELECTRIC CO., (CALLAWAY PLANT, UNITS 1 AND 2)

Order Regarding Oral Argument

NOVEMBER 23, 1978.

Oral argument on the appeals taken by the Union Electric Company and William Smart from the September 28, 1978 initial decision of the Licensing Board in this show cause proceeding[1] will be heard at *9:30 a.m. on Wednesday, January 10, 1979 in the Moot Courtroom of the Howard University School of Law.* That courtroom is located on the basement level of Houston Hall on the Law school campus. Although the official address of the school is 2935 Upton Street, N.W., Washington, D.C. (east of Connecticut Avenue), Houston Hall is best approached from Van Ness Street.

The order of presentation and the time allotted each party for argument will be announced next month following our receipt of appellees' briefs. The appeals present narrow issues of law on stipulated facts and this Board will be fully familiar with the parties' positions as developed in their briefs. Accordingly, no party should expect more than forty minutes for argument.

The Secretary to this Board is to be advised by letter, mailed no later than January 2, 1979, of the names of counsel who will be participating in the argument.

It is so ordered.

For the Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc. 78-33848 Filed 12-4-78; 8:45 am]

[1] LBP-78-31, 8 NRC.

[7590-01-M]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70, Revision 3, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," identifies the principal information that should be provided by applicants in safety analysis reports for nuclear power plants using light-water-cooled reactors and provides a uniform format for presenting this information. Revision 3 includes a new Appendix A that provides guidelines for submitting information on safety-related interfaces for standard designs of major portions of nuclear power plants. (The content of Appendix A was previously issued for public comment as "Interfaces for Standard Designs," NUREG-0102, August 1976.) This revision reflects public comments and refinements in the NRC staff's information needs.

The issuance of Revision 3 of Regulatory Guide 1.70 implements one of

the recommendations set forth by an NRC study group in NUREG-0292, "Nuclear Power Plant Licensing: Opportunities for Improvement," that was approved as Commission policy in October 1977. The purpose of this recommendation is to improve the quality of license applications by keeping Regulatory Guide 1.70 updated and consistent with NUREG-75/087, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docket and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copy-righted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland, this 27th day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-33849 Filed 12-4-78; 8:45 am]

[7590-01-M]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.72, Revision 2, "Spray Pond Piping Made from Fiberglass-Reinforced Thermosetting Resin," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the design, fabriation, and testing of fiberglass-reinforced thermosetting resin piping for spray pond applications. This guide has been revised as a result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 28th day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-33850 Filed 12-4-78; 8:45 am]

[7710-12-M]

POSTAL SERVICE

INTERNATIONAL EXPRESS MAIL RATES

Proposed Rates

AGENCY: Postal Service.

ACTION: Proposed International Express Mail Service Rates.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service proposes to begin International Express Mail Service with the Republic of China (Taiwan), Singapore, the Federal Republic of Germany (West Germany), and Switzerland at rates indicated in the tables below. Rates to two of these countries, the Federal Republic of Germany and Switzerland, are proposed to be the same as those currently charged to other European countries. Rates for the Republic of China and Singapore are new. Depending upon when agreements are concluded with each country, the proposed rates could become effective as early as January 1, 1979.

DATE: Comments must be received on or before December 22, 1978.

ADDRESS: Written comments should be directed to the General Manager, Expedited Mail Services Division, Customer Services Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday in Room 5986.

FOR FURTHER INFORMATION CONTACT:

Patricia M. Gibert (202) 245-5624.

SUPPLEMENTARY INFORMATION: Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirement of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written data, views, or arguments concerning the proposed rates of postage for International Express Mail set out in the following tables (designated 8-3, 8-9, 8-11 through 8-14 for inclusion in Publication 42, International Mail, incorporated by reference, 39 CFR 10.1).

(39 U.S.C. 401, 403, 404 (2), 407, 410(a).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-33877 Filed 12-4-78; 8:45 am]

TABLE 8-3

BELGIUM, FEDERAL REPUBLIC OF GERMANY, FRANCE,

NETHERLANDS, SWITZERLAND AND UNITED KINGDOM

INTERNATIONAL EXPRESS MAIL
CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$27.85	$27.88	$27.92	$27.96	$28.00	$28.05	$28.10
2	29.92	29.98	30.06	30.14	30.22	30.32	30.42
3	31.99	32.08	32.20	32.32	32.44	32.59	32.74
4	34.06	34.18	34.34	34.50	34.66	34.86	35.06
5	36.13	36.28	36.48	36.68	36.88	37.13	37.38
6	38.20	38.38	38.62	38.86	39.10	39.40	39.70
7	40.27	40.48	40.76	41.04	41.32	41.67	42.02
8	42.34	42.58	42.90	43.22	43.54	43.94	44.34
9	44.41	44.68	45.04	45.40	45.76	46.21	46.66
10	46.48	46.78	47.18	47.58	47.98	48.48	48.98
11	48.55	48.88	49.32	49.76	50.20	50.75	51.30
12	50.62	50.98	51.46	51.94	52.42	53.02	53.62
13	52.69	53.08	53.60	54.12	54.64	55.29	55.94
14	54.76	55.18	55.74	56.30	56.86	57.56	58.26
15	56.83	57.28	57.88	58.48	59.08	59.83	60.58
16	58.90	59.38	60.02	60.66	61.30	62.10	62.90
17	60.97	61.48	62.16	62.84	63.52	64.37	65.22
18	63.04	63.58	64.30	65.02	65.74	66.64	67.54
19	65.11	65.68	66.44	67.20	67.96	68.91	69.86
20	67.18	67.78	68.58	69.38	70.18	71.18	72.18
21	69.25	69.88	70.72	71.56	72.40	73.45	74.50
22	71.32	71.98	72.86	73.74	74.62	75.72	76.82
23	73.39	74.08	75.00	75.92	76.84	77.99	79.14
24	75.46	76.18	77.14	78.10	79.06	80.26	81.46
25	77.53	78.28	79.28	80.28	81.28	82.53	83.78
26	79.60	80.38	81.42	82.46	83.50	84.80	86.10
27	81.67	82.48	83.56	84.64	85.72	87.07	88.42
28	83.74	84.58	85.70	86.82	87.94	89.34	90.74
29	85.81	86.68	87.84	89.00	90.16	91.61	93.06
30	87.88	88.78	89.98	91.18	92.38	93.88	95.38
31	89.95	90.88	92.12	93.36	94.60	96.15	97.70
32	92.02	92.98	94.26	95.54	96.82	98.42	100.02
33	94.09	95.08	96.40	97.72	99.04	100.69	102.34

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.

2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

TABLE 8-9 page 4

NETHERLANDS, SWITZERLAND AND UNITED KINGDOM

INTERNATIONAL EXPRESS MAIL ON DEMAND SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$17.57	$17.60	$17.64	$17.68	$17.72	$17.77	$17.82
2	19.64	19.70	19.78	19.86	19.94	20.04	20.14
3	21.71	21.80	21.92	22.04	22.16	22.31	22.46
4	23.78	23.90	24.06	24.22	24.38	24.58	24.78
5	25.85	26.00	26.20	26.40	26.60	26.85	27.10
6	27.92	28.10	28.34	28.58	28.82	29.12	29.42
7	29.99	30.20	30.48	30.76	31.04	31.39	31.74
8	32.06	32.30	32.62	32.94	33.26	33.66	34.06
9	34.13	34.40	34.76	35.12	35.48	35.93	36.38
10	36.20	36.50	36.90	37.30	37.70	38.20	38.70
11	38.27	38.60	39.04	39.48	39.92	40.47	41.02
12	40.34	40.70	41.18	41.66	42.14	42.74	43.34
13	42.41	42.80	43.32	43.84	44.36	45.01	45.66
14	44.48	44.90	45.46	46.02	46.58	47.28	47.98
15	46.55	47.00	47.60	48.20	48.80	49.55	50.30
16	48.62	49.10	49.74	50.38	51.02	51.82	52.62
17	50.69	51.20	51.88	52.56	53.24	54.09	54.94
18	52.76	53.30	54.02	54.74	55.46	56.36	57.26
19	54.83	55.40	56.16	56.92	57.68	58.63	59.58
20	56.90	57.50	58.30	59.10	59.90	60.90	61.90
21	58.97	59.60	60.44	61.28	62.12	63.17	64.22
22	61.04	61.70	62.58	63.46	64.34	65.44	66.54
23	63.11	63.80	64.72	65.64	66.56	67.71	68.86
24	65.18	65.90	66.86	67.82	68.78	69.98	71.18
25	67.25	68.00	69.00	70.00	71.00	72.25	73.50
26	69.32	70.10	71.14	72.18	73.22	74.52	75.82
27	71.39	72.20	73.28	74.36	75.44	76.79	78.14
28	73.46	74.30	75.42	76.54	77.66	79.06	80.46
29	75.53	76.40	77.56	78.72	79.88	81.33	82.78
30	77.60	78.50	79.70	80.90	82.10	83.60	85.10
31	79.67	80.60	81.84	83.08	84.32	85.87	87.42
32	81.74	82.70	83.98	85.26	86.54	88.14	89.74
33	83.81	84.80	86.12	87.44	88.76	90.41	92.06

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

TABLE 8-11

REPUBLIC OF CHINA

INTERNATIONAL EXPRESS MAIL
CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$28.31	$28.34	$28.38	$28.42	$28.46	$28.51	$28.56
2	30.84	30.90	30.98	31.06	31.14	31.24	31.34
3	33.37	33.46	33.58	33.70	33.82	33.97	34.12
4	35.90	36.02	36.18	36.34	36.50	36.70	36.90
5	38.43	38.58	38.78	38.98	39.18	39.43	39.68
6	40.96	41.14	41.38	41.62	41.86	42.16	42.46
7	43.49	43.70	43.98	44.26	44.54	44.89	45.24
8	46.02	46.26	46.58	46.90	47.22	47.62	48.02
9	48.55	48.82	49.18	49.54	49.90	50.35	50.80
10	51.08	51.38	51.78	52.18	52.58	53.08	53.58
11	53.61	53.94	54.38	54.82	55.26	55.81	56.36
12	56.14	56.50	56.98	57.46	57.94	58.54	59.14
13	58.67	59.06	59.58	60.10	60.62	61.27	61.92
14	61.20	61.62	62.18	62.74	63.30	64.00	64.70
15	63.73	64.18	64.78	65.38	65.98	66.73	67.48
16	66.26	66.74	67.38	68.02	68.66	69.46	70.26
17	68.79	69.30	69.98	70.66	71.34	72.19	73.04
18	71.32	71.86	72.58	73.30	74.02	74.92	75.82
19	73.85	74.42	75.18	75.94	76.70	77.65	78.60
20	76.38	76.98	77.78	78.58	79.38	80.38	81.38
21	78.91	79.54	80.38	81.22	82.06	83.11	84.16
22	81.44	82.10	82.98	83.86	84.74	85.84	86.94
23	83.97	84.66	85.58	86.50	87.42	88.57	89.72
24	86.50	87.22	88.18	89.14	90.10	91.30	92.50
25	89.03	89.78	90.78	91.78	92.78	94.03	95.28
26	91.56	92.34	93.38	94.42	95.46	96.76	98.06
27	94.09	94.90	95.98	97.06	98.14	99.49	100.84
28	96.62	97.46	98.58	99.70	100.82	102.22	103.62
29	99.15	100.02	101.18	102.34	103.50	104.95	106.40
30	101.68	102.58	103.78	104.98	106.18	107.68	109.18
31	104.21	105.14	106.38	107.62	108.86	110.41	111.96
32	106.74	107.70	108.98	110.26	111.54	113.14	114.74
33	109.27	110.26	111.58	112.90	114.22	115.87	117.52

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.

2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

REPUBLIC OF CHINA
INTERNATIONAL EXPRESS MAIL
ON DEMAND SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$18.03	$18.06	$18.10	$18.14	$18.18	$18.23	$18.28
2	20.56	20.62	20.70	20.78	20.86	20.96	21.06
3	23.09	23.18	23.30	23.42	23.54	23.69	23.84
4	25.62	25.74	25.90	26.06	26.22	26.42	26.62
5	28.15	28.30	28.50	28.70	28.90	29.15	29.40
6	30.68	30.86	31.10	31.34	31.58	31.88	32.18
7	33.21	33.42	33.70	33.98	34.26	34.61	34.96
8	35.74	35.98	36.30	36.62	36.94	37.34	37.74
9	38.27	38.54	38.90	39.26	39.62	40.07	40.52
10	40.80	41.10	41.50	41.90	42.30	42.80	43.30
11	43.33	43.66	44.10	44.54	44.98	45.53	46.08
12	45.86	46.22	46.70	47.18	47.66	48.26	48.86
13	48.39	48.78	49.30	49.82	50.34	50.99	51.64
14	50.92	51.34	51.90	52.46	53.02	53.72	54.42
15	53.45	53.90	54.50	55.10	55.70	56.45	57.20
16	55.98	56.46	57.10	57.74	58.38	59.18	59.98
17	58.51	59.02	59.70	60.38	61.06	61.91	62.76
18	61.04	61.58	62.30	63.02	63.74	64.64	65.54
19	63.57	64.14	64.90	65.66	66.42	67.37	68.32
20	66.10	66.70	67.50	68.30	69.10	70.10	71.10
21	68.63	69.26	70.10	70.94	71.78	72.83	73.88
22	71.16	71.82	72.70	73.58	74.46	75.56	76.66
23	73.69	74.38	75.30	76.22	77.14	78.29	79.44
24	76.22	76.94	77.90	78.86	79.82	81.02	82.22
25	78.75	79.50	80.50	81.50	82.50	83.75	85.00
26	81.28	82.06	83.10	84.14	85.18	86.48	87.78
27	83.81	84.62	85.70	86.78	87.86	89.21	90.56
28	86.34	87.18	88.30	89.42	90.54	91.94	93.34
29	88.87	89.74	90.90	92.06	93.22	94.67	96.12
30	91.40	92.30	93.50	94.70	95.90	97.40	98.90
31	93.93	94.86	96.10	97.34	98.58	100.13	101.68
32	96.46	97.42	98.70	99.98	101.26	102.86	104.46
33	98.99	99.98	101.30	102.62	103.94	105.59	107.24

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

TABLE 8-13

SINGAPORE

INTERNATIONAL EXPRESS MAIL CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$30.33	$30.36	$30.40	$30.44	$30.48	$30.53	$30.58
2	34.88	34.94	35.02	35.10	35.18	35.28	35.38
3	39.43	39.52	39.64	39.76	39.88	40.03	40.18
4	43.98	44.10	44.26	44.42	44.58	44.78	44.98
5	48.53	48.68	48.88	49.08	49.28	49.53	49.78
6	53.08	53.26	53.50	53.74	53.98	54.28	54.58
7	57.63	57.84	58.12	58.40	58.68	59.03	59.38
8	62.18	62.42	62.74	63.06	63.38	63.78	64.18
9	66.73	67.00	67.36	67.72	68.08	68.53	68.99
10	71.28	71.58	71.98	72.38	72.78	73.28	73.78
11	75.83	76.16	76.60	77.04	77.48	78.03	78.58
12	80.38	80.74	81.22	81.70	82.18	82.78	83.38
13	84.93	85.32	85.84	86.36	86.88	87.53	88.18
14	89.48	89.90	90.46	91.02	91.58	92.28	92.98
15	94.03	94.48	95.08	95.68	96.28	97.03	97.78
16	98.58	99.06	99.70	100.34	100.98	101.78	102.58
17	103.13	103.64	104.32	105.00	105.68	106.53	107.38
18	107.68	108.22	108.94	109.66	110.38	111.28	112.18
19	112.23	112.80	113.56	114.32	115.08	116.03	116.98
20	116.78	117.38	118.18	118.98	119.78	120.78	121.78
21	121.33	121.96	122.80	123.64	124.48	125.53	126.58
22	125.88	126.54	127.42	128.30	129.18	130.28	131.38
23	130.43	131.12	132.04	132.96	133.88	135.03	136.18
24	134.98	135.70	136.66	137.62	138.58	139.78	140.98
25	139.53	140.28	141.28	142.28	143.28	144.53	145.78
26	144.08	144.86	145.90	146.94	147.98	149.28	150.58
27	148.63	149.44	150.52	151.60	152.68	154.03	155.38
28	153.18	154.02	155.14	156.26	157.38	158.78	160.18
29	157.73	158.60	159.76	160.92	162.08	163.53	164.98
30	162.28	163.18	164.38	165.58	166.78	168.28	169.78
31	166.83	167.76	169.00	170.24	171.48	173.03	174.58
32	171.38	172.34	173.62	174.90	176.18	177.78	179.38
33	175.93	176.92	178.24	179.56	180.88	182.53	184.18

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.

2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

TABLE 8-14

SINGAPORE
INTERNATIONAL EXPRESS MAIL ON DEMAND SERVICE

POUNDS (up to and including)*	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$20.05	$20.08	$20.12	$20.16	$20.20	$20.25	$20.30
2	24.60	24.66	24.74	24.82	24.90	25.00	25.10
3	29.15	29.24	29.36	29.48	29.60	29.75	29.90
4	33.70	33.82	33.98	34.14	34.30	34.50	34.70
5	38.25	38.40	38.60	38.80	39.00	39.25	39.50
6	42.80	42.98	43.22	43.46	43.70	44.00	44.30
7	47.35	47.56	47.84	48.12	48.40	48.75	49.10
8	51.90	52.14	52.46	52.78	53.10	53.50	53.90
9	56.45	56.72	57.08	57.44	57.80	58.25	58.70
10	61.00	61.30	61.70	62.10	62.50	63.00	63.50
11	65.55	65.88	66.32	66.76	67.20	67.75	68.30
12	70.10	70.46	70.94	71.42	71.90	72.50	73.10
13	74.65	75.04	75.56	76.08	76.60	77.25	77.90
14	79.20	79.62	80.18	80.74	81.30	82.00	82.70
15	83.75	84.20	84.80	85.40	86.00	86.75	87.50
16	88.30	88.78	89.42	90.06	90.70	91.50	92.30
17	92.85	93.36	94.04	94.72	95.40	96.25	97.10
18	97.40	97.94	98.66	99.38	100.10	101.00	101.90
19	101.95	102.52	103.28	104.04	104.80	105.75	106.70
20	106.50	107.10	107.90	108.70	109.50	110.50	111.50
21	111.05	111.68	112.52	113.36	114.20	115.25	116.30
22	115.60	116.26	117.14	118.02	118.90	120.00	121.10
23	120.15	120.84	121.76	122.68	123.60	124.75	125.90
24	124.70	125.42	126.38	127.34	128.30	129.50	130.70
25	129.25	130.00	131.00	132.00	133.00	134.25	135.50
26	133.80	134.58	135.62	136.66	137.70	139.00	140.30
27	138.35	139.16	140.24	141.32	142.40	143.75	145.10
28	142.90	143.74	144.86	145.98	147.10	148.50	149.90
29	147.45	148.32	149.48	150.64	151.80	153.25	154.70
30	152.00	152.90	154.10	155.30	156.50	158.00	159.50
31	156.55	157.48	158.72	159.96	161.20	162.75	164.30
32	161.10	162.06	163.34	164.62	165.90	167.50	169.10
33	165.65	166.64	167.96	169.28	170.60	172.25	173.90

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

[6820-97-M]

PRESIDENTIAL COMMISSION ON WORLD HUNGER

REPORTS FROM SUBCOMMITTEES

Meeting

The second meeting of the Presidential Commission on World Hunger will be held on Monday, December 18, 1978, from 10:00 am to approximately 4:00 pm at the Department of State.

The agenda for the meeting will be concerned with reports from the Commission's subcommittees and other business as required.

The meeting will be open to observation by the public by reservation. Requests for reservations should be made in person or by letter addressed to the Presidential Commission on World Hunger, 734 Jackson Place, NW., Washington, D.C. 20006. Reservation requests must be made by Thursday, December 14, 1978.

Minutes of the Commission meeting will be available upon request 30 days after the meeting. In addition, copies of the meeting transcript will be available for public inspection and copying at actual cost at the Commission offices.

DANIEL E. SHAUGHNESSY,
Deputy Executive Director, Presidential Commission on World Hunger.

[FR Doc. 78-33886 Filed 12-4-78; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[File No. 81-420]

AMERICAN FAMILY MUTUAL INSURANCE CO.

Application and Opportunity for Hearing

NOVEMBER 27, 1978.

Notice is hereby given that American Family Mutual Insurance Company ("Applicant") has filed an application, pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted a partial exemption from the reporting provisions of Section 15(d) of that Act.

The Applicant states, in part:

1. Applicant is incorporated under the laws of the State of Wisconsin.

2. A wholly-owned subsidiary of the Applicant, American Family Financial Services, Inc., offered $10,000,000 principal amount of 9% Senior Notes due February 1, 1986 pursuant to a registration statement. The payment of principal and interest on the Notes was unconditionally guaranteed by the Applicant.

3. Information concerning the Applicant's business, and audited financial statements prepared in conformity with accounting principles established by the Wisconsin Commissioner of Insurance were included in the registration statement covering such offering.

4. Applicant proposes to file joint periodic reports with the subsidiary on Forms 10-K and 10-Q and include textual information substantially similar to that provided in the registration statement.

In the absence of a partial exemption, Applicant is required to file all reports required by Section 15(d) of the 1934 Act. Applicant believes that its request for an order partially exempting it from the provisions of Section 15(d) of the 1934 Act is appropriate in view of Applicant's status as co-registrant. Applicant believes that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit of the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than December 22, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33832 Filed 12-4-78; 8:45 am]

[8010-01-M]

[File No. 81-418]

AMERICAN SAFETY EQUIPMENT CORP.

Application and Opportunity for Hearing

NOVEMBER 27, 1978.

Notice is hereby given that American Safety Equipment Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting Applicant from the provisions of Section 15(d) of that Act.

The Applicant states, in part:

1. On July 28, 1978, Applicant became a wholly owned subsidiary of The Marmon Group, Inc. As a result of the merger, Applicant no longer has any public stockholders.

2. Applicant's common stock has been removed from listing and registration on the American Stock Exchange, and there is no trading in this security.

In absence of an exemption, Applicant would be required to file periodic reports pursuant to the provisions of Section 15(d) of the 1934 Act. Applicant believes that its request for an order exempting it from the reporting provisions of Section 15(d) is appropriate inasmuch as it is now a wholly owned subsidiary and has no publicly held common stock.

For a more detailed statement of the information presented, all persons are referred to the application which may be examined at the Commission's Public Reference Section, 1100 L St., N.W., Washington, D.C. 20549.

Notice is further given that any interested person, not later than December 22, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities, and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request and the issues of fact and law raised by the application which he desires to controvert. 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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33833 Filed 12-4-78; 8:45 am]

[8010-01-M]

[File No. 81-382]

DIVERSEY CORP.

Application and Opportunity for Hearing

NOVEMBER 27, 1978.

Notice is hereby given that The Diversey Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order granting Applicant an exemption form the provisions of Section 15(d) of the 1934 Act.

The Applicant states, in part:

1. On July 14, 1978 Applicant merged into Oron Interim Corporation, a Subsidiary of ORON, Inc, and became a wholly-owned subsidiary of the Molson Companies, Ltd., a Canadian corporation. As a result of the merger, Applicant no longer has any publicly owned common stock.

2. The Applicant has filed with the Commission its Annual Report on Form 10-K, containing audited financial statements for the year ended December 31, 1977, plus a consolidated summary of operations of Applicant for the five years ended December 31, 1977.

Applicant argues that the granting of the exemption would not be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than December 22, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability fo a hearing thereon. Any such commuication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for the request, and the issues of fact and law raised by the application which such person desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33834 Filed 12-4-78; 8:45 am]

[8010-01-M]

[File No. 81-406]

INTERPOOL LTD.

Application and Opportunity for Hearing

NOVEMBER 27, 1978.

Notice is hereby given that Interpool Limited ("Applicant") filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") seeking an exemption from the requirements to file reports pursuant to Section 15(d) of the 1934 Act.

The Applicant states, in part:

1. The Applicant is a Bahamian company subject to the reporting provisions of Section 15(d) of the 1934 Act.

2. On June 28, 1978 a tender was made for all the Capital Shares of the Applicant by Thyssen-Bornemisza N.V., a Netherlands Antilles company and the applicant is now approximately 99 percent owned by Thyssen-Bornemisza N.V.

In the absence of an exemption, Applicant is required to file periodic reports pursuant to Sections 15(d) of the 1934 Act. Applicant believes that its request for an order exempting it from the reporting requirements is appropriate in view of the fact that Applicant believes that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person not later than Dec. 22, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. 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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33835 Filed 12-4-78; 8:45 am]

[8010-01-M]

[Release No. 34-15353; File No. SR-MSE-78-17]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 17, 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

Rule 23 of Article VIII is hereby further amended from the proposal in the initial filing on this form as follows:

ARTICLE VIII—ARBITRATION OF SMALL CLAIMS

Rule 23.*

(a) No change in text.

(b) The Claimant shall file with the Director of Arbitration one (1) executed Submission Agreement and one (1) copy of the Statement of Claim of the controversy in dispute, together with documents in support of the claim. The statement of claim shall specify the relevant facts, the remedies sought and whether or not a hearing is [requested] *demanded.*

(c) No change in text.

(d) No change in text.

(e) The Director of Arbitration shall endeavor to serve promptly by mail or otherwise on the Claimant a copy of the Answer, Counterclaim, Third Party Claim or other responsive pleading, if any. The Claimant, *if a Counterclaim is asserted against him,* shall within ten (10) calendar days [file a Reply to any Counterclaim with the Director of Arbitration who will serve a copy of the Reply on the Respondent(s). In his discretion, the arbitrator may, at the request of any party, permit such party to submit additional documentation relating to the pleadings.] *either (i) file a Reply to any Counterclaim with the Director of Arbitration who will serve a copy of the Reply on the Respondent(s) or (ii) if the amount of the Counterclaim exeeds the Claim, shall have the right*

* Brackets ([]) indicate deletions: *Italics* indicate new material.

to file a statement withdrawing the Claim. If the Claimant withdraws the Claim, the proceedings will be discontinued without prejudice to the rights of the parties.

(f) No change in text.

(g) No change in text.

(h) No change in text.

(i) [The arbitrator may, in his sole discretion, request that the Director of Arbitration appoint (2) additional arbitrators so that the matter in controversy will be decided by three (3) arbitrators.] *Upon the request of the arbitrator, the Director of Arbitration shall two (2) additional arbitrators to a panel which shall decide the matter in controversy.*

(j) No change in text.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

The proposed rule change was drafted by the Securities Industry Conference on Arbitration in answer to an SEC directive to the securities industry to establish a uniform system for the resolution of the customers' small claims against brokers.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed rule change seeks to remove impediments to the establishment of a national market system and seeks to protect the public investors by creating a uniform rule for the resolution of customer disputes involving small claims.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments.

BURDEN ON COMPETITION

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

On or before January 9, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 26, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

NOVEMBER 24, 1978.

[FR Doc. 78-33840 Filed 12-4-78; 8:45 am]

[8010-01-M]

[Release No. 10491; 812-4367]

PUTNAM CONVERTIBLE FUND, INC. ET AL.

Filing of Application for an Exemption

NOVEMBER 27, 1978.

Notice is hereby given that Putnam Convertible Fund, Inc., Putnam Equities Fund, Inc., The George Putnam Fund of Boston, The Putnam Growth Fund, Putnam High Yield Trust, The Putnam Income Fund, Inc., Putnam Investors Fund, Inc., Putnam Option Income Trust, Putnam Tax Exempt Income Fund, Putnam Vista Fund, Inc., and Putnam Voyager Fund, Inc. (collectively, "Funds"), and Putnam Fund Distributors, Inc. ("Distributors") (collectively, "Applicants"), 265 Franklin Street, Boston, Massachusetts 02110, filed an application on September 13, 1978, and an amendment thereto on October 26, 1978, for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit sales of the Funds' securities at net asset value to Putnam Affiliated Employees, as defined below, who are participants in a non-tax qualified employee benefit plan. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Funds are each registered under the Act as diversified, open-end management investment companies and are organized as corporations or established as Massachusetts business trusts under Massachusetts law. The Funds are currently engaged in continuous public offerings of their shares through Distributors, as principal underwriter, at public offering prices equal to net asset value plus a sales charge.

Distributors, a Massachusetts corporation, is a wholly-owned subsidiary of Marsh & McLennan Management Company, a holding company whose other subsidiaries include the Putnam Management Company, Inc. ("Putnam Management"), which serves as investment manager for the Funds, Putnam Administrative Services Company, Inc., the Funds' shareholder servicing agent, and Putnam Advisory Services, Inc., Putnam Capital Services, Inc., and The Putnam Advisory Company, Inc., which provide investment management and related services to clients other than mutual funds (Marsh & McLennan Management Company and its subsidiaries which provide investment management and related services including any acquired or formed subsequent to the date of this application are hereinafter referred to as the "Marsh & McLennan Management Companies"). Two subsidiaries of Marsh & McLennan Management Company, Landauer Associates, Inc., which engages in real estate consulting, and Victor O. Schinner & Company, Inc., which engages in insurance management and underwriting, are not included as Marsh & McLennan Management Companies. As of September 1, 1978, the employees of Marsh & McLennan Management Companies totaled approximately 325 (employees of Marsh & McLennan Management Companies are hereinafter referred to as "Putnam Affiliated Employees"). Marsh & McLennan Management Company is a wholly-owned subsidiary of Marsh & McLennan Companies, Inc., a publicly owned holding company whose other principal subsidiaries are international insurance brokers and employee benefit consultants.

Applicants propose to permit those Putnam Affiliated Employees participating in an employee benefit plan ("Plan") sponsored by the employers constituting Marsh & McLennan Management Companies to purchase shares of the funds at net asset value. Applicants state that participating Putnam Affiliated Employees will be able to invest in the Plan (1) by payroll deduction in the amount of $25 or more for each investment, (2) Through automatic periodic bank checking account withdrawal plans in the amount of $25 or more for each investment, and (3) by investment at any time in the amount of $50 or more sent directly from the participant to Distributors provided the participant has invested at least $500 in shares of the Fund in which the participant

seeks to invest, regardless of whether such investment was made pursuant to the Plan.

Distributions of Fund shares acquired under the Plan would be reinvested at net asset value in shares of such Fund. Applicants also state that participants will agree not to resell Fund shares acquired through their participation in the Plan except by repurchase or redemption by or for the account of the Fund issuing such shares.

Applicants assert that no individual or in-person group sales solicitations or presentations concerning the Plan will be made. According to the application, all Putnam Affiliated Employees will receive, at least annually, notice from their employers concerning the Plan. This notice, which will be furnished at the expense of such employers, will identify the various Funds, describe their investment objectives, indicate that investments in the Plan would be at net asset value and detail the payroll deduction and other ways in which investments could be made. This notice would also indicate that additional information concerning the Plan and the Funds could be obtained from Distributors and would inform employees of the availability of prospectuses of the Funds from the employers.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Rule 22d-1 permits reductions in or eliminations of the sales load charged upon the sale of shares under certain circumstances. Applicants submit that the sale of Fund shares to Putnam Affiliated Employees at net asset value under the Plan may conflict with the Provisions of Section 22(d) of the Act and Rule 22d-1 thereunder.

Applicants argue that while Rule 22d-1(i) permits sales without any sales charge to certain employees of affiliated persons of the Funds, this would not be available to employees of Marsh & McLennan Management Companies, except for employees of Distributors and Putnam Management. Applicants also claim that an argument may be made that purchases of Fund shares at net asset value by Putnam affiliated Employees under the Plan are permitted by Rule 22d-1(f), which permits elimination of sales charges upon the sale pursuant to a uniform offer described in the prospectus and made to employee benefit plans not qualified under Section 401 of the Internal Revenue Code provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales-related expenses. Applicants submit it is not clear, however, that net asset value sales to the Putnam Affiliated Employees covered by the Plan would meet the "uniform offer" requirement of Rule 22d-1(f) and have determined to seek an exemption from Section 22(d) of the Act and the rules thereunder, pursuant to Section 6(c) of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that investment by Putnam Affiliated Employees pursuant to the Plan in shares of the Funds at net asset value is supported by policy considerations, that such sales should result in demonstrable economies in sales effort and sales related expense as compared with other sales and would not be unjustly discriminatory, and that the grant of the exemption requested by the application is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants further submit that the affiliation of the Funds' principal underwriter and investment manager to the other Marsh & McLennan Management Companies is the basis for a unique relationship of the Marsh & McLennan Management Companies to the Funds which can be expected to result in economies of sales effort and sales related expenses that justifies elimination of all sales charges on Fund shares purchased by participants in the Plan without discrimination against other employee benefit plans or other purchasers of Fund shares.

According to the application, features of the plan which are expected to give rise to economies of scale in sales effort and sales related expense are: (1) There will not be any personal solicitation of participants by Distributors, its representatives or other broker-dealers; (2) employees purchasing shares through payroll deduction will have shares purchased for their accounts at each payroll date with payment for such shares being made by a single check; (3) distributions on Fund shares will be automatically reinvested in additional Fund shares; and (4) all eligible employees will receive at least annually, at the expense of their employers, notice of the availability of the Plan. Applicants believe that such investments promote employee incentive, good will and loyalty.

Notice is further given than any interested person may, not later than December 22, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33836 Filed 12-4-78; 8:45 am]

[8010-01-M]

[File No. 500-1]

SUNAIR ELECTRONICS, INC.

Suspension of Trading

NOVEMBER 22, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Sunair Electronics, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of

1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:45 p.m. on November 22, 1978 through December 1, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33837 Filed 12-4-78; 8:45 am]

[8010-01-M]

WASHINGTON MUTUAL SAVINGS BANK, AS ORIGINATOR AND SERVICER

Application and Opportunity for Hearing

NOVEMBER 27, 1978.

Notice is hereby given that Washington Mutual Savings Bank ("Applicant"), 1101 Second Avenue, Seattle, Wash. 98101, has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended ("1934 Act") for exemption from certain reporting requirements of Section 15(d) of the 1934 Act.

The Applicant states in part:

Applicant, a mutual savings bank operating under the laws of the State of Washington, is the originator and servicer under a Pooling and Servicing Agreement providing for the issuance of Mortgage-Backed Certificates, Series A, 9% Pass-through Rate.

In the Absence of an exemption, the Applicant would be required to file reports adhering to all the item requirements of the Forms 10-K, 10-Q, 8-K.

Accordingly, Applicant believes that the exemptive order requested by it is appropriate in view of the fact that Form 10-Q and certain items of the Forms 10-K and 8-K are inapplicable to the pass-through mortgage pool arrangement.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than December 22, 1978, may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33838 Filed 12-4-78; 8:45 am]

[8010-01-M]

[File No. 81-404]

WEKSLER INSTRUMENTS CORP.

Application and Opportunity for Hearing

NOVEMBER 27, 1978.

Notice is hereby given that Weksler Instruments Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order exempting Applicant from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states, in part:

1. On May 10, 1978, Applicant merged with WIC Newco, Inc. As a result of the merger, Applicant no longer has any publicly owned common stock.

2. The Applicant has filed with the Commission its Form 10-Q for the period ended June 30, 1978 which reflects the merger.

Applicant argues that the granting of the exemption would not be inconsistent with the public interest or the protection of investors.

For more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than December 22, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-33839 Filed 12-4-78; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 01/01-0298]

CHANDLER PHILLIPS CAPITAL CORP.

License to Operate as a Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)) under the name of The Chandler Phillips Capital Corporation (Applicant), for a License to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (Act), and the Rules and Regulations promulgated thereunder.

The Applicant is incorporated under the laws of the State of Connecticut and it will commence operations with a capitalization of $500,000, which amount is to be raised through the private sale of 100 percent of its Common Stock to The Business Credit Center, Inc. (Business). Business, parent of the Applicant through its 100 percent stock ownership thereof, was incorporated in September 1978, to engage in the business of commercial finance. Business is located at 65 La Salle Road, West Hartford, Connecticut 06107. The Chairman of the Board and President of Business, Richard E. Mount and Harold C. Hurley, Jr., respectively, are founders and sole holders of the Class B Common Stock of Business which elects a majority of the Board of Directors of Business and, therefore, control the management of Business.

The Applicant will have its principal place of business at 65 La Salle Road, West Hartford, Connecticut 06107 and it intends to conduct operations principally in the State of Connecticut.

The Officers and Directors of the Applicant will be:

Name and Title

Richard E. Mount, chairman and secretary, 31 Oak Ridge Lane, West Hartford, Connecticut 06107.

Harold C. Hurley, Jr., President, Treasurer and Director, 67 Haywood Drive, Glastonburg, Connecticut 06033.

Harry E. Mount, Director, 219 Walden Street, West Hartford, Connecticut 06107.

Matters involved in SBA's consideration of the Applicant include the gen-

eral business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may on or before December 20, 1978, submit written comments on the Applicant to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in West Hartford, Connecticut.

(Catalogue of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: November 28, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 78-33853 Filed 12-4-78; 8:45 am]

[4910-06-M]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Minority Business Resource Center Advisory Committee

Meeting

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463); 5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held December 14, 1978, at 10:00 a.m. until 3:00 p.m. at the New Orleans Marriott Hotel, 555 Canal Street, New Orleans, Louisiana 70140. The agenda for the meeting is as follows:

Expanding market opportunities
MBRC interim assessment of program needs

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Mr. Harvey C. Jones, Advisory Committee Staff Assistant, Minority Business Resource Center, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, telephone: (202) 472-2449. Any member of the public may present a written statement to the Committee at any time.

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

KENNETH E. BOLTON,
Director.

[FR Doc. 78-33887 Filed 12-4-78; 8:45 am]

[4810-28-M]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT PERIOD TEN

Use of Estimated Data for General Revenue Sharing Purposes

Pursuant to § 51.20(b)(3) of the revenue sharing regulations (31 CFR 51.20 (b)(3)) and the authority of the Secretary of the Treasury under section 109 (a)(7)(B) of the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1228 (a)(7)(B)), notice is hereby given that the Secretary has used additional data and estimates which have necessitated upward revisions to the populations of certain counties and states for purposes of the intrastate allocations for Entitlement Period Ten (October 1, 1978 to September 30, 1979). Such revisions are contained in the accompanying table which shows original and revised 1976 population estimates.

Section 51.20(a) of the regulations (31 CFR 51.20(a)) provides that the data used in the determination of allocations and adjustments will be the latest and most complete data supplied by the Bureau of the Census or such sources of data as in the judgment of the Secretary will provide for equitable allocations. Section 51.20(b)(3) of the regulations (31 CFR 51.20(b)(3)) requires that where the Secretary determines that the data provided by the Bureau of Census or the Department of Commerce are not current enough, not comprehensive enough, or are otherwise inadequate to provide for equitable allocations, the Secretary may use other data, including estimates. The Secretary's determination shall be final.

These revisions are the direct consequence of data verifications initiated by the Navajo, Oglala Sioux, and Osage Indian tribes for prior entitlement periods. Documentary evidence presented by the tribes, and estimates developed by the Bureau of Indian Affairs, indicated higher populations for those tribes than the Census-based estimates had provided for those entitlement periods. The documentary evidence and estimates necessitated upward revisions in the 1970 Census counts and the 1973 and 1975 estimates of the population of those counties and states in the accompanying table, for purposes of equitably determining the intrastate allocations. The last revisions in the 1975 population estimates for Entitlement Period Nine were published in the FEDERAL REGISTER on May 4, 1977 (42 FR 22615).

Since the 1976 Census-based estimates of population (as denoted by the column designated "Original") do not reflect the earlier documentation and Bureau of Indian Affairs estimates of population, it has been necessary to adjust comparably the 1976 population estimates of these same affected counties and states in the intrastate allocations for Entitlement Period Ten.

1976 POPULATION

[Entitlement period 10]

State and County	Original	Revised [1]
Arizona	2,249,255	2,273,240
Apache County	43,745	49,238
Coconino County	64,864	74,447
Navajo County	60,335	69,244
New Mexico	1,170,741	1,181,655
Bernalillo County	369,060	370,091
McKinley County	54,419	58,712
Sandoval County	23,789	24,185
San Juan County	67,931	72,591
Socorro County	10,141	10,332
Rio Arriba County	28,047	28,367
Valencia County	48,653	48,690
Utah	1,232,042	1,233,479
San Juan County	12,215	13,652
South Dakota	685,074	688,467
Bennett County	3,182	4,191
Shannon County	8,453	10,443
Washabaugh County	1,507	1,901
Oklahoma	2,768,260	2,771,033
Osage County	32,319	35,092

[1] For general revenue sharing purposes.

FOR FURTHER INFORMATION CONTACT:

Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, 2401 F Street, NW., Washington, D.C. 20226, (202) 634-5166.

Dated: November 27, 1978.

BERNADINE DENNING,
Director,
Office of Revenue Sharing.

[FR Doc. 78-33758 Filed 12-4-78; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 3, 1979, at 1:00 p.m., the Winston-Salem Veterans Administration Regional Office Station Committee on Educational Allowances shall at Room 609, Federal Building, 251 North Main Street, Winston-Salem, North Caroli-

na, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Fayetteville Aviation, Inc., Fayetteville, North Carolina, should be discontinued, as provided in 38 CFR 21.4207, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

KENNETH E. MCDONALD,
Director, Veterans Administration Regional Office, 251 North Main Street, Winston-Salem, North Carolina 27102.

NOVEMBER 28, 1978.

[FR Doc. 78-33874 Filed 12-4-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 749]

ASSIGNMENT OF HEARINGS

NOVEMBER 30, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 117574 (Sub-312F), Daily Express, Inc., now being assigned January 15, 1979, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 98291 (Sub-3F) Kunkle Transfer & Storage Co., A Corp., now being assigned January 30, 1979, (9 days), at Phoenix Ariz.., in a hearing room to be later designated.

MC 141076 (Sub-16F), Rogers Motor Lines, Inc., now assigned for hearing on December 4, 1978, at New York City, New York and will be held in room 305-B, Federal Building.

MC 141922 (Sub-2F), A. B. Mini Bus Tours, Inc., now assigned for hearing on December 6, 1978, at New York City, New York and will be held in Room C-2200, Federal Building (2 days) and held in Room 1400, Federal Building on December 8, 1978.

MC 19311 (Sub-46F), Central Transport, Inc., now being assigned February 27, 1979, (9 days), at Indianapolis, Ind., in hearing room to be later designated.

MC 2226 (Sub-113F), Red Arror Freight Lines, Inc., now assigned for continued hearing on December 12, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113855 (Sub-430), International Transport, Inc., now assigned for hearing on December 7, 1978, at Washington, D.C., is canceled and application dismissed.

FD 28583 (Sub-1 and 2), Burlington Northern, Inc., now assigned January 3, 1979, at Chicago, Illinois will be held in Room 572, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 1319.

MCF 13500, Burlington Northern, Inc., Control Frisco Transportation Company, now assigned January 3, 1979, at Chicago, Illinois will be held in Room 572, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 1319.

MC-C-8617, Arrow Carrier Corp., et al. V. United Parcel Service Inc., et al., now assigned January 15, 1979, at the offices of Interstate Commerce Commission, Washington, D.C.

MC 101134 (Sub-8F), Aro Coaches, Inc., now assigned January 10, 1979, at New York, N.Y., is postponed indefinitely.

MC 119726 (Sub-131F), N.A.B. Trucking Co., Inc., now assigned January 9, 1979, at Chicago, Illinois will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 572.

MC 133233 (Sub-57), Clarence L. Werner DBA Werner Enterprises, now assigned January 15, 1979, at Chicago, Illinois will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 572.

MCF 13586, Sawyer Transport, Inc., now assigned January 17, 1979 at Chicago, Illinois will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 572.

MC 11401 (Sub-521F), Groendyke Transport, Inc., now assigned January 10, 1979, at Chicago, Illinois will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room 572.

37063 (Sub-1), Increased Rates on Coal, L & N RR, November 1978, and No. 37063, Increased Rates on Coal, L & N RR, October 31, 1978, now being assigned January 9, 1979, at the office of Interstate Commerce Commission, Washington, D.C.

NOR 36969, Procter and Gamble Manufacturing V Chicago and Northwestern Transportation Company, now assigned December 6, 1978, is cancelled and transferred to Modified Procedure.

MC 109638 (Sub-32), Everette Truck Lines, Inc., now assigned November 29, 1978, is cancelled and transferred to Modified Procedure.

MC 105045 (Sub-83F), R. L. Jeffries Trucking Co., Inc., now assigned December 18, 1978, is cancelled and transferred to Modified Procedure.

MC 128521 (Sub-7), Birmingham-Nashville Express, Inc., now being assigned for continued hearing on December 13, 1978, at Birmingham, Alabama, at the Sheraton Motor Inn-Downtown, 300 North 10th Street.

MC 139495 (Sub-346F), National Carriers, Inc., now assigned for hearing on February 6, 1979, (1 day), at St. Louis, Missouri in a hearing room to be later designated.

MC 144420 (Sub-1F), Malibu Beach Boat Sales, & Service, Co., Inc., now being assigned for hearing on February 7, 1979, (3 days), at St. Louis, Missouri in a hearing room to be later designated.

MC 143059 (Sub-20F), Mercer Transportation, Co., now being assigned for hearing on February 12, 1979, (1 day), at St. Louis, Missouri in a hearing room to be later designated.

MC 9812 (Sub-9F), C. F. Kolb Trucking Co., now assigned for hearing on February 13, 1979, (2 days), at St. Louis, Missouri in a hearing room to be later designated.

MC 144844 (Sub-1F), Ozark Transportation, Inc., now assigned for hearing on February 15, 1979, (2 days), at St. Louis, Missouri in a hearing room to be later designated.

MC 103993 (Sub-931F), Morgan Drive-Away, Inc., now being assigned for continued hearing on January 29, 1978 (1 week), at Dallas, Texas in a hearing room to be later designated.

MC 82841 (Sub-229F), Hunt Transportation, Inc., now being assigned for hearing on January 25, 1978, (1 day), at Dallas, Texas in a hearing room to be later designated.

MC 730 (Sub-416F), Pacific Intermountain Express Co., now being assigned for January 24, 1978, (1 day), at Dallas, Tex. in a hearing room to be later designated.

MC 114045 (Sub-501F), Trans-Cold Express, Inc., now being assigned for January 23, 1978, (1 day), at Dallas, Texas in a hearing room to be later designated.

MC 107064 (Sub-126F), Steere Tank Lines, Inc., now being assigned for January 26, 1978, (1 day), at Dallas, Texas in a hearing room to be later designated.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-33892 Filed 12-4-78; 8:45 am]

[7035-01-M]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 30, 1978.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before December 20, 1978.

FSA No. 43635, Southwestern Freight Bureau, Agent's No. B-785, rates on cement and related articles, from specified origins in Indiana and Pennsylvania to points in Southwestern Territory, and from Houston, Tex., to Fairless, Pa., in Supps. 49 and 128 to its Tariffs 71-H and 325-B, ICC 5068 and 5156, respectively, effective December 23, 1978. Grounds for relief—revised rate structure.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 78-33893 Filed 12-4-78; 8:45 am]

[7035-01-M]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 228]
DECEMBER 1, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 808 (Sub-54TA, filed October 25, 1978. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, P.O. Box 22005, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, from Linden, NJ to points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MS, MO, MT, ME, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, under a continuing contract or contracts with General Motors Corporation, for 180 days. SUPPORTING SHIPPER(S): General Motors Corporation, 20007 Van Dyke Avenue, Warren, WI 48090. SEND PROTESTS TO: Mary Wehner, District Supervisor, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 15975 (Sub-11TA), filed October 30, 1978. Applicant: BUSKE LINES, INC., 123 W. Tyler Avenue, P.O. Box 349, Litchfield, IL 62056. Representative: Howard Buske (same as above). *Containers, container ends and closures*, from North Bergen, NJ to points in and east of MN, IA, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Edward H. Fehskens, Director of Traffic, Crown Cork & Seal Co., Inc., 9300 Ashton Road, Philadelphia, PA 19136. SEND PROTESTS TO: Charles D. Little, District Supervisor, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 29396 (Sub-208TA), filed October 25, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. BOX 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Pumping units and pumping units accessories*, from South Hutchinson, KS to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): United Energy Products, Inc., P.O. Box 353, Hutchinson, KS 67501. SEND PROTESTS TO: District Supervisor Paul J. Labane, 2602 First Avenue North, Billings, MT 59101.

MC 40978 (Sub-47TA), filed October 23, 1978. Applicant: CHAIR CITY MOTOR EXPRESS CO., 3321 Business 141 South, Sheboygan, WI 53081. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Kitchen and vanity cabinets and parts thereof*, from Adrain, MI to points in IL, IN, IA, MN, WI and Upper Peninsula of MI, for 180 days. SUPPORTING SHIPPER(S): Merillat Industries, 2075 West Beecher Road, Adrian MI 49221. SEND PROTESTS TO: Mrs. Gail Daugherty, Trans. Assistant, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 48958 (Sub.163TA), filed October 27, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). *Packaged meats and meat products; cellulose film, printed or not printed, embossed or not embossed; film or sheeting, plastic, embossed or not embossed, printed or not printed, other than cellulose, in vehicles equipped with mechanical refrigeration*, between Lansing, IL, and Hammond, IN, on the one hand, and, on the other, Searcy, AR, restricted to the transportation of shipments originating at and destined to the facilities of Land O' Frost, Inc., for 180 days. An underlying ETA seek 90 days authority. SUPPORTING SHIPPER(S): Land O' Frost, Inc., 16850 Chicago Avenue, Lansing, IL 60438. SEND PROTESTS TO: Roger L. Buchanan, DS, ICC, 492 U.S. Customs House, Denver, CO 80202.

MC 50935 (Sub-24TA), filed October 25, 1978. Applicant: WOLVERINE TRUCKING CO., 1020 Doris Road, Pontiac, IM 48057. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. *Malt beverages* (1) between Newark, NJ, on the one hand, and, on the other, Peoria, IL and Milwaukee, WI; and (2) from Newark, NJ to points in MI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Timothy S. Quinn, District Supervisor, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

MC 55709 (Sub-7TA), filed October 25, 1978. Applicant: ANDING TRANSIT, INC., P.O. Box 112, Arena, WI 53503. Representative: James A. Spiegel, 6425 Odana Road, Madison, WI 53719. *Cheese*, between points in the State of WI and the facilities of Rochester Cold Storage at or near Rochester, MN, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Rochester Cheese Sales, Inc., 4219 N. Frontage Road, Rochester, MN 55901. SEND PROTESTS TO: Ronald Morken, District Supervisor, 212 E. Washington Avenue, Room 317, Madison, WI 53703.

MC 65475 (Sub-19TA), filed October 25, 1978. Applicant: JETCO, INC., 4701 Eisenhower Avenue, Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. *Iron and steel articles*, between the facilities of Atlas Machine & Iron Works, Inc., at Gainesville, VA, on the one hand, and, on the other, construction sites of the Tennessee Valley Authority at or near Hartsville and Phipps Bend, TN, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Atlas Machine & Iron Works, Inc., 7308 Wellington Road, Gainesville, VA 22065. SEND PROTESTS TO: T. M. Esposito, Trans. Assistant, 600 Arch

Street, Room 3238, Philadelphia, PA 19106.

MC 71902 (Sub-96TA), filed October 30, 1978. Applicant: UNITED TRANSPORTS, INC., 4900 N. Santa Fe Avenue, Oklahoma City, OK 73145. Representative: Eric L. Spitler (same as above). *New motor vehicles* (except motor homes, trailers, agricultural and industrial tractors, and attachments for trailers and agricultural and industrial tractors), in secondary movements, in truckaway and driveaway service, restricted to the transportation of shipments having an immediate prior movement by rail or motor carrier, from New Orleans, LA to points in MS, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Chrysler Corporation, P.O. Box 1976, Detroit, MI 48231. SEND PROTESTS TO: Connie Stanley, Trans. Assistant, Room 240 Old Post Office and Courthouse Building, 215 NW. 3rd, Oklahoma City, OK 73102.

MC 85934 (Sub-84TA), filed October 25, 1978. Applicant: MICHIGAN TRANSPORTATION CO., 3601 Wyoming, Dearborn, MI 48120. Representative: Max McLeod (same as above). *Compounds, tape, nails, and articles used in the installation of gypsum wallboard,* from the facilities of Rapid System Co., at or near Cleveland, OH, to points in MI, IN, and IL, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Don Draugelis, Traffic Manager, Rapid System Company, 201 N. Monroe, Grand Rapids, MI 49501. SEND PROTESTS TO: District Supervisor Tim Quinn, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Boulevard, Detroid, MI 48226.

MC 99653 (Sub-9TA), filed October 30, 1978. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 2254, 700 39th Street, North, Birmingham, AL 35202. Representative: Ronald L. Stichweh, Attorney, 727 Frank Nelson Building, Birmingham, AL 35203. *Cast iron pipe, valves, couplings, gaskets and fittings,* from the facilities of United States Pipe & Foundry Company at or near Birmingham and Bessemer, AL, to points in AR, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): United States Pipe and Foundry Company, 3300 First Avenue, North, Birmingham, Al 35203. SEND PROTESTS TO: Mabel E. Holston, Trans. Assistant, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 105733 (Sub-71TA), filed October 27, 1978. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, DC 20005. *Plasticizers, alcohols, glycols and morpholine,* in bulk, in tank vehicles, from the facilities of Hatco Chemical Corp., Fords, NJ and the facilities of BASF Wyandotte Corp., at S. Kearny, and Bayonne, NJ, to points in OH, IN, IL, MI and WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): BASF Wyandotte Corporation, 100 Cherry Hill Road, P.O. Box 181, Parsippany, NJ 07054; Hatco Chemical Corp., King George Post Road, Fords, NJ 08863. SEND PROTESTS TO: Robert E. Johnston, DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 107496 (Sub-1172TA), filed October 30, 1978. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, 3200 Ruan Center, Des Moines, IA 50309. Representative: E. Check (same as above). *Inedible animal fat,* in bulk, in tank vehicles, from Huro to Sleepy Eye, MN, for 180 days. An underlying ETA seeks authority. SUPPORTING SHIPPER(S): Armour Food Company, Clarendon, Greyhound Tower, Phoenix, AZ 85077. SEND PROTECT TO: Herbert W. Allen, District Supervisor, 518 Federal Building, Des Moines, IA 50309.

MC 109818 (Sub-33TA), filed October 25, 1978. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, 3909 West Rusholme, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Foodstuffs,* from the facilites of Continental Freezers of IL at or near Chicago, IL, to points in IN, KY, MI, MO, KS, OH, and WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Continental Freezers of Illinois, 4220 S. Kildare Boulevard, Chicago, IL 60632. SEND PROTESTS TO: Herbert W. Allen, District Supervisor, 518 Federal Building, Des Moines, IA 50309.

MC 115603 (Sub-15TA), filed October 30, 1978. Applicant: TURNER BROS. TRUCKING COMPANY, INC., 5501 S. Hattie (P.O. Box 94626), Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 6161 N. May Avenue, Oklahoma City, OK. (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of manufactured and natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; and, (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies,* and pipe incidental to, used in or in connection with: (a) the transportation, installation, removal, operation repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and, (d) the injection or removal of commodities into or from holes or wells, between points in CO, IL, KS, LA, MO, NE, NM, ND, OK, SD, TX and WY, on the one hand, and on the other, points in ID, MT, NM, ND, OR, UT and WA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): American Quasar Petroleum, Inc., 204 Superior Building, 201 N. Wolcott, Casper, NY 82601. SEND PROTESTS TO: Connie Stanley, Room 240 Old Post Office Building, 211 N.W. Third Street, Oklahoma City, OK 73102.

MC 115826 (Sub-360TA), filed October 25, 1978. Applicant: W. J. DiGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (Same as above). *Foodstuffs* (except commodities in bulk, in tank vehicles) from Laramie, WY to Albuqerque, NM, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Packers Cold Storage Inc., 310 E. Walnut Avenue, Fullerton, CA 92632. SEND PROTESTS TO: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 119789 (Sub-528TA), filed October 25, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P. O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as above). *Plastic film, in mechanically refrigerated equipment,* from the ports of Los Angeles, San Francisco, Oakland, and Long Beach, CA; and Seattle and Tacoma, WA to points in the U.S. in and east of WI, IL, KY, TN and MS, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Resinite Dept., Borden Chemical, Divison of Borden, Inc., 1 Clark Street, North Andover, MA 10845. SEND PROTESTS TO: Opal M. Jones, Trans. Assistant, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 125777 (Sub-235TA), filed October 30, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Ferro alloys,* in dump vehicles, from Calvert City, KY, to points in AL, AR, CT, DE, FL, GA, KS, LA, ME, MD, MA, MS, MO, NH, NJ, NY, NC, OK, RI, SC, TN, TX, VT and WV, and Ashtabula,

Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin and Wayne Counties, OH, for 180 days. SUPPORTING SHIPPER(S): Airco Alloys, 3801 Highland Avenue, Niagara Falls, NY 14305. SEND PROTESTS TO: Lois M. Stahl, Trans. Assistant, 219 South Dearborn Street, Chicago, IL 60604.

MC 126276 (Sub-201TA), filed October 25, 1978. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: James C. Hardman, 33 N LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends*, from Wayne, NJ to Columbus, OH and its commercial zone, for 180 days. The loads will be destined to the customer's facility in Columbus as well as to warehouse locations which will be in Columbus proper as well as points within its commercial zone such as Worthington, under a continuing contract or contracts with The Continental Group, Inc. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): James R. Jandora, Acting Regional Manager of Traffic Distribution, The Continental Group, Inc., 1150 Mosteller Road, Cincinnati, OH 45241. SEND PROTESTS TO: Lois Stahl, Trans. Assistant, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135078 (Sub-34TA), filed October 25, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. *Such commodities as are dealt in or sold by retail department stores* (except commodities in bulk), from points in CT, MA, OH, and NY and the commercial zones of Jersey City, NJ and Philadelphia, PA to Omaha, NE, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): William M. Wallace, General Manager, Kanmo Shippers, Inc., 9419 East 63rd Street, Kansas City, MO 64133. SEND PROTESTS TO: Carroll Russell, District Supervisor, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135082 (Sub-77TA), filed October 18, 1978. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, NE, Albuquerque, NM 87125. Representative: Randall R. Sain (Same as above). *Brick and tile, and the commodities used in the installation thereof*, from Alberhill and Elsinore, CA to points in AZ, NM, and TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Pacific Clay Building Products, 9500 South Norwalk Boulevard, Sante Fe Springs, CA 90607. SEND PROTESTS TO: ICC District Supervisor, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, NM 87101.

MC 135797 (Sub-154TA), filed October 25, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Representative: Paul R. Bergant (Same as above). *Such commodities as are dealt in by wholesale, retail and chain grocery and feed business houses*, from the facilities of Ralston Purina Co., at or near Clinton and Davenport, IA to points in IN, MI and OH, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. SEND PROTESTS TO: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 135797 (Sub-155TA), filed October 25, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Representative: Paul R. Bergant, (same as above). *Plastic articles* (except in bulk), from Bakersfield and Woodland, CA to UT, AZ, ID, MT, NV and OR, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Mobile Chemical Co., Plastics Division, Macedon, NY 14502. SEND PROTESTS TO: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 138104 (Sub-59TA), filed October 27, 1978. Applicant: MOORE TRANSPORTATION, CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Ferro silicon*, in bulk, in dump vehicles, from Calvert City, KY and Kimball, TN, to the facilities of Chaparral Steel Company at or near Midlothian, TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Chaparral Steel Company, P.O. Box 1100, Midlothian, TX 76065. SEND PROTESTS TO: Robert J. Kirspel, DS, RM 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76120.

MC 138176 (Sub-9TA), filed October 25, 1978. Applicant: MARVIN RENTZ, dba, RENTZ FARM SUPPLY, Route 1, Box 60, Brinson, GA 31725. Representative: Frank D. Hall, Postell & Hall, P. C., Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. *Fertilizer and fertilizer materials*, when moving in killebrew equipment, from the plantsite & warehouse facilities of Pelham Phosphate Company at or near Pelham, GA to all points in AL, GA and FL, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Pelham Phosphate Company, a subsidiary of Chemical Enterprises, Inc., 1102 3rd Avenue, Albany, GA 31707. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 139113 (Sub-14TA), filed October 25, 1978. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and in bulk), from the facilities of Knouse Foods, Inc., at or near Peach Glen, Orrtanna, and Chambersburg, PA to points in AL, AR, FL, GA, LA, MS, OK, TN, and TX, for 180 days. RRESTRICTION: Restricted to the transportation of shipments under a continuing contract or contracts with Knouse Foods, Inc. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Knouse Foods, Inc., Peach Glen, PA 17306. SEND PROTESTS TO: Mabel E. Holston, Trans. Assistant, Room 1616—2121 Building, Birmingham, AL 35203.

MC 140033 (Sub-75TA), filed October 25, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Lawrence A. Winkle, Winkle and Wells, Suite 1125, Exchange Park, Dallas, TX 75235. *Lime in bags or boxes* (except commodities in bulk), from Dallas, TX to Charlotte, NC; Frankfort, IN; Kingsley, CT; Denver, CO, for 180 days. SUPPORTING SHIPPER(S): Atlantes Services, Inc., 8320 Chancellor, Dallas, TX 75247. SEND PROTESTS TO: Opal M. Jones, Trans. Assistant, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 140682 (Sub-5TA), filed October 25, 1978. Applicant: NEW (TRANS) PORT, INC., P.O. Box 188, Riceboro, GA 31323. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ash*, from Riceboro, GA to Dothan, AL, under a continuing contract or contracts with Interstate Paper Corporation, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Interstate Paper Corporation, Riceboro, GA 31323. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Box 35008, 400 West Bay Street, Jacksonville, Fl 32202.

MC 142059 (Sub-53TA), filed October 25, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, IL 60436.

Representative: Jack Riley (same as above). *Canned goods* except frozen and in bulk, from the facilities of The Joan of Arc Company at or near Hoopeston, IL to points in OH and PA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Joan of Arc Company, 2231 W. Altorfer Drive, Peoria, IL 61614. SEND PROTESTS TO: Lois Stahl, Trans. Assistant, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142431 (Sub-6TA), filed October 30, 1978. Applicant: WAYMAR TRANSPORT CORP., 1755 SE. 108th Street, Runnell, IA 50237. Representative: Roger Hansen (same as above). *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Section A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk, in tank vehicles) from the facilities of Swift & Company at Des Moines, IA to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and DC, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Swift & Company, 115 W. Jackson Boulevard, Chicago, IL 60604. SEND PROTESTS TO: Herbert W. Allen, District Supervisor, 518 Federal Building, Des Moines, IA 50309.

MC 142516 (Sub-22TA), filed October 20, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive, paste, and related products* (except in bulk), *and materials, equipment and supplies* used in the manufacture and sale of adhesives, paste and related products (except in bulk) from Bloomfield, NJ and Chicago, IL to points in the United States (except AK and HI), under a continuing contract or contracts with Roman Adhesives, Inc., of Bloomfield, NJ, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Roman Adhesives, Inc., 5 Lawrence Street, Bloomfield, NJ 07003. SEND PROTESTS TO: Robert E. Johnston, 9 Clinton Street, Washington, D.C. 20423.

MC 143218 (Sub-4TA), filed October 25, 1978. Applicant: DONALD SANTISI TRUCKING CO., 1024 North Main Street, Niles, OH 44446. Representative: Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel doors and frames*, from Niles, OH, to points in WA, OR, CA, NV, ID, UT, AZ, MT, CO, NM, KS, OK, TX, MO, and FL; and (2) *threaded rod and studs, and parts* thereof, from Cleveland, OH to Las Vegas, NV, and Houston, TX, for 180 days. Restricted to service under a continuing contract or contracts with Amweld Building Products, Division of American Welding & Manufacturing, of Niles, OH, and Cardinal Threading, Division of Production Experts, of Cleveland, OH. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Amweld Building Products, Division of American Welding & Manufacturing, 100 Plant Street, Niles, OH 44446. Cardinal Threading, Division of Production Experts, 5200 Harvard Avenue, Cleveland, OH 44105. SEND PROTESTS TO: Mary Wehner, District Supervisor, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

MC 143329 (Sub-3TA), filed October 20, 1978. Applicant: JIMS SERVICE, 8300 W. 102nd Street, Overland Park, KS 66212. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Lawrence, KS to Springfield, IL, under a continuing contract or contracts with TV Guide, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): TV Guide, Kansas City, MO 64112. SEND PROTESTS TO: District Supervisor John V. Barry, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 143623 (Sub-2TA), filed October 25, 1978. Applicant: CITY COAL & SUPPLY CO., INC., So. 2nd Street, P.O. Box 788, Princeton, WV 24740. Representative: Kemper Powell (same as above). *Crushed stone*, in bulk, in dump vehicles, from the plant sites and facilities of Mercer Crushed Stone Inc., at or near Engleside, WV to points in Bland, Buchanan, Carroll, Craig, Dickinson, Floyd, Giles, Grayson, Henry, Montgomery, Partrick, Pulaski, Russell, Scott, Smythe, Tazewell, Washington, Wise and Wythe Counties, VA, for 180 days. SUPPORTING SHIPPER(S): Mercer Crushed Stone, Inc., P.O. Box 123, Princeton, WV 24740. SEND PROTESTS TO: ICC District Supervisor, 3108 Federal Building, 500 Quarrier Street, Charleston, WV 25301.

MC 143775 (Sub-27TA), filed October 25, 1978. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Toilet preparations, beauty and health products and equipment; personal electrical appliances and accessories and parts therefor*, on vehicles equipped with mechanical refrigeration, from La Mirada, CA and its commercial zone to Dallas, TX; Chicago, IL; Atlanta, GA; Stamford, CT; and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Clairol, Inc., One Blachley Road, Stamford, CT 06902. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Room 2020 Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 143844 (Sub-4TA), filed October 19, 1978. Applicant: DOUG GRANT TRUCK TRANSPORTATION, INC., P.O. Drawer GG, Eureka, CA 95501. Representative: Same as above. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* (including flakeboard) *and wood pulp*, from the plants and facilities of Louisiana-Pacific Corporation in Humboldt County, CA to the plants and facilities of Louisiana-Pacific Corporation in Mendocino, Sonoma and Shasta Counties in CA, under a continuing contract or contracts with Louisiana-Pacific Corporation, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Louisiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564. SEND PROTESTS TO: District Supervisor A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 143844 (Sub-5TA), filed October 19, 1978. Applicant: DOUG GRANT TRUCK TRANSPORTATION, INC., P.O. Drawer GG, Eureka, CA 95501. Representative: Same as above. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* (including flakeboard) from the plants and facilities of Louisiana-Pacific Corporation in Humboldt County, state of CA to all points in the state of WY, under a continuing contract or contracts with Louisiana-Pacific Corporation, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Louisiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564. SEND PROTESTS TO: District Supervisor A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 143909 (Sub-7TA), filed October 25, 1978. Applicant: KIRBY TRANSPORT, INC., 6677 N. Northwest Highway, Chicago, IL 60631. Representative: Stuart R. Mandel, Mandel & Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint ingredients, and materials, putty, caulking and glazing compounds, adhesive*

cement and glue (except in bulk in tank vehicles) from Dayton and Tipp City, OH to points AZ, AR, CA, CO, ID, Alsip, IL, and points in KS, LA, MO, MT, NV, NM, OR, UT, WA, and TX, under a continuing contract or contracts with D.A.P., Inc., for 180 days. SUPPORTING SHIPPER(S): Harold Neff, Traffic Manager, D.A.P., Inc., P.O. Box 277, Dayton, OH 45431. SEND PROTESTS TO: Lois Stahl, Trans. Assistant, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 144621 (Sub-3TA), filed October 25, 1978. Applicant: CENTURY MOTOR LINES, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Commodities dealt in by variety and discount stores* (except food-stuffs and commodities in bulk), from the facilities of Chicago Shipper's Association and the facilities of United States Packing and Shipping, Inc., at or near Jersey City, NJ, to Sparks, NV, and points in its commercial zone, and to points in CA, OR, and WA, for 180 days. Restricted to traffic originating at the named origins and destined to the named destinations. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Chicago Shipper's Association, Number 2 Sixth Street, Jersey City, NJ 07302. SEND PROTESTS TO: Irene Carlos, Trans. Assistant, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144740 (Sub-5TA), filed October 20, 1978. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and snack foods* (except in bulk), *and display items and promotional materials*, in vehicles equipped with mechanical refrigeration, from the facilities of or utilized by Whitman's Chocolates Division, Pet Incorporated, at Philadelphia, PA to Chicago and Hodgkins, IL; Cleveland and Columbus, OH; Atlanta, East Point and Morrow, GA; New Orleans, LA; Detroit, MI; Nashville, Memphis and Knoxville, TN; Birmingham and Mobile, AL; and Indianapolis, IN, for 180 days. Restricted to a transportation service performed under a continuing contract or contracts with Whitman's Chocolates Division, Pet Incorporated. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Whitman's Chocolates Division, Pet Incorporated, 9701 Roosevelt Boulevard, Philadelphia, PA 19114. SEND PROTESTS TO: District Supervisor Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 144827 (Sub-12TA), filed October 27, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Air conditioning and heating units* (except commodities which because of size or weight require the use of special equipment) from Davidson County, TN, to points in AL, AR, CT, IL, IN, MI, MS, NJ, NY, OH, OK, PA, and TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Heil Quaker Corporation, 1714 Heil Quaker Blvd., La Vergne, TN 37086. SEND PROTESTS TO: Floyd A. Johnson, DS, ICC, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 145064 (Sub-5TA), filed October 23, 1978. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in MS, AL, TN, AR, and LA, to ports of entry on the International Boundary Line between the United States and Canada located at Pembina, ND and Noyes, MN, under a continuing contract or contracts with Theo. A. Burrows Lumber Company, Ltd., for 180 days. An underlying ETA Seeks 90 days authority. SUPPORTING SHIPPER(S): Theo. A. Burrows Lumber Company, Ltd., 102-1200 Pembina Highway, Winnipeg, Manitoba, Canada R3T 2A7. SEND PROTESTS TO: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, NE 68102.

MC 145152 (Sub-15TA), filed October 25, 1978. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. (1) *Electric lamps, lighting fixtures, christmas tree lamp outfits, electric cord sets, dry cell batteries and portable battery chargers, lamp ballasts;* and (2) *materials, equipment and supplies used in the manufacture of the commodities named in (1) above*, from Bellevue, Bucyrus, Circleville, Cleveland, Ravenna, Warren and Youngstown, OH; Lexington, KY; Matoon and Danville, IL; and St. Louis, MO to points in AR, CA, CO, ID, LA, MT, NV, NM, OK, OR, UT, TX, WA and WY, for 180 days. SUPPORTING SHIPPER(S): General Electric Company, Nela Park, Noble Road, East Cleveland, OH 44112. SEND PROTESTS TO: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145384 (Sub-14TA), filed October 25, 1978. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Lumber, plywood and particleboard*, from Columbia Falls and Missoula, MT to points in IA, IL, IN, MI, MN, OH and WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Greenwood Forest Products, Inc., 8285 SW. Nimbas Avenue, Beaverton, OR 97005. SEND PROTESTS TO: Herbert W. Allen, District Supervisor, 518 Federal Building, Des Moines, IA 50309.

MC 145393 (Sub-1TA), filed October 27, 1978. Applicant: MERLE B. SMITH & SONS, INC., Mill Hall, PA 17751. Representative: Peter Wolff, P.O. Box 116, Scranton PA 18504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and empty containers used in transporting malt beverages, between South Volney, NY, on the one hand, and, on the other, State College, PA, under a continuing contract or contracts with Centre Beverage Co., Inc., for 180 days. An underlying ETA Seeks 90 days of authority. SUPPORTING SHIPPER: Centre Beverage Co., Inc., 127 N. Sparks St., State College, PA 16801. SEND PROTESTS TO: Paul J. Kenworthy, DS, ICC, 314 U.S. P.O. Bldg., Scranton, PA 18503.

MC 145406 (Sub-2TA), filed October 27, 1978. Applicant: MIDWEST EXPRESS, INC., 380 E. Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Bacon*, from the facilities of Sugar Creek Packing Company located at or near Bloomington, IL, Washington Court House and Dayton, OH to Anniston, AL, Champaign, IL, Fort Wayne, IN, Des Moines, IA, Indianola, MS, Minneapolis, MN, Bismarck and Fargo, ND, Pittsburg, PA, and Green Bay, WI, and all points in their respective Commercial Zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: World Wide Sales, Inc., P.O. Box 127, 710 Eastern Avenue, Plymouth, WI 53073. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, 210 Walnut St., Des Moines, IA 50309.

MC 145575TA, filed October 19, 1978. Applicant: JOHN ERNEST COURT, d/b/a., COURT TRUCKING P.O. Box 697, Wiarton, Ontario, Canada N0H 2T0. Representative: William J. Hirsch, Attorney-at-Law, Suite

1125, 43 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, cut or broken*, for the account of D. Barnett Company Limited, from points in OH, to ports of entry on the International Boundary line between the United States and Canada located in MI and NY, under a continuing contract or contracts with D. Barnett Company Limited, for 180 days. Supporting shippers: D. Barnett Company Limited, 60 Schaeffer Street, Waterloo, Ontario, Canada N2L 4C5. SEND ROTESTS to: ICC District Supervisor, 910 Federal Office Building, 111 West Huron Street, Buffalo, NY 14202.

MC 145588 (Sub-1TA), filed October 25, 1978. Applicant: GULF MIDWESTERN, INC., 12151 West 44th Avenue, Denver, CO 80033. Representative: Marshall D. Becker, Suite 610 7171 Mercy Road, Omaha, NE 68106. *Clay products, glassware, chinaware, earthenware, pottery, stoneware, plastic products, clay bricks, and metal products*, from Houston, TX and Humboldt, KS to all points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: CDP Corporation, P.O. Box 587, Richardson, TX 75080. SEND PROTEST TO: Herbert C. Ruoff, District supervisor, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 145609 (Sub-1TA), filed October 25, 1978. Applicant: LIMA TRUCK PLAZA, INC., P.O. Box 1295, Lima, OH 45802. Representative: John L. Alden—Stiverson & Alden, 1396 West fifth Avenue, Columbus, OH 43212. *Disabled and wrecked vehicles, and in connection with wrecker service, parts and equipment for disabled and wrecked vehicles, and replacement vehicles*, between Allen and Auglaize Counties, OH on the one hand, and on the other, points in IL, KY, MI, MO, NY, PA, TN, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTEST TO: ICC District Supervisor, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

MC 145610 (Sub-1TA), filed October 30, 1978. Applicant: TRUCK AIR OF GEORGIA, INC., 1051 Lees Mill Road, College Park, GA 30349. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, NE, Atlanta, GA 30309. *General commodities*, except articles of unusual value, household goods as defined by the Commission, Classes A and B explosives, and commodities requiring special equipment, between Atlanta, GA and points in NC and SC, for 180 days. RESTRICTED to transportation of shipments having an immediately prior or subsequent movement by air. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are (18) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Sara K. Davis, Trans. Assistant, 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 145618TA, filed October 25, 1978. Applicant: AUNGST INC., Box 36, Fair Haven, VT 05743. Representative: Theodore Parisi, Main Street, Castleton, VT 05735. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, aviation gasoline, kerosene, diesel fuel, petroleum products, refined oil, illuminating or burning nos. 1, 2 & 3, in tank trucks*, (1) from Green Island, NY to points in Bennington, Rutland, Addison, Chittenden, Franklin, Lamoille and Washington Counties, VT; and (2) from Fair Haven, VT to Washington, Warren and Essex Counties, NY, under a continuing contract or contracts with J. R. Sousa & Sons, Inc., for 180 days. SUPPORTING SHIPPER(S): J. R. Sousa & Sons, Inc., Albany Avenue, Green Island, NY 12183. SEND PROTESTS TO: District Supervisor David A. Demers, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

MC 145652TA, filed October 30, 1978. Applicant: ABBA CAB CO., INC., 4402 Waters Avenue, Savannah, GA 31404. Representative: M. J. Koncul, Jr.(same as above). *Passengers and their baggage*, from Savannah, GA to points in SC, i.e., Allendale, Bluffton, Beaufort, Columbia, Estill, Hardeeville, Orangeburg, Parris Island, Ridgeland, Yemassee, Hilton Head, Walterboro, Charleston, SC, for 180 days. SUPPORTING SHIPPER(S): Amtrak, 2611 Seaboard Coastline Drive, Savannah, GA 31408. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145653TA, filed October 25, 1978. Applicant: THE BROWNIE CORPORATION, P.O. Box 273, Port Huron, MI 48060. Representative: William R. Neal (Same as above). *Beet pulp pellets*, from Carrollton, Caro, Croswell, Sebewaing, and Bay City, MI to Port Huron and Essexville, MI, for 180 days. Restricted to traffic having a subsequent movement by water. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Donal Lemm, Director of Transportation, I. S. Joseph Company, Inc., 777 Grain Exchange Building, 400 South Fourth Street, Minneapolis, MN 55415. SEND PROTESTS TO: Tim Quinn, 604 Federal Building & U.S. Courthouse, 231 W. Lafayette Boulevard, Detroit, MI 48226.

MC 145656TA, filed October 25, 1978. Applicant: B & B TRANSPORTATION & LIMOUSINE SERVICE, INC., #1 Finley Avenue West, Birmingham, AL 35204. Representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. *Passengers and their baggage in special and charter operations*, between points in Jefferson and Shelby Counties, AL on the one hand, and, on the other hand, points in the U.S., for 180 days. SUPPORTING SHIPPER(S): There are (8) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Mabel E. Holston, Trans. Assistant, Room 1616 2121 Building, Birmingham, AL 35203.

By the Commission.

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

[FR Doc. 78-33891 Filed 12-4-78; 8:45 am]

[7035-01-M]

[Ex Parte No. MC-121]

POLICY STATEMENT ON MOTOR CARRIER REGULATION

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposal to issue a statement of general policy.

SUMMARY: The Commission proposes to adopt a policy statement which will provide notice that it has altered its standard of proof in cases involving motor carrier entry and acquisition. Past regulatory practice has emphasized the need to protect existing motor carriers against excessive competition and against the assumption of exessive debt in order to provide an environment in which a young industry would grow and provide needed public services. In light of the maturity of the motor carrier industry, and of changing economic conditions generally, the Commission has concluded that more weight should be given to the benefits of healthy competition and less emphasis should be placed on protection in carrying out its regulatory responsibilities in the motor carrier area.

DATES: Written comments should be filed with the Commission on or before February 5, 1979.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

George M. Chandler, (202) 275-7723.

SUPPLEMENTARY INFORMATION: Pertinent to the adoption of this policy statement are the regulations recently adopted by the Commission in Ex Parte No. 55 (Sub-No. 26), *Protest Standards in Motor Carrier Application Proceedings*, 43 F.R. 50908 (1978). Under the standards adopted there, the automatic right of one carrier to oppose the application of another carrier will be limited to carriers which, among other things, have performed service within the scope of application. These are the carriers which would be in the best position to meet the burden of proof which, if the proposed policy statement is adopted, would be placed upon them. By the same token, it is anticipated that this policy statement would provide guidelines for determining whether carriers not having an automatic right to protest should be given leave to intervene in opposition to an application.

BACKGROUND

Federal regulation of motor carrier entry began with the passage of the Motor Carrier Act of 1935. The statutory test which the Commission must apply in determining whether to grant an application for new interstate motor common carrier authority—public convenience and necessity—has remained unchanged since the Act was passed. The test applied in deciding contract carrier applications—consistence with the public interest and the National Transportation Policy—was last modified legislatively in 1957.

A number of factors combined to cause the Congress to bring motor carrier transportation under Federal regulation in the 1930's. First, and probably most important, was the state of the economy itself. The worst economic depression in our history was at its height, and a great many, if not most, businesses were in serious financial difficulties. Intercity trucking, being young and just beginning to grow, suffered more problems than did most other businesses. Certainly, one of the principal purposes behind the 1935 Act was to bring economic stability to an industry which was perceived by the Congress as one which would inevitably come to provide important and essential services for the public.

There seems to have been no one who predicted the course which the motor carrier industry, under regulation, would take in the years following the passage of the Motor Carrier Act. Some observers believed that motor transportation would develop in much the same way as had the railroads, with a relatively small number of large companies operating over fixed routes between major points, and a somewhat larger number of smaller companies feeding them traffic. Such large regular route carriers have indeed developed, but to a much greater extent, both in numbers and route structures, than anyone foresaw. Certainly, there was no anticipation that the highly specialized, truckload volume, irregular route trucking services which are so prevalent today would develop to the extend that they have. Nor, apparently, did anyone foresee the phenomenal growth of private transportation which has occurred and which now represents a major source of competition for the regulated carriers.

After passage of the 1935 Act, the Commission received and processed about 90,000 applications for "grandfather" authority. Since that time, the Commission has both received and granted an increasing number of motor carrier authorities. In the first six months of discal year 1978, which began October 1, 1977, the Commission received an average of 950 new applications per month for permanent motor carrier authority. During the same period, of the applications for motor carrier authority which reached decision on the merits (that is, all those which were not either dismissed or withdrawn), 94.3 percent resulted in a complete or partial grant of authority. The grant rate for June 1978 was 98.2 percent, and for July it was 96 percent. The highest rate previously attained was 86.4 percent in fiscal year 1975. The rate dropped to about 80 percent in fiscal 1976, and rose again to 86 percent in fiscal 1977.

The Commission's policies for dealing with motor carrier applications have evolved gradually over the more than 40 years that regulation has been in effect. As the economy changed and the Commission's membership changed; as motor carrier technology developed and the industry became strong and more specialized; and as shipper distribution practices and techniques changed, the Commission changed its policies gradually to meet what it perceived to be the needs of the shippers and the carriers.

Thus, even though the statutory language which the Commission must follow in deciding motor carrier entry cases has remained the same for many years, the way the language has been interpreted and applied has changed over time in recognition of a constantly changing world. Over the years, the trend has been to make it easier for applicants to obtain new operating authority. What we have seen in the past year or two is an acceleration of that trend—a trend which reflects clearly descernible changes in the regulated industry and the national economy.

The regulatory policies which became fixed in the 1930's and 1940's were characterized by a protectionist attitude which unquestionably reflected the national need for the development of a stable and profitable motor carrier industry. When that industry was young and was faced with the economic disaster of the depression years—and then when it was growing stronger and developing in the postwar years—protection was necessary. Carriers needed to be protected from excess competition if they were to raise the capital, make the investments, and develop the operating patterns necessary to make them financially viable and to meet the public need for service. When stable and reliable bus and trucking services were the exception rather than the rule, and when the automobile and private truck had not yet become a practical alternative, the need for a strictly regulated motor carrier industry, upon which the common carrier obligation to serve could readily be enforced, was a necessity to travelers and shippers.

Today, the motor carrier industry has arrived at a state of maturity characterized by routes and service patterns which blanket the Nation; by financial prosperity; by the existence, side-by-side and competing, of hundreds of successful firms, meeting both new and old customer needs and earning healthy profits; and by generally highly competent managements which have developed sophisticated technologies, cost-control systems, and pricing structures. Obviously, all bus and truck companies are not uniformly well positioned or well managed. In particular, we have recognized the financial problems of the regular route sector of the bus industry.

In the years since the Motor Carrier Act of 1935 was enacted, the regulated industry has matured into one of the most profitable, diverse, competitive, and best managed in the United States. New permanent operating authorities are being granted at the rate of almost 8,000 a year, but the Nation's expanding economy continues to create an apparently never-ending need for new motor carrier services. Although the Commission has become more liberal in granting motor carrier applications, it has still, up to now, been following entry control policies which have changed but little since the advent of Federal regulation. Today, the flood of applications has made it virtually impossible for the Commission to give more than passing attention to each, and has made well-

informed, precise motor carrier entry regulation difficult, if not impossible.

In responding to these changing conditions and developing service needs, the Commission has recently tended to give added weight to the needs and wishes of those supporting motor carrier applications. It has also given more weight to the benefits of competition, recognizing it as an effective force for regulating prices and service quality.

ENTRY REGULATION POLICIES

In evaluating motor common carrier applications, the Commission has long followed the three-point test first established in *Pan American Bus Lines Operation*, 1 M.C.C. 190, 203 (1936). That test provides that the Commission will consider an appliction for new authority in the light of the following criteria:

> Whether the new operation or service will serve a useful public purpose, responsive to a public demand or need; whether this purpose can and will be served as well by existing lines or carriers; and whether it 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.

Common carriage.—Today's conditions require a change in that test. The criteria are overly protective for a mature and financially healthy industry, and they tend to restrain healthy competition. The third part of the *Pan American* test, which provides existing carriers with protection from competition which would endanger their abilities to continue to perform service needed by the public, offers what we are convinced is a sufficient degree of protection to carriers already in a particular market. Obviously, only the existing carrier is in a position to show that a grant of the application will have this impact upon it, and it is, therefore, the protestant which will have to bear the burden of proof as to this test. We believe that the second of the three tests laid down in the *Pan American* case—that is, the test which, in effect, requires an applicant to prove that the service it proposes cannot be performed by existing carriers—has outlived its usefulness, and it will no longer be applied.

In determining applications for *motor common carrier authority*, the Commission will henceforth apply the following test in deciding what service is required by the present and future public convenience and necessity:

> (1) An applicant must demonstrate that the service proposed will serve a useful public purpose, responsive to a public demand or need.
>
> (2) The Commission will grant common carrier authority commensurate with the demonstrated need unless it is established by those opposing the application that the entry of a new carrier into the field would endanger or impair the operations of existing common carriers contrary to the public interest.

Contract carriage.—In determining motor contract carrier applications, the Commission must apply certain statutory tests. First, it must be shown that the service proposed is that of a contract carrier as defined in 49 U.S.C. § 10102(12) (formerly section 203(a)(15) of the Interstate Commerce Act). Under this provision, a contract carrier is defined as one which provides service "under continuing contract with one person or a limited number of persons either (a) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served or (b) for the furnishing of transportation services designed to meet the distinct need of each individual customer." The Commission must also consider each contract carrier application in connection with certain criteria contained in 49 U.S.C. § 10923(b)(2) (formerly section 209(b) of the Act). They require that, in determining whether to issue a permit to a contract carrier, the Commission consider "the number of shippers to be served by the applicant, the nature of the service proposed, the effect which granting the permit would have upon the services of the protesting carriers and the effect which denying the permit would have upon the applicant and/or its shipper and the changing character of the shipper's requirements."

In considering *motor contract carrier* applications, the Commission's policy will be to find that the effect of a grant of contract carrier authority upon protesting carriers will not be a significant factor unless the protestants themselves can establish that such a grant would endanger or impair their operations to the extent that they would be unable to continue to provide adequate service within the scope of their authorities.

Emergency temporary authorities.—The Commission is considering establishing, by rule, a category of short-term, non-renewable emergency temporary authorities which would be issued upon receipt of a prospective user's certification that an immediate and urgent need for additional transportation service exists. These authorities would be limited in some respect, perhaps, in terms of time limit, or perhaps in terms of the number of loads or trips that the carrier could perform. Longer-term temporary authorities, including any renewal of a short-term authority, would be issued only after an informal record has been completed, following FEDERAL REGISTER publication and an opportunity for the filing of protests.

MOTOR FINANCE PROCEEDINGS

The Commission is concerned that its present policies in deciding applications of motor carriers to control, merge with, or purchase the operating authorities of other motor carriers may lead unnecessarily to the reduction of effective competition, especially with respect to short-haul markets and service at smaller communities. It has become common for a long-haul carrier to purchase the authority of a short-haul carrier, and to use that new authority solely as a means of extending its long-haul service into another market. The result is that the shippers who had relied upon the vendor's service no longer have that service available. Admittedly, they will instead have available the vendee's new single-line service for long-haul traffic, which may well be to their advantage. However, in the short-haul market formerly served by the vendor, the amount of motor carrier competition will have been diminished. It is our firm view that a purchase proceeding should not be used solely to provide for the extension of a motor carrier's service into new markets. In determining motor finance proceedings, the Commission will authorize an acquisition of operating authorities only if the acquiring carrier establishes that it will continue to perform service similar in scope and character to that authorized by the rights being acquired. If only a new service is intended, the proper vehicle is the filing of an application for new authority.

The Commission is also concerned that it is spending an inordinate amount of its resources considering motor carrier finance proceedings which do not have a significant effect either on the motor carrier industry or on the markets in which the carriers operate. Guidelines are now being developed to identify those motor carrier transfers and consolidations that warrant close scrutiny and possible challenge. We plan to use the guidelines to avoid a routine examination of motor carrier financial transactions and to focus only on those transactions which have discernible public interest consequences.

In order to carry out this policy, the Commission, in reviewing motor carrier finance applications, will concentrate most heavily on the potential competitive—or anticompetitive—aspects of the transaction. The parties will be expected to develop the record fully in this respect. For our part, we will make a positive effort to increase the expertise of our staff in antitrust and related matters.

This notice is promulgated under authority contained in 49 U.S.C. §§ 10321(a), 10921, 10922, 10923, 10928, 11343, and 11344 and 5 U.S.C. § 553.

Dated: November 13, 1978.

By the Commission. (Chairman O'Neal, Vice Chairman Christian, Commissioners Brown, Stafford, Gresham and Clapp.)

COMMISSIONER GRESHAM, concurring in part:

While I do not necessarily endorse all of the positions expressed in the policy statement, I have no objection to publishing it in the FEDERAL REGISTER for the purpose of eliciting public comments.

COMMISSIONER STAFFORD, dissenting:

This proposed policy statement is the next logical step in the Commission's steady march toward elimination of entry controls in the trucking industry.

FALSE PREMISE

A false premise underlies this proposal and, in fact, is the touchstone of almost all current Commission thinking with regard to trucking regulation. The false premise of which I speak is the theory that regulatory policies beginning in the 1930s and 1940s "were characterized by a protectionist attitude" toward the trucking industry.

The premise is false because it implies that protection of existing carriers was the primary consideration in the Commission's decisional process. This is wrong. The truth is that the decisional process involved a balancing of competing interests. But always the need of the public (shippers and passengers) was the primary concern of this agency. The balancing of sometimes competing interests was what Congress envisioned in the Motor Carrier Act of 1935. Congress did not want and did not need 11 Commissioners and a staff of 2,000 to act as a rubber stamp.

Nothing evidences historical Commission policy in favor of the shipper better than the *Pan American* case cited in the proposed statement. That landmark decision requires an applicant to show that the public needs a given transportation service. Showing that, the burden switches to existing carriers to show they can meet that public need. Then, the burden reverts to the applicant, to show that its service is in some way superior to that currently available. This is the balancing; but always the asssurance of adequate, responsive transportation to the public is the ultimate concern in that decisional process.

PROTECTIONISM

The proposed statement also claims that the industry has matured and grown so sophisticated during the last 40 years of regulation that it no longer needs the alleged "protections" referred to above. Surely, there are many more large companies, and industry leaders are far larger than any thing ever envisioned in the early days. But the large carriers are still comparatively few in number, and small carriers represent the great bulk of the industry. If there ever was a need to protect the small carriers, there is no reason to believe that that need is any less today than it was 30 or 40 years ago. It is the bigger carriers, not the smaller ones, that are so much more sophisticated.

In fact, there can be little doubt that the persons that suffer most from relaxed entry standards are the small carriers. It is generally recognized that the larger carriers could survive equally well in a regulated or an unregulated environment. They have the size, the financial wherewithal, and technical expertise, to adjust prices and meet competition at all levels. The smaller carriers, however, already are probably operating on a shoestring, and do not have the financial or operational flexibility to adjust as well to new competition.

THE REAL IMPACT

The proposed statement of policy takes on greater significance when read in conjunction with two other recent decisions, *Liberty Trucking Co., Ext. General Commodities,* 130 M.C.C. 243 (decided October 6, 1978) and Ex Parte No. 55 (Sub-No. 26), *Protest Standards in Motor Carrier Application Proceedings* (not printed) (decided October 10, 1978). Under the proposed statement, the adequacy of existing service issue (set forth in *Pan American*) will no longer be a consideration. The third *Pan American* criterion will apparently remain intact. In *Liberty,* however, it was made clear that this criterion, potential adverse impact on existing carriers, will be virtually impossible to prove and will rarely be given consideration.

The proposed statement also modifies the criteria that will be considered in contract carrier licensing cases again by imposing an almost impossible burden of proof on protesting carriers. In the *Protest Standards* case, it was announced that henceforth common carriers would not be allowed to protest automatically a contract carrier application. By keeping out affected common carriers, there will be no effective opposition to contract carrier applications and those carriers who are allowed to intervene will never be able to prove their case.

CONCLUSION

In summary, therefore, I offer the following. The majority premises its proposal on an inaccurate statement of the way regulation has been administered. Furthermore, assuming protectionism for the industry was once an important goal of regulation, there is nothing (other than some vague, conclusory comments) to prove that small trucking companies do not still need those same protections. The proposed changes, viewed in conjunction with other recent decisions indicate that henceforth opposition to a licensing case will be a futile act. I believe that even the majority would agree that meaningful entry control in trucking will no longer exist when this statement is ultimately adopted.

H. GORDON HOMME, Jr.,
Secretary.

[FR Doc. 78-33921 Filed 12-4-78; 8:45 am]

[7035-01-M]

[Decisions Volume No. 51]

PERMANENT AUTHORITY APPLICATION DECISION-NOTICE

Decided: November 15, 1978.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission which is hereby expressly reserved to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act.

It is ordered:

In the absence of legally suffifcient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decisions-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill (Review Board Member Parker not participating).

H. G. HOMME, Jr.,
Secretary.

MC 2135 (Sub-16F), filed October 6, 1978. Applicant: D. J. McNICHOL CO., a Delaware corporation, 6951 Horwitch Drive, Philadelphia, PA 19153. Representative: Harold P. Boss, 1100 17th Street NW., Washington, DC 20036. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *such merchandise* as is dealt in by grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such businesses, between points in NJ in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, those in PA in and east of Tioga, Lycoming, Union, Snyder, Juniata, Perry, Cumberland, and Adams Counties, and those in Broome, Chemung, Cortland, Delaware, Schuyler, Steuben, Tioga, and Tompkins Counties, NY, under a continuing contract with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ. (Hearing site: Philadelphia, PA, or Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 2202 (Sub-567F), filed August 23, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, over regular routes, transporting (1) *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requring special equipment), serving Montgomery, AL, and all intermediate points in GA, and points in GA on and south of U.S. Hwy 80 and points in AL within 65 miles of Birmingham, AL, as off-route points, (a) Between Birmingham, AL, and Savannah Beach, GA: From Birmingham, AL over U.S. Hwy 280 to Columbus, GA, then over U.S. Hwy 80 to Savannah Beach, GA, and return over the same route, (b) Between Birmingham, AL, and Brunswick, GA: From Birmingham, AL over U.S. Hwy 31 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, AL, then over U.S. Hwy 84 to Brunswick, GA, and return over the same route, (c) Between Birmingham, AL, and junction U.S. Hwys 82 and 17 at or near Midway, GA: From Birmingham, AL, over U.S. Hwy 31 to Montgomery, AL, then over U.S. Hwy 82 to junction U.S. Hwy 17 at or near Midway, GA, and return over the same route, (d) Between Birmingham, AL and junction U.S. Hwys 280 and 80 at or near Savannah, GA: From Birmingham, AL over U.S. Hwy 31 to Montgomery, AL, then over U.S. Hwy 80 to Columbus, GA, then over U.S. Hwy 280 to junction U.S. Hwy 80 at or near Savannah, GA, and return over the same route; (2) *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all intermediate points, (a) Between Columbus, GA, and the GA-FL State line: From Columbus, GA over U.S. Hwy 27 to the GA-FL State line, and return over the same route, (b) Between junction U.S. Hwy 19 and U.S. Hwy 80 at or near Carsonville, GA, and the GA-FL State line: From junction U.S. Hwys 19 and 80 at or near Carsonville, GA over U.S. Hwy 19 to the GA-FL State line, and return over the same route, (c) Between Macon, GA, and the GA-FL State line: From Macon, GA over U.S. Hwy 41 to the GA-FL State line, and return over the same route, (d) Between Dublin, GA, and the GA-FL State line: From Dublin, GA over U.S. Hwy 441 to the GA-FL State line, and return over the same route, (e) Between Swainsboro, GA, and the GA-FL State line: From Swainsboro, GA over U.S. Hwy 1 and to the GA-FL State line, and return over the same route, (f) Between Statesboro, GA, and the GA-FL State line: From Statesboro, GA over U.S. Hwy 301 to the GA-FL State line, and return over the same route, (g) Between Savannah, GA, and the GA-FL State line: From Savannah, GA over U.S. Hwy 17 to the GA-FL State line, and return over the same route, (h) Between Macon, GA, and Brunswick, GA: From Macon, GA over U.S. Hwy 23 to Hazlehurst, GA, then over U.S. Hwy 341 to Brunswick, GA, and return over the same route, (i) Between Roberta, GA, and the GA-FL State line: From Roberta, GA over U.S. Hwy 341 to Hawkinsville, GA, then over U.S. Hwy 129 to the GA-FL State line, and return over the same route, (j) Between junction U.S. Hwy 319 and U.S. Hwy 441 at or near Jacksonville, GA, and the GA-FL State line: From junction U.S. Hwy 319 and U.S. Hwy 441 at or near Jack-

sonville, GA, then over U.S. Hwy 319 to the GA-FL State line, and return over the same route, (k) Between junction GA Hwy 133 and U.S. Hwy 19 at or near Albany, GA, and the GA-FL State line: From junction GA Hwy 133 and U.S. Hwy 19 at or near Albany, GA, then over GA Hwy 133 to Moultrie, GA, then over GA Hwy 33 to junction GA Hwy 94, then over GA Hwy 94 to the GA-FL State line, and return over the same route; and (3) *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all intermediate points in GA on and south of U.S. Hwy 80, points in GA on and south of U.S. Hwy 80, points in AL within 65 miles of Birmingham, AL, and all points in FL, as off-route points, Between Charlotte, NC, and Valdosta, GA: From Charlotte, NC over Interstate Hwy 77 to junction SC Hwy 121, then over SC Hwy 121 to junction U.S. Hwy 25, then over U.S. Hwy 25 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction GA 232, then over GA Hwy 232 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction U.S. Hwy 221, then over U.S. Hwy 221 to Valdosta, GA, and return over the same route. (Hearing site: Atlanta, GA.)

NOTE.—Applicant states that the purpose of this application is to convert its irregular route authority to regular route authority.

MC 2253 (Sub-87F), filed September 13, 1978. Applicant: CAROLINA FREIGHT CARRIERS CORP., P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). To operate as a *common carrier*, by motor vehicle, over regular routes, transporting *bicycle parts and bicycle accessories*, serving the facilities of Cycle Products Co., at Emigsville, PA, as an off-route point in connection with carrier's regular route operations, restricted to the transportation of traffic originating at or destined to points in OH. (Hearing site: Charlotte, NC, or Harrisburg, PA.)

MC 2253 (Sub-88F), filed September 27, 1978. Applicant: CAROLINA FREIGHT CARRIERS CORP., P.O. Box 697, Cherryville, NC 28021. Representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. To operate as a *common carrier*, by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

(1) Between the MD-PA State line, and Scranton, PA: (a) over U.S. Hwy 11, and (b) over Interstate Hwy 81;

(2) Between Scranton, PA, and Matamoras, PA, over U.S. Hwy 6;

(3) Between Milford, PA, and junction U.S. Hwy 209 and Interstate Hwy 81, over U.S. Hwy 209;

(4) Between junction Interstate Hwy 84 and U.S. Hwy 6, and Scranton, PA: From junction Interstate Hwy 84 and U.S. Hwy 6 over Interstate Hwy 84 to junction Interstate Hwy 380, then over Interstate Hwys 380/84 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Scranton, and return over the same route;

(5) Between junction Interstate Hwys 380 and 84, and junction Interstate Hwys 380 and 80, over Interstate Hwy 380;

(6) Between Wilkes-Barre, PA, and Philadelphia, PA, over PA Hwy 309;

(7) Between Scranton, PA, and junction PA Hwy 9 and Interstate Hwy 276, over PA Hwy 9;

(8) Between junction PA Hwy 33, and junction Interstate Hwy 80, and junction PA Hwy 33 and U.S. Hwy 22, over PA Hwy 33;

(9) Between Easton, PA, and Philadelphia, PA, over PA Hwy 611;

(10) Between junction Interstate Hwys 78 and 81, and the PA-NJ State line: From junction Interstate Hwys 78 and 81 over Interstate Hwy 78 to junction U.S. Hwy 22, then over U.S. Hwy 22 to the PA-NJ State line, and return over the same route;

(11) Between junction PA Hwy 32 and U.S. Hwy 202 near New Hope, PA, and junction U.S. Hwys 1 and 202, over U.S. Hwy 202;

(12) Between Chester, PA, and Harrisburg, PA, over U.S. Hwy 322;

(13) Between junction Interstate Hwys 81 and 83, and junction Interstate Hwys 76 and 283: From junction Interstate Hwys 81 and 83 over Interstate Hwy 83 to junction Interstate Hwy 283, then over Interstate Hwy 283 to junction Interstate Hwy 76, and return over the same route;

(14) Between junction U.S. Hwys 11 and 22 near Amity Hall, PA, and junction U.S. Hwy 22 and Interstate Hwy 78 near Hamlin, PA, over U.S. Hwy 22;

(15) Between junction U.S. Hwys 322 and 422, and Philadephia, PA, over U.S. Hwy 422;

(16) Between junction U.S. Hwy 22 and PA Hwy 501, and junction U.S. Hwy 1 and PA Hwy 272: From junction U.S. Hwy 22 and PA Hwy 501 over PA Hwy 501 to junction PA Hwy 272, then over PA Hwy 272 to junction U.S. Hwy 1, and return over the same route;

(17) Between junction U.S. Hwy 209 and PA Hwy 93, and junction Interstate Hwy 80 and PA Hwy 93, over PA Hwy 93;

(18) Between Reading, PA, and junction U.S. Hwy 11 and PA Hwy 147: From Reading over PA Hwy 61 to junction PA Hwy 147, then over PA Hwy 147 to junction U.S. Hwy 11, and return over the same route;

(19) Between Lancaster, PA, and junction U.S. Hwy 222 and PA Hwy 309, over U.S. Hwy 222;

(20) Between junction PA Hwys 54 and 309, and junction PA Hwy 54 and Interstate Hwy 81, over PA Hwy 54;

(21) Between York, PA and Carlisle, PA, over PA Hwy 74;

(22) Between junction PA Hwys 29 and 309, and Philadelphia, PA: From junction PA Hwys 29 and 309 over PA Hwy 29 to junction PA Hwy 100, then over PA Hwy 100 to junction PA Hwy 3, then over PA Hwy 3 to Philadelphia, and return over the same route;

(23) Between junction U.S. Hwy 422 and Interstate Hwy 176, and junction U.S. Hwy 1 and PA Hwy 10: From junction U.S. Hwy 422 and Interstate Hwy 176 over Interstate Hwy 176 to junction PA 10, then over PA Hwy 10 to junction U.S. Hwy 1, and return over the same route;

(24) Between junction U.S. Hwy 30 and PA Hwy 283, and junction Interstate Hwy 283 and PA Hwy 283, over PA Hwy 283;

(25) Between Philadelphia, PA, and junction Interstate Hwy 76 and U.S. Hwy 11 near Carlisle, PA, over Interstate Hwy 76;

(26) Between Philadelphia, PA, and junction U.S. Hwy 30 and Interstate Hwy 76 at or near Breezewood, PA, over U.S. Hwy 30;

(27) Between the PA-NJ State line, and junction Interstate Hwy 80 and PA Hwy 26: Over Interstate Hwy 80, serving junction Interstate Hwy 80 and PA Hwy 54 for purposes of joinder only.

(28) Between junction Interstate Hwys 76 and 276, and junction Interstate Hwy 276 and U.S. Hwy 13, over Interstate Hwy 276;

(29) Between Philadelphia, PA, and Baltimore, MD, over U.S. Hwy 1;

(30) Between Harrisburg, PA and Baltimore, MD: From Harrisburg over Interstate Hwy 83 to junction Interstate Hwy 695, then over Interstate Hwys 83/695 to junction Interstate Hwy 83, then over Interstate Hwy 83 to Baltimore, and return over the same route;

(31) Between junction U.S. Hwy 11 and 15 near Camp Hill, PA, and junction U.S. Hwys 29 and 501 at Lynchburg, VA: From junction U.S. Hwys, 11 and 15 near Camp Hill over U.S. Hwy 15 to junction U.S. Hwy 29, then over U.S. Hwy 29 to junction U.S. Hwy 501 at Lynchburg, and return over the same route, serving junction U.S. Hwy 29 and 501 at Lynchburg, for purposes of joinder only;

(32) Between junction Interstate Hwy 81 and U.S. Hwy 11 approximately 3 miles north of the MD-PA State line, and junction Interstate Hwys 77 and 81 at or near Wytheville, VA: Over Interstate Hwy 81, serving junction Interstate Hwys 77 and 81 at or near Wytheville, for purpses of joinder only;

(33) Between junction U.S. Hwy 11 and PA Hwy 54, and junction PA Hwy 54 and Interstate Hwy 80; Over PA Hwy 54, serving junction PA Hwy 54 and Interstate Hwy 80, for purposes of joinder only; and

(34) Between junction Interstate Hwy 78 and PA Hwy 737 and junction U.S. Hwy 222 and PA Hwy 737 over PA Hwy 737; In connection with routes (1)-(34), serving all intermediate and off-route points in Lackawanna and Luzerne Counties, PA, and those points in PA on, east and south of a line extending from the MD-PA State line along U.S. Hwy 11 to Scranton, PA, then along U.S. Hwy 6 to Matamoras, PA. (Hearing site: Allentown, PA, or Charlotte, NC.)

MC 3581 (Sub-22F), filed September 13, 1978. Applicant: THE MOTOR CONVOY, a corporation, 275 Convoy Drive, S. W., Atlanta, GA 30334. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier,* by motor vehicle, over irregular routes transporting: (1) *Automobiles, trucks, tractors,* and *chassis,* in driveaway and truckaway service, in secondary movements, and (2) *parts* for the commodities named in (1) above, between points in KY, OH, and WV. (Hearing site: Detroit, MI)

MC 19105 (Sub-51F), filed October 23, 1978. Applicant: FORBES TRANSFER CO., INC., P.O. Box 3544, Wilson, NC 27893. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. To operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Glass containers and accessories for containers,* between the facilities of Kerr Glass Manufacturing, at or near Wilson, NC, on the one hand, and, on the other, points in SC and VA. (Hearing site: Washington, DC)

MC 26396 (Sub-200F), filed September 1, 1978. Applicant: POPELKA TRUCKING CO., INC., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes transporting: *Agricultural chemicals* (except commodities in bulk, in tank vehicles), from Mendota, IL, to ports of entry on the International Boundary line between the United States and Canada, in MI, ND, MT, ID, and WA, restricted to the transportation of traffic moving in foreign commerce destined to points in the Provinces of British Columbia, Alberta, Manitoba, and Saskatchewan, Canada. Condition: Prior receipt from applicant of an affidavit setting forth its complementary Canadian authority or explaining why no such Canadian authority is necessary. The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect. (Hearing site: Chicago, IL)

MC 48948 (Sub-11F), filed October 30, 1978. Applicant: THE HOCKING CARTAGE CO., a corporation, R.R. No. 2, P.O. Box 373, Logan, OH 43138. Representative: James M. Burtch, 100 East Broad Street, Suite 1800, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *clay products,* and *materials and supplies* used in the installation of clay products, from New Lexington and Junction City, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials* used in the manufacture of clay products, (except commodities in bulk), in the reverse direction. (Hearing site: Columbus, OH)

MC 67866 (Sub-36F), filed July 31, 1978. Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and livestock), between those points in OK on and east of a line beginning at the OK-TX State line and extending along U.S. Hwy 277 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to the OK-KS State line, on the one hand, and, on the other, points in LA, AR, MS, those in KY on and west of a line beginning at the IL-KY State line and extending along U.S. Hwy 68 to junction U.S. Hwy 641, then along U.S. Hwy 641 to the KY-TN State line, those in TN, on and east of a line beginning at the KY-TN State line and extending along U.S. Hwy 31W to Nashville, then along U.S. Hwy 31 to Columbia, then along U.S. Hwy 50 to Lewisburg, then along U.S. Hwy 431 to the TN-AL State line, those in AL, on, west, and north of a line beginning at the TN-AL State line and extending along AL Hwy 17 to Hamilton, then over U.S. Hwy 78 to the AL-MS State line, and those in MO on and south of a line beginning at the AR-MO State line and extending along U.S. Hwy 62 to New Madrid and the Mississippi River, restricted against the transportation of (1) any package or article weighing more than 70 pounds, or exceeding 96 inches in length, or 150 inches in length and girth combined, and (2) packages or articles weighing in the aggregate more than (200) pounds from one consignor to one consignee on any one day. (Hearing site: Memphis, TN, or Little Rock, AR)

NOTE.—The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under section 5(2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

MC 67866 (Sub-37F), filed July 31, 1978. Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and livestock), between points in LA, AR, MS, those in KY on and west of a line beginning at the IL-KY State line and extending along U.S. Hwy 68 to junction U.S. Hwy 641, then along U.S. Hwy 641 to the KY-TN State line, those in TN, on and east of a line beginning at the KY-TN State line and extending along U.S. Hwy 31W to Nashville, then along U.S. Hwy 31 to Columbia, then along U.S. Hwy 50 to Lewisburg, then along U.S. Hwy 431 to the TN-AL State line, those in AL, on, west, and north of a line beginning at the TN-AL State line and extending along AL Hwy 17 to Hamilton, then over U.S. Hwy 78 to the AL-MS State line, and those in MO on and south of line beginning at the AR-MO State line and extending along U.S. Hwy 62 to New Madrid and the Mississippi River, restricted against the transportation of (1) any package or article weighing

more than 70 pounds, or exceeding 96 inches in length, or 150 inches in length and girth combined, and (2) packages or articles weighting in the aggregate more than (200) pounds from one consignor to one consignee on any one day. (Hearing site: Memphis, TN, or New Orleans, LA.)

NOTE.—The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under section 5 (2) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. Condition: Issuance of a certificate in this proceeding is subject to the prior or coincidental cancellation of carrier's certificate in MC 67866 (Sub-33).

MC 68908 (Sub-8F), filed October 25, 1978. Applicant: MULLEN BROS., INC. OF NORTH ADAMS, MASSACHUSETTS, Downing Ind. Parkway, P.O. Box 1285, Pittsfield, MA 01201. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200 Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *household goods,* (1) between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, and (2) between points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, on the one hand, and, on the other, points in AL, DE, FL, GA, KY, MD, NC, OH, PA, SC, TN, VA, WV, and DC. (Hearing site: Pittsfield, MA).

MC 71593 (Sub-13F), filed October 3, 1978. Applicant: FORWARDERS TRANSPORT, INC., 1815 Front Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *paper, loose leaf binders, books, box files, file folders, paper pads, paper tablets,* and *record carrying cases,* (1) between Brooklyn and Syracuse, NY, Elizabeth, NJ, and Kankakee, IL, on the one hand, and, on the other, Atlanta, GA, and Los Angeles, CA, (2) between Brooklyn, NY, and Elizabeth, NJ, on the one hand, and on the other, Kankakee, IL, and Syracuse, NY, and (3) from Syracuse, NY, to Kankakee, IL, restricted to the transportation of traffic in (1), (2), and (3) above originating at or destined to the facilities of Boorum & Pease Company. (Hearing site: New York, NY, or Washington, DC.)

MC 80653 (Sub-11F), Filed October 2, 1978. Applicant: DAVID GRAHAM CO., a corporation, P.O. Box 115, Croydon, PA 19020. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1)(a) *molding machinery, presses, and vacuum equipment,* and (b) *parts* for the commodities named in (1)(a) above, from the facilities of Pennwalt Corporation, Stokes Division, at Philadelphia, PA, to those points in the United States in and east of WI, IL, KY, TN, and MS, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1)(a) and (b) above, in the reverse direction. (Hearing site: Philadelphia, PA.)

MC 95084 (Sub-128F), filed September 11, 1978. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from the facilities of Northwestern Steel and Wire Company, at or near Sterling, IL, to points in AR, CO, IN, IA, KS, KY, MI, MN, MO, MT, NE, ND, OH, PA, SD, TN, WV, WI, and WY. (Hearing site: Chicago, IL.)

MC 95876 (Sub-249F), filed September 6, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *plastic pipe, pipe fittings, valves, and hydrants,* and (2) *materials and supplies* used in the installation of the commodities named in (1) above, from the facilities of Clow Corporation, in Talladega County, AL, to points in IA, MN, ND, SD, and WI. (Hearing site: Chicago, IL, or Birmingham, AL.)

MC 96324 (Sub-28F), filed September 13, 1978. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 20554. Representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, VA 22314. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *containers and closures* for containers, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between Providence, Coventry, and Woonsocket, RI, on the one hand, and, on the other, points in DE, MD, NJ, NY, OH, PA, VA, WV, and DC. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 106398 (Sub-848F), filed October 27, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *buildings,* complete, knocked-down, or in sections, from the facilities of Metal Building Systems, at Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

NOTE.—In view of the findings in MC 106398 (Sub-741) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulation.

MC 106674 (Sub-337F), filed September 7, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *building materials* (except commodities in bulk), from the facilities of the GAF Corporation, at or near St. Louis, MO, to those points in the United States in and east of MN, IA, KS, OK, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-888F), filed October 16, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *composition board,* from Jacksonville, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 107295 (Sub-889F), filed October 16, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *lumber and lumber products,* from Sturgis, SD, to points in MN, WI, MI, OH, IL, IN, TN, KY, AR, MO, and IA. (Hearing site: Denver, CO.)

MC 107478 (Sub-38F), filed October 25, 1978. Applicant: OLD DOMINION FREIGHT LINE, a Virginia corporation, 1791 Westchester Drive, P.O. Box 2006, High Point, NC 27261. Representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *asbestos cement pipe, pipe couplings, pipe fittings and accessories* used in the installation of asbestos cement pipe, (except commodities in bulk), from the facilities of Certain-Teed Corporation, at Ambler, PA, to

those points in the United States in and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary Line between the United States and Canada. (Hearing site: Washington, DC.)

MC 107515 (Sub-1184F), filed October 24, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 5th Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *foodstuffs*, (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/MARS, at or near Cleveland, TN, to points in AL, AR, DE, FL, GA, IL, IN, IA, KY, LA, MD, MS, MO, NJ, NY, NC, PA, SC, TX, and VA, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: New York, NY).

NOTE.—Dual operations are involved in this proceeding.

MC 107515 (Sub-1185F), filed October 24, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 5th Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *lighting fixtures, and parts for lighting fixtures*, from the facilities of Lithonia Lighting, Div. of National Service Industries, at or near Cochran and Conyers, GA, to points in CT, DE, IA, IL, IN, KS, KY, MA, MD, ME, MI, MN, MO, ND, NE, NH, NJ, NY, OH, PA, RI, SD, VA, VT, WI, WV, and DC. (Hearing site: Atlanta, GA).

NOTE.—Dual operations may be involved in this proceeding.

MC 107818 (Sub-94F), filed October 27, 1978. Applicant: GREENSTEIN TRUCKING CO., a corporation, 280 N. W. 12th Avenue, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *frozen foods*, from the facilities of Stouffer Foods Corporation, Subsidiary of the Stouffer Corporation, at or near Solon and Cleveland, OH, to points in FL, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Cleveland, OH).

MC 108393 (Sub-140F), filed October 4, 1978. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, IL 60521. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *electrical and gas appliances*, and *electrical and gas appliance parts*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, (except commodities in bulk), between Findlay, OH, and Chariton, IA, under a continuing contract with Whirlpool Corporation, of Benton Harbor, MI. (Hearing site: Washington, DC).

MC 109593 (Sub-6F), filed October 9, 1978. Applicant: H. R. HILL, d/b/a H. R. HILL TRUCKING COMPANY, Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, OK 73112. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *carbonated beverages* (a) from the facilities of Shasta Beverages, at or near Houston, TX, to points in OK, and (b) from the facilities of Shasta Beverages, at or near Lenexa, KS, to points in OK, those in TX on and north of Interstate 20 and on and west of Interstate 35, and those in AR on and west of U.S. Hwy 71, and (2) *equipment, materials, and supplies* used in the processing and distribution of carbonated beverages, (except commodities in bulk), in the reverse direction, under a continuing contract with Shasta Beverages, of Hayward, CA. (Hearing site: Oklahoma City or Tulsa, OK.)

MC 110525 (Sub-126F), filed October 16, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., a DE corporation, 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *dry chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Co., at or near Augusta, GA, to points in IL (except East St. Louis and its commercial zone), IA, MD, MI, MN, MO (except St. Louis and its commercial zone), NJ, NY, OH, PA, and WI. (Hearing site: St. Louis, MO.)

NOTE.—Operational feasibility may be at issue in this proceeding.

MC 111375 (Sub-102F), filed October 4, 1978. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: H. Barney Firestone, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *foodstuffs, food ingredients, and pet food, and specialties for foodstuffs*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from St. Louis, MO, and points in IL (except Chicago), IN, IA, and MI, to points in AZ, CO, CA, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Chicago, IL, or Washington, DC.)

MC 111401 (Sub-533F), filed September 7, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). To operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting (1) *Anhydrous Ammonia*, in bulk, in tank vehicles, from Friend, KS, to points in CO, NE, OK, TX, and WY; and (2) *Fertilizer Solutions*, in bulk, in tank vehicles, from Ulysses, KS, to points in CO and OK. (Hearing site: Dallas, TX, or Denver, CO.)

MC 113434 (Sub-108F), filed September 11, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *glass containers and accessories* for glass containers, and (2) *cartons* when moving in mixed loads with glass containers, from the facilities of Thatcher Glass Manufacturing Company, division of Dart Industries, at (1) Elmira, NY, and (2) Wharton, NJ, to points in MI, OH, PA, IL, IN, KY, and WI, and (3) Lawrenceburg, IN, to Paducah, KY. (Hearing site: Detroit, MI, or Washington, D.C.)

MC 114045 (Sub-510F), filed October 16, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *drugs, toilet preparations, and health care items*, from San Leandro, CA, to points in IN, GA, and PA. (Hearing site: Dallas, TX, or Chicago, IL.)

MC 114045 (Sub-511F), filed October 13, 1978. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *chemicals* (except in bulk), from Baltimore, MD, to points in TX. (Hearing site: Chicago, IL, or Dallas, TX.)

MC 114045 (Sub-514F), filed October 23, 1978. Applicant: TRANS-COLD

EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *drugs, toilet preparations, and health care items,* from Washington, DC, and Easton, MD, to San Leandro, CA. (Hearing site: Dallas, TX, or Chicago, IL.)

MC 114457 (Sub-433F), filed September 15, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *animal feed, feed ingredients, and feed additives* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of animal feeds (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at (a) Los Angeles, CA, and (b) Ogden, UT, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: San Francisco, CA, or St. Paul, MN.)

MC 114552 (Sub-178F), filed September 18, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *composition board,* from the facilities of MacMillan Bloedel Building Materials, at Ashtabula, OH, to points in AL, DE, FL, GA, KY, MD, NJ, NY, NC, PA, SC, TN, VA, WV, and DC. (Hearing site: Columbia, SC, or Charlotte, NC.)

MC 115651 (Sub-48F), filed September 15, 1978. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., Rockford, IL 61102. Representative: R. D. Higgins (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *liquefied petroleum gas,* in bulk, in tank vehicles, from Morris, IL, and the facilities of Hydrocarbon Transportation and Union Oil Co., at or near Lemont, IL, to points in WI. (Hearing site: Chicago, IL or Milwaukee, WI.)

NOTE.—To the extent the certificate granted in this proceeding authorized the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 115841 (Sub-647F), filed September 14, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., an Alabama corporation, 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in and used by producers and distributors of alcoholic beverages* (except commodities in bulk, in tank vehicles), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and, on the other, points in AL, AR, CA, CT, FL, GA, IL, IN, KS, LA, MD, MO, MS, NC, NJ, NY, OH, OK, PA, SC, TN, TX, VA, and DC. (Hearing site: Washington, DC.)

MC 116947 (Sub-58F), filed August 11, 1978. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, GA 30310. Representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *fiberboard cans and metal closures* for fiberboard cans (except commodities in bulk), and (2) *materials and supplies* used in the distribution of fiberboard cans (except commodities in bulk), (I) between the facilities of Sonoco Products Company, at (a) Charleston, SC, (b) Henderson, TN, (c) Henderson, KY, (d) Alpha, OH, (e) Chicago, IL, (f) St. Louis, MO, and (g) Houston, TX, and (II) between the facilities named in (I) above and those points in the United States in and east of ND, SD, NE, CO, OK, and TX, under continuing contract(s) with Sonoco Products Company, of Hartsville, SC. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding.

MC 117068 (Sub-105F), filed October 25, 1978. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *iron and steel articles,* from the facilities of Northwestern Steel & Wire Co. at Sterling, IL, to points in CO, ID, IA, MN, MT, NE, ND, OR, SD, UT, WA, WI, and WY. (Hearing site: Chicago, IL.)

MC 118159 (Sub-296F), filed October 31, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals (except commodities in bulk), from points in the United States in and east of ND, SD, NE, KS, OK, and TX, to points in AR, LA, MS, OK, TN, and TX. (Hearing site: Atlanta, GA.)

MC 119496 (Sub-13F), filed September 6, 1978. Applicant: THE JAMES GIBBONS CO., a corporation, 1700 Sutton Ave., Baltimore, MD 21227. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *top tar,* in bulk, in tank vehicles, from the facilities of USS Chemical Co., at Clairton, PA, to the facilities of Baltimore Tar Corporation, at Baltimore, MD. (Hearing site: Washington, DC.)

MC 119551 (Sub-5F), filed September 11, 1978. Applicant: MORGAN PIPE HAULERS, INC., P.O. Box 424, U.S. Highway 421 West, Greensboro, NC 27402. Representative: A. W. Flynn, 314 S. Eugene St., P.O. Box 180, Greensboro, NC 27402. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *cast iron pipe,* and *cast iron pipe fittings,* from Radford, VA, to Newport News and Norfolk, VA, restricted to the transportation of traffic having a subsequent movement by water in foreign commerce. (Hearing site: Greensboro, NC, or Washington, DC.)

MC 119632 (Sub-78F), filed September 15, 1978. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *fiberboard boxes, glass containers, parts* and *accessories* for glass containers, between the facilities of Kerr Glass Manufacturing Corporation, at or near Huntington, WV, on the one hand, and, on the other, points in OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 119765 (Sub-63F), filed October 16, 1978. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *beer,* from Omaha, NE, and Milwaukee, WI, to Jefferson City and Camdenton, MO. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 120646 (Sub-25F), filed September 5, 1978. Applicant: BRADLEY FREIGHT LINES, INC., 35 Garfield St., Asheville, NC 2880. Representative: Henry E. Seaton, 915 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington,DC 20004. To operate as a *common carrier,* by motor vehicle, over irregular routes, transport-

ing (1) *new furniture and furnishings* (except commodities in bulk), and (2) *commodities* used in the manufacture of new furniture (except commodities in bulk), between Homer, LA, on the one hand, and, on the other, those points in the United States in and west of MI, OH, KY, TN, GA, and FL (except AK and HI). (Hearing site: Shreveport or New Orleans, LA.)

MC 120761 (Sub-43F), filed September 15, 1978. Applicant: NEWMAN BROS. TRUCKING CO., a corporation, 6559 Midway Road, P.O. Box 18727, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *metal articles,* between points in AL, AZ, AR, CA, CO, FL, GA, IL, KS, LA, MS, MO, MT, NB, NV, NM, ND, OK, SD, TN, TX, UT, and WY. (Hearing site: Houston TX, or Dallas, TX.)

MC 123254 (Sub-3F), filed September 12, 1978. Applicant: ALBERT PITZER AND JANE PITZER, a partnership, d.b.a. PITZER BROS., Box 633, Jeanette, PA 15644. Representative: Jeremy Kahn Suite 733, Investment Building, 1511 K Street., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *malt beverages and brewed beverages,* in containers, from Latrobe, PA, to points in WV. (Hearing site: Pittsburg, PA.)

MC 123405 (Sub-58F), filed October 20, 1978. Applicant: FOOD TRANSPORT, INC., a Delaware corporation, R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *confectionery and confectionery products,* in vehicles equipped with mechanical refrigeration, (1) from the facilities of Peter Paul Cadbury, Inc., at or near York, Hazleton, Harrisburg, and Fogelsville, PA, and Naugatuck, CT, to points in PA, NC, GA, FL, IN, and CA, and (2) from Frankfort, IN, to the facilities of Peter Paul Cadbury, Inc., at York, PA, and Naugatuck, CT, restricted to the transportation of traffic originating at and destined to the named origins and destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 123407 (Sub-490F), filed August 28, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *sheet steel piling, bearing pile, pipe pile, drive pipe, caps, and hoses,* and (2) *equipment* used in the installation and removal of piling, between the facilities of Mississippi Valley Equipment Co., at or near (a) St. Louis, Imperial, and Kansas City, MO, (b) Houston, TX, (c) New Orleans, LA, (d) Jacksonville, FL, (e) Memphis, TN, (f) Denver CO, (g) Chicago, IL, (h) Cleveland, OH, and (i) Pittsburgh, PA, on the one hand, and on the other, those points in the United States in and east of MT, WY, CO, and NM. (Hearing site: St. Louis, MO.)

MC 123407 (Sub-493F), filed August 27, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *iron and steel articles,* (1) from the facilities of Bullmoose Tube Company, at Gerald, MO, to points in AR, IA, IL, IN, KS, MI, OH, and OK, and (2) from points in MI, to the facilities of Bullmoose Tube Company, at Gerald, MO, restricted in (1) and (2) above to the transportation of traffic originating at the named origin facilities or destined to the named destination facilities. (Hearing site: St. Louis, MO.)

MC 123407 (Sub-494F), filed August 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by retail home improvement stores, retail home furnishing stores, and lumber stores (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: Washington, DC, or Chicago, IL.)

MC 124170 (Sub-93F), filed June 2, 1978, previously noticed in the FEDERAL REGISTER issue of June 29, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Dr., Detroit, MI 48207. Representative: William J. Boyd, 600 Enterprise Dr., Oak Brook, IL 60521. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of J. H. Filbert, Inc., at or near Baltimore, MD, and points in Anne Arundel, Baltimore, Howard, and Prince Georges Counties, MD, to points in CT, DE, IL, IN, KY, ME, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC. (Hearing site: Washington, DC)

NOTE: This republication adds NH as a destination state.

MC 124692 (Sub-243F), filed September 11, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *pads, padding, cushioning material, sorbents, wallboard, insulation, insulating materials,* and *mulch,* and *equipment, materials,* and *accessories* used in the installation and application of pads, padding, cushioning material, sorbents, wallboard, insulation, insulating materials, and mulch, from Cloquet, MN, to points in AZ, CA, CO, NV, NM, and UT (except points in UT in and north of Tooele, Utah, Wasatch, Duchesne, and Uintah Counties); and (2) *materials, equipment,* and *supplies* (except commodities in bulk, in tank vehicles), used in the manufacture and distribution of the commodities in (1) above, from points in AZ, CA, CO, NV, NM, and UT (except points in UT in and north of Tooele, Utah, Wasatch, Duchesne, and Uintah Counties), to Cloquet, MN. (Hearing site: Minneapolis, MN.)

MC 124711 (Sub-63F), filed September 15, 1978. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *liquid fertilizer solutions* and *liquid fertilizer ingredients,* in bulk, from the facilities of Poole Chemical Company near Holcomb, KS, to points in CO, NE, NM, OK, and TX. (Hearing site: Wichita, KS.)

MC 124887 (Sub-60F), filed July 24, 1978, previously noticed in the FEDERAL REGISTER issue of September 19, 1978. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Pepresentative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *iron and steel articles,* from the facilities of Wheeling-Pittsburgh Steel Corporation, at or near (a) Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, (b) Allenport and Monessen, PA, and (c) Beechbottom, Benwood, Follansbee, and Wheeling, WV, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and VA. NOTE: This republication includes Follansbee, WV as an origin point. (Hearing site: Jacksonville or Tallahassee, FL).

MC 125335 (Sub-33F), filed October 20, 1978. Applicant: GOOD-WAY, INC., a MD Corporation, P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 81849, Lin-

coln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *prunes, prune extract, and prune juice in containers* from the facilities of Diamond/Sunsweet, Inc., at or near Bordentown and Burlington, NJ, to points in FL. (Hearing site: Stockton, CA, or Harrisburg, PA)

MC 125533 (Sub-26F), Filed October 9, 1978. Applicant: GOERGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *pipe, fittings, valves, hydrants*, and *castings*, and (2) *accessories* used in the installation of the commodities named in (1) above, (except commodities in bulk), between the facilities of Clow Corporation, at or near Birmingham and Pell City, AL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Columbus, OH)

MC 125533 (Sub-27F), filed October 9, 1978. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *pipe and pipe fittings, couplings, and connections*, and (2) *accessories* used in the installation of the commodities named in (1) above (except commodities in bulk), between the facilities of Clow Corporation at or near Columbia, MO, on the one hand, and, on the other, those points in the United States in and east of WI, IA, MO, AR, and LA. (Hearing site: Columbus, OH)

MC 125951 (Sub-36F), filed September 11, 1978. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino, 7000 West Center Road, Suite 325, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen Foods*, from the facilities of Lender's Bagel Bakery, Inc., at or near Buffalo, NY, to points in IL, IN, IA, KS, MN, MO, and NE. (Hearing site: Buffalo, NY)

NOTE.—Dual operations may be at issue in this proceeding.

MC 127478 (Sub-9F), filed October 27, 1978. Applicant: WILLIAM M. HAYES, d/b/a HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 30683. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *confectionery products, dessert preparations, gumball machines, stands for gumball machines, and advertising displays and materials*, in vehicles equipped with machanical refrigeration (except commodities in bulk), from the facilities of Leaf Confectionery, Inc., at Chicago, IL, to points in AL, FL, GA, NC, SC, TN, and VA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Atlanta, GA, or Chicago, IL)

MC 127804 (Sub-9F), filed September 15, 1978. Applicant: WILLIAM R. WEINRICH, d/b/a WEINRICH TRUCK LINES, P.O. Box 1037, Hinton, IA 51024. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *urea*, from the facilities of Terra Chemicals International, Inc., at or near Sioux City, IA, to points in AZ, AR, CA, KY, LA, MI, MS, NV, NM, OH, OK, OR, TN, TX, UT, and WA. (Hearing site: Omaha, NE)

MC 128270 (Sub-31F), filed October 10, 1978. Applicant: REDIEHS INTERSTATE, INC., a Delaware Corporation, 1477 Ripley St. Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 N. LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *such commodities as are dealt in or used by wholesale metal dealers, wholesale metal processors, and automobile crushers*, and (2) *such commodities as are used in the installation of the commodities named in (1) above*, between the facilities of Century Enterprises, at or near (a) Littleton, Englewood, Greeley, and Grand Junction, CO, (b) Topeka and Atchison, KS, (c) Kearney and Scotts Bluff, NE, (d) Reno, NV, (e) Roswell and Farmington, NM, (f) Muskogee, Tulsa, and McAlester, OK, (g) Rapid City, SD, (h) Amarillo, Odessa, and Lubbock, TX, (i) Provo and Ephraim, UT, and (j) Rawlins, Rock Springs, and Cheyenne, WY, on the one hand, and, on the other, those points in the United States in and west of OH, KY, TN, GA, and FL, (except AK and HI) restricted to the transportation of traffic originating at or destined to the points named above. (Hearing site: Chicago, Il, or Denver, CO)

MC 129387 (Sub-81F), filed September 21, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *foodstuffs*, (except commodities in bulk), from the facilities of Sanna Division, Beatrice Foods Co., at or near Menomonie, Vesper, Cameron, Eau Claire, and Wisconsin Rapids, WI, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Madison, WI, or Chicago, IL)

MC 134035 (Sub-29F), filed October 10, 1978. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, Highway 75 South, P.O. Box 698, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102.

To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *polyester resin, indrums, and fiber glass roving and yarn*, from Gardena, Hawthorne, and San Gabriel, CA, to points in AR, LA, OK, and TX. (Hearing site: Dallas, TX.)

MC 134355 (Sub-3F), filed October 12, 1978. Applicant: THETFORD TRANSPORT LIMITEE, a corporation, 1829 N. Smith Boulevard, Thetford Mines, Quebec, Canada G6G 5T2. Representative: Richard H. Streeter, 1729 H Street, NW., Washington, DC 20006.

To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *asbestos*, in bags, from the ports of entry on the international boundary line between the United States and Canada at Derby Line, VT and Champlain and Rouses Point, NY, to points in MA, CT, NY, NJ, PA, and VA, restricted to the transportation of traffic originating at Thetford Mines and Black Lake, Quebec, Canada, under a continuing contract with Lake Asbestos of Quebec, Ltd., of Black Lake, Quebec, Canada. (Hearing site: Washington, DC.)

NOTE.—The restriction and conditions contained in the grant of authority in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from Points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified, and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 135185 (Sub-34F), filed October 10, 1978. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana,

CA 92705. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203.

To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1)(a) *drugs, cosmetics, plastic boxes, weed killing compounds, and animal and poultry feed supplements*, and (b) *materials and supplies* used in the manufacture of the commodities in (1)(a) above, (except commodities in bulk), from the facilities of Ei Lilly and Company, at or near Clinton, Lafayette, and Indianapolis, IN, to points in TX on and west of U.S. Hwy 281, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under a continuing contract in (1) and (2) above, with Eli Lilly and Company, of Indianapolis, IN. (Hearing site: (Hearing site: Indianapolis, IN.)

NOTE.—Dual operations may be involved in this proceeding.

MC 135691 (Sub-23F), filed September 5, 1978. Applicant: DALLAS CARRIER CORP., 3610 Garden Brook Dr., P.O. Box 34080, Dallas, TX 75234. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *buffing compounds, polishing compounds, cleaning compounds, solvents, starch, bleach, lubricating oil, carbon, gum removing compounds, sludge removing compounds, disinfectants, softeners, sizing, janitorial supplies*, and *janitorial equipment*, (except commodities in bulk), from Greenville and Mauldin, SC, Kankakee, Danville, and Momence, IL, Piscataway, NJ, Atlanta, GA, Santa Fe Springs, CA, and Berkeley, RI, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), in the reverse direction; and (3) *plastic sprayers*, and *plastic sprayer parts*, (a) between Kankakee, IL, Piscataway, NJ, and Mauldin, SC, and (b) from Kankakee, IL, Piscataway, NJ, and Mauldin, SC, to Santa Fe Springs, CA, under a continuing contract in (1), (2), and (3) above, with Texize Chemicals Company, of Greenville, SC. (Hearing site: Dallas, TX.)

MC 136296 (Sub-2F), filed August 16, 1978. Applicant: ROBBINS TRANSPORT, INC., P.O. Box 37, Auburn, KY 42206. Representative: Louis J. Amato, P.O. Box E. Bowling Green, KY 42101. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *animal feeds*, (2) *pet foods*, and (3) *pet supplies*, from Red Bay, AL, to points in KY, under continuing contract(s) with Sunshine Mills, Inc., of Red Bay, AL. (Hearing site: Nashville, TN.)

MC 136605 (Sub-77F), filed October 16, 1978. Applicant: DAVIS BROS, DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *wrought iron pipe*, from the facilities of Unarco-Leavitt, at Chicago, Blue Island, and Evanston, IL, to Vermillion, SD, and points in CA, IA, KS, MO, NE, OK, TX, and WA. (Hearing site: Chicago, IL.)

MC 136766 (Sub-4F), filed July 31, 1978. Applicant: CARL DITTFIELD, 33 Drake Street, Pittston, PA 18640. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *baking supplies*, from points in Westchester and Nassau Counties, and New York City, NY, Bergen, Essex, Union, Passaic, Somerset and Middlesex, NJ, and Boston, MA, to Moosic, PA, (2) *baking paper and baking paper accessories*, from Boston, MA, to Moosic, PA, (3) *used bakery machinery*, between Moosic, PA, on the one hand, and, on the other, points in the United States (except AK and HI), and (4) *prepared baking preparations*, from Jackson, MI, to Moosic, PA, under continuing contract(s) with Scranton Baker Supply Co., of Moosic, PA. (Hearing site: Scranton, PA.)

MC 138069 (Sub-7F), filed October 31, 1978. Applicant: LUCIUS, INC., 9250 N. Wadsworth Blvd., Broomfield, CO 80020. Representative: Leslie R. Kehl, 1660 Lincoln Street Suite 1600, Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *alcoholic beverages and non-alcoholic beverage mixes*, (except commodities in bulk), (1) From Cincinnati, OH, to Denver, CO, and (2) From St. Louis, MO, Cincinnati, OH, and points in IL, IN, KY, LA, MI, TX, and CA, to Pueblo, CO. (Hearing Site: Denver, CO.)

MC 138104 (Sub-58F), filed September 15, 1978. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Fort Worth, TX 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting pipe, pipe fittings, valves, fire hydrants, and castings, from the facilities of U. S. Pipe & Foundry Co., at or near Birmingham and Bessemer, AL, to points in AR, AZ, CA, CO, LA, NM, OK, KS, and TX. (Hearing Site: Ft. Worth or Dallas, TX.)

MC 138144 (Sub-35F), filed September 10, 1978. Applicant: FRED OLSON CO., INC., 6022 West State St., Milwaukee, WI 53213. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel & Wire Company, at Sterling, IL, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, and WY, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 138157 (Sub-87F), filed September 18, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California Corporation, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *medical equipment, medical materials, and medical supplies*, (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from the facilities of American Hospital Supply Corp., at or near El Paso, TX, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin. (Hearing site: Los Angeles, CA.)

NOTE: Dual operations are involved in this proceeding.

MC 138157 (Sub-88F), filed September 18, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California Corporation, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) (A) *heating and air conditioning equipment, ranges, ovens, refrigerators, compactors, dishwashers, disposals, and range hoods*, (except commodities which by reason of size or weight require the use of special equipment), and (B) *parts* for the commodities named in (1) (A) above, (except commodities in bulk and those which by reason of size or weight require the use of special equipment), from the facilities of Gaffers & Sattler, Inc., at Elkhart, IN, to points in IL, MD, MI, OH, PA, TN, and VA, and (2) *commodities* named in (1) above, and *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in

bulk and those which by reason of size or weight require the use of special equipment), from points in the United States (except AK and HI), to the facilities of Gaffers & Sattler, Inc., at or near (a) City of Industry and (b) Los Angeles, CA, restricted in (1) and (2) above to the transportation of traffic originating at the named origin facilities or destined to the named destination facilities. (Hearing site: Los Angeles, CA.)

NOTE: Dual operations are involved in this proceeding.

MC 138198 (Sub-9F), filed October 26, 1978. Applicant: S P D TRUCK LINE, INC., 401 Cottage Street, Abilene, KS 67410. Representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by wholesale or retail discount or variety stores, (1) from points in AR, CO, IL, IA, KS, MO, NE, NM, OK, SD, TX and WY, to points in MN, and (2) from points in MN to points in CO, IA, KS, NE, NM, SD, TX, and WY, under continuing contract(s) with Duckwall-Alco Stores, Inc., of Abilene, KS. (Hearing site: Abilene, KS, or Kansas City, MO.)

MC 138313 (Sub-44F), filed September 26, 1978. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street S.W., Great Falls, MT 59404. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *lumber, millwork, wood products*, and *composition board*, from the facilities of Sioux Veneer Panel Company, at or near Boise, ID, to the ports of entry on the international boundary line between the United States and Canada at WA, restricted to the transportation of traffic destined to British Columbia, Canada. CONDITION: Prior receipt from applicant of an affidavit setting forth its appropriate complementary Canadian authority or explaining why no such Canadian authority is necessary. (Hearing site: Boise, ID or Washington, DC.)

NOTE.—The restriction and conditions contained in the authority granted in this proceeding are phrased in accordance with the policy statement entitled Notice to Interested Parties of New Requirements Concerning Applications for Operating Authority to Handle Traffic to and from points in Canada published in the FEDERAL REGISTER on December 5, 1974, and supplemented on November 18, 1975. The Commission is presently considering whether the policy statement should be modified and is in communication with appropriate Canadian officials regarding this issue. If the policy statement is changed, appropriate notice will appear in the FEDERAL REGISTER and the Commission will consider all restrictions or conditions which were imposed pursuant to the prior policy statement, regardless of when the condition or restriction was imposed, as being null and void and having no force or effect.

MC 138328 (Sub-74F), filed October 26, 1978. Applicant: CLARENCE L. WERNER, d/b/a WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *cookies*, from the facilities of Ripon Foods, Inc., at Ripon, WI, to points in the United States (except AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, TX, UT, and WA). (Hearing site: Chicago, IL or St. Paul, MN.)

NOTE.—Dual operations are at issue in this proceeding.

MC 138575 (Sub-7F), filed October 6, 1978. Applicant: GWINNER OIL CO., INC., P.O. Box 38, Gwinner, ND 58040. Representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1)(a) *agricultural, industrial, and construction machinery*, and (b) *parts and subassemblies* for the commodities in (1)(a) above, from the facilities of Clark Equipment Co., Melroe Division, at or near Gwinner, ND, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction, under a continuing contract with Clark Equipment Co., Melroe Division, of Gwinner, ND. (Hearing site: Fargo or Bismarck, ND.)

MC 138635 (Sub-66F), filed October 13, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *non-alcoholic cocktail mixes*, from Rialto, CA, to points in TN, VA, NC, SC, GA, AL, and FL. (Hearing site: St. Louis, MO.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 138882 (Sub-156F), filed September 18, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *chemicals*, (1) from Billings, MT, to Sioux Falls, SD, and (2) from Sioux Falls, SD, to Culbertson, MT. (Hearing site: Sioux Falls, SD or Washington, DC.)

MC 138882 (Sub-158F), filed September 18, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *canned pet food*, from Muscatine, IA, to points in AL, FL, IL, IA, MD, MA, MO, NJ, NY, OH, OK, TX, and WV. (Hearing site: Los Angeles, CA or Montgomery, AL.)

MC 138882 (Sub-159F), filed September 18, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting *dry dog food*, from Tupelo, MS, and Red Bay, AL, to points in PA, WV, OH, VA, GA, and NY. (Hearing site: Birmingham, AL or Washington, DC.)

MC 139127 (Sub-1F), filed September 1, 1978. Applicant: TODD TRANSIT, INC., 2220 Charles Street, Rockford, IL 61108. Representative: Harry J. Jordan, Suite 502, Solar Building, 1000 16th Street, NW, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring the use of special equipment) between O'Hare Airport, IL, and points within 10 miles thereof, on the one hand, and, on the other, points in Stephenson, Winnebago, Ogle, DeKalb, Boone, and McHenry Counties, IL, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Chicago, IL.)

MC 139353 (Sub-5F), filed October 6, 1978. Applicant: DAVIE TRUCKERS, INC., Route 1, Advance, NC 27006. Representative: W. P. Sandridge, Jr., Post Office Drawer 84, 2400 Wachovia Building, Winston-Salem, NC 27102. To operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *brewers grains, wet spent grain, waste yeast*, and *manufactured feed*, from the facilities of Murphy Products Company, Inc., at points in Forsyth County, NC, to points in GA, VA, SC, TN, WV, KY, and NC, under a continuing contract with Murphy Products Company, Inc., of Burlington, WI. (Hearing site: Winston-Salem or Greensboro, NC.)

MC 139495 (Sub-380F), filed August 23, 1978, previously noticed in the FEDERAL REGISTER issue of October 5, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representa-

tive: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *synthetic fibers and synthethic yarns, fiber waste, plastic materials, and resin* (except commodities in bulk, in tank vehicles), from points in SC, to points in AR, CA, CT, IN, IL, LA, MA, ME, MD, MI, MO, NH, NJ, OH, OK, PA, RI, TX, VT, and WI. (Hearing site: Washington, DC.)

NOTE.—This republication indicates "ME" as a destination state in lieu of "E" as previously published.

MC 139495 (Sub-395F), filed October 24, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *bed frames, beds, and mirror supports,* from Dallas, TX, to points in the United States (except AK, HI, and TX). (Hearing site: Washington, DC.)

MC 140033 (Sub-71F), filed October 6, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *sulphur,* in bags (except commodities in bulk), from the facilities of International Chemicals, Inc., at or near Mt. Pleasant, TX, to points in KY, IA, IN, OH, SC, CO, UT, NM, and AZ. (Hearing site: Dallas, TX or Salt Lake City, UT.)

NOTE: Dual operations may be at issue in this proceeding.

MC 140241 (Sub-22F), filed September 15, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *Agriculture Implements, Agricultural Accessories and Agricultural Supplies* From Spearville, KS, to points in the United States (except AK and HI); and (2) *Materials and Supplies Used In The Manufacture* of the commodities named in (1) above (except commodities in bulk) in the reverse direction. (Hearing site: Kansas City, MO.)

MC 140241 (Sub-24F), filed September 15, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *Construction Materials* (except commodities in bulk), From the facilities of Celotex Corporation, at Chicago and Wilmington, IL, to points in IA, IN, KS, KY, MO, MN, NE, and WI. (Hearing site: Kansas City, MO.)

MC 140241 (Sub-25F), filed September 14, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe fittings* except commodities in bulk), form Broken Arrow, OK, to points in the United States (except AK and HI). (Hearing site: Wichita, KS.)

MC 140241 (Sub-26F), filed September 15, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundride, KS 67107. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the facilities of Northwestern Steel and Wire Co., at or near Sterling, IL, and Rock Falls, IL, to points in KS, MO, NE, IA, OK, AR, and TX. (Hearing site: Kansas City, MO.)

MC 140612 (Sub-55F), filed September 11, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *non-alcoholic beverages* and *containers;* and (2) *supplies* used in the production and distribution of non-alcoholic beverages and containers, between Moline, IL, on the one hand, and, on the other, points in IA, IL, WI, MN, and MO. (Hearing site: Moline, IL.)

NOTE.—Dual operations are at issue in this proceeding.

MC 140902 (Sub-6F), filed September 11, 1978. Applicant: DPD, INC., 3600 NW 82nd Avenue, Box 816, Miami, FL 33166. Representative: Francis W. McInerny, 1000 Sixteenth St., N.W., #502, Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *tires, tire parts, inner tubes, inner tube parts,* and *wheels, equipment, materials,* and *supplies* used in the manufacture and distribution of tires, tire parts, inner tubes, inner tube parts, and wheels, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, WI, VT, VA, WV, and DC, under a continuing contract with The Firestone Tire and Rubber Company, of Arkron, OH. (Hearing site: Washington, DC.)

MC 141776 (Sub-32F), filed September 5, 1978. Applicant: FOODTRAIN INC., Spring & South Center Sts., Ringtown, PA 17967. Representative: Pauline E. Myers, 407 Walker Building, 734 15th St., N.W., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *frozen foods,* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechancial refrigeration, from the facilities of Foodways National Inc., at or near Hartford and Wethersfield, CT, to points in IA, IL, IN, MI, MN, MO, those in NY west of Interstate Hwy 81, OH, PA, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Hartford, CT or Washington, DC.)

MC 141804 (Sub-133F), filed September 8, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (Same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *toys, games, and accessories* for toys and games, from points in Los Angeles County, CA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141921 (Sub-19F), filed September 11, 1978. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03103. Representative: John A. Sykas, 143 Frontage Road, Manchester, NH 03103. To operate as a *common carrier,* by motor vehicle, over irregular routes transporting *foodstuffs* (except commodities in bulk, in tank vehicles), (1) between Manchester, NH, on one hand, and, on the other, points in NY, NJ, IL, IN, OH, MN, VA, WV, MI, PA, KY, and WI, and (2) from points in the United States (except NY, NJ, IL, IN, OH, MN, VA, WV, MI, PA, KY, and WI) to Manchester, NH, restricted to the transportation of traffic originating at named origins and destined to the named destinations, except traffic moving in foreign commerce. (Hearing site: Concord, NH, or Boston, MA.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 142059 (Sub-52F), filed October 30, 1978. Applicant: CARDINAL TRANSPORT, INC., a Delaware corporation, 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). To operate as a *common carrier,* by motor ve-

hicle, over irregular routes transporting *aluminum and aluminum products,* between the facilities of U.S. Reduction Company, at or near East Chicago, Gary, and Hammond, IN, Aurora, Madison, and Alton, IL, Toledo, OH, Fontana, CA, Russellville, Anniston, and Sheffield, AL, and Marietta, PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of U.S. Reduction Co., at or near the specified points. (Hearing site: Chicago, IL, or Washington, DC.)

MC 142608 (Sub-7F), filed October 26, 1978. Applicant: ASCENZO BROTHERS, INC., 2515 Newbold Street, Bronx, NY 10462. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *contract carrier,* by motor vehicle, over irregular routes transporting *iron and steel articles,* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, MI, NC, OH, VA, WV, and DC, under continuing contract(s) with Interstate Iron & Supply Co., of Philadelphia, PA. (Hearing site: New York, NY.)

MC 142672 (Sub-29F), filed September 15, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Box 232, Mulberry, AR 72947. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, over irregular routes transporting *such commodities* as are dealt in or distributed by manufacturers of power transmission machinery, bearings, chains, gears, conveyors, and elevators (except commodities in bulk), from the facilities of the FMC Corporation, at Indianapolis, IN, to points in CA and OR. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are at issue in this proceeding.

MC 143053 (Sub-6F), filed October 9, 1978. Applicant: B & B TRANSPORT, INC., P.O. Box 5310, Kent, WA 98031. Representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055.To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *small arms ammunitions,* from Lonoke, AR, to points in ID, OR, UT, and WA, under a continuing contract with Morse Hardware Co., of Bellingham, WA. CONDITION: The grant of authority is limited in point of time five years from the date of issuance of the certificate. (Hearing site: Seattle, WA.)

MC 143289 (Sub-5F), filed October 31, 1978. Applicant: BERNARD SHAPIRO AND DAVID KUYKENDALL, a Partnership, doing business as FEDERATED TRANSPORT SYSTEMS, 800 S. McGarry St., Los Angeles, CA 90021. Representative: Lucy Kennard Bell, 9701 Wilshire Blvd., Suite 829, Beverly Hills, CA 90212. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *paper cups and paper food containers,* from Chelsea, MA, to Clackamas and Portland, OR, Salt Lake City, UT, Sparks, NV, and points in CA, under a continuing contract with Sweetheart Paper Products Company, of Chelsea, MA. (Hearing site: Los Angeles, CA.)

NOTE.—The person or persons it appears may be engaged in common control must either file an application under Section 5(2) of the Interstate Commerce Act, or submit an affidavit indicated why such approval is unnecessary.

MC 143443 (Sub-2F), filed September 8, 1978. Applicant: D. J. KIRBY, INC., P.O. Box 79, Gilberts, IL 60136. Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *chemicals, paint, and slag* (except commodities in bulk), between the facilities of Universal Chemicals and Coatings, Inc., at or near Valparaiso, IN, and Elk Grove, IL, on the one hand, and, on the other, New Orleans, LA, and points in CA, FL, IL, IA, MO, OH, PA, and WI, restricted to the transporation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 143775 (Sub-25F), filed October 13, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *para-dichlorebenzene,* in vehicles equipped with mechanical refrigeration, from Delaware City, DE, Natrium, WV, and Kearny, NJ, to Houston, TX. (Hearing site: Houston, TX.)

NOTE.—Dual operations may be involved in this proceeding.

MC 144032 (Sub-6F), filed September 11, 1978. Applicant: R & S TRUCKING, INC., Rural Route 1, Box 123, Garretson, SD 57030. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of H. Shenson, Inc., in Omaha, NE, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), in the reverse direction, under a continuing contract with H. Shenson, Inc, of Omaha, NE. (Hearing site: Omaha, NE.)

MC 144297 (Sub-3F), filed September 21, 1978. Applicant: DURGIN TRUCKING, INC., 1803 Eagle Creek Blvd., Shakopee, MN 55379. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *dry fertilizer,* in bulk, in dump vehicles, from Pine Bend, MN, to points in IA, ND, NE, SD, WI, and those points in the Upper Peninsula of MI. (Hearing site: St. Paul, MN.)

MC 144279 (Sub-4F), filed September 20, 1978. Applicant: DURGIN TRUCKING, INC., 1803 Eagle Creek Boulevard, Shakopee, MN 55379. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *lime,* in bulk, in dump vehicles, from Fort Dodge, IA, to Shakopee, MN. (Hearing site: St. Paul, MN.)

MC 144715 (Sub-2F), filed October 23, 1978. Applicant: ANDERSON & WEBB TRUCKING CO., INC., 542 West Independence Blvd., Mount Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in by office and art supply stores, from Florence, KY, Metuchen, NJ, and Statesville, NC, to points in the United States in and west of NM, CO, WY, and MT (except AK and HI). (Hearing Site: Charlotte, NC.)

MC 144806 (Sub-2F), filed September 5, 1978. Applicant: FRED M. ANDERSON, d.b.a. DELTA VALLEY TRUCKING, 69 North 200 West, Delta, UT 84624. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake Ciry, UT 84111. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *beet pulp pellets,* in bulk, from Idaho Falls, ID, to Delta, UT, under continuing contract(s) with Delta Milling Co., of Delta, UT. (Hearing site: Salt Lake City, UT.)

MC 144827 (Sub-5F), filed September 19, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Box 18423, Memphis, TN

38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *paints, stains, varnishes, and calking compounds,* (except commodities in bulk), from Memphis, TN, to points in AL, AR, AZ, CA, IL, KS, KY, LA, MO, MS, NM, OK, TN, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Memphis, TN.)

MC 144858 (Sub-6F), filed October 27, 1978. Applicant: DENVER SOUTHWEST EXPRESS, INC., a Nebraska corporation, P.O. Box 9950, 1310 Stagecoach Road, Little Rock, AR 72209. Representative: David R. Parker, 717 17th Street, Suite 2600, Denver, CO 80202. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *wine* (except in bulk), (a) from the facilities of The Taylor Wine Company, Inc., at Hammondsport, NY, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IA, KS, LA, MN, MS, MO, MT, NE (except Omaha), NV, NM, NC, ND, OR, SC, SD, TN, TX, UT, WA, WY, and those in IL on and south of U.S. Hwy 24, and (b) from the facilities of Sterling Vineyards, at Calistoga, CA, the facilities of Gonzales & Co., Inc., at Gonzales, CA, and the facilities used by Gonzales & Co., Inc., at Ripon, CA, to points in the United States (except AK and HI); and (2) *diatomaceous earth* (except in bulk), from Lompoc, CA, to the facilities of The Taylor Wine Company, Inc., at Hammondsport, NY. (Hearing site: San Francisco, CA.)

NOTE.—Dual operations are at issue in this proceeding.

MC 145125 (Sub-3F), filed October 12, 1978. Applicant: LAUREL MOUNTAIN OVERLAND EXPRESS, INC., P.O. Box 327, Milroy, PA 17063. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *brass products, bronze products, nickel products, and copper products, and copper billets, and brass and copper alloys,* from Reading and Ontelaunee, PA, to points in AZ, NM, OR, and WA, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: New York, NY.)

MC 145152 (Sub-5), filed September 11, 1978. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *confectionery* (except in bulk), *dessert preparations, advertising* and *display materials, gum ball machines* and *stands,* from Chicago, IL to points in AL, AR, GA, KS, LA, MO, MS, OK, TN, and TX. (Hearing site: Chicago, IL, or Tulsa, OK.)

MC 145155 (Sub-2F), filed August 16, 1978, and previously noticed in the FEDERAL REGISTER issue of September 28, 1978. Applicant: TRANS-SWEET, INC., 3401 Rochester Rd., Lakeville, NY 14480. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *sweeteners,* in bulk, in tank vehicles, from Lakeville, NY to points in CT, MD, MA, MI, NJ, OH, PA, RI, and VA. (Hearing site: Buffalo or Rochester, NY.)

Note.—This republication adds the destination states of MD and VA.

MC 145165 filed August 14, 1978. Applicant: PALM BEACH SERVICES, INC., d.b.a. KAUFF's TOWING SERVICE, 1304 Old Okeechobee Road, West Palm Beach, FL 33401. Representative: Harry J. Harman, 700 Harrison Building, 143 West Market Street, Indianapolis, IN 46204. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *replacement vehicles,* in truckaway service, and *parts, accessories, materials, and supplies* used in the repair and reconditioning or wrecked or disabled motor vehicles (except commodities in bulk), from points in FL, to points in AL, AR, GA, KY, LA, MD, MS, MO, NC, SC, TN, VA, and WV, and (2) *wrecked and disabled motor vehicles,* by use of wrecker equipment only, in the reverse direction. (Hearing site: West Palm Beach or Miami, FL.)

MC 145354 filed September 12, 1978. Applicant: PUBLISHERS TRANSPORTATION SERVICES, INC., 418 South Yale, Garland, TX 75040. Representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *books and magazines,* from Dallas, TX, to Tulsa and Oklahoma City, OK, and points in AR, LA, and TX, under continuing contract(s) with Magazine Cartage Company, Inc., of Dallas, TX. (Hearing site: Dallas, TX.)

MC 145362 filed September 11, 1978. Applicant: NORTHEAST PRODUCE TRANSPORT, INC., 5 Peckman Road, P.O. Box 29, Little Falls, NJ 07424. Representative: John L. Aflano, 550 Mamaroneck Avenue, Harrison, NY 10528.To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *bananas, pineapples, and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas and pineapples, from points in the NY Harbor limits as defined in 49 CFR 1070.1(a), to points in CT, ME, MA, NH, NJ, NY, RI, and VT. (Hearing site: New York, NY.)

MC 145427F, filed September 19, 1978. Applicant: GENTRY FIELDS, INC., a Delaware corporation, 6647 Kenwood, St. Louis, MO 63121. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting (1) *adhesives and paste* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Bloomfield, NJ, on the one hand, and, on the other, points in AZ, CA, FL, GA, IL, IN, KS, MI, MN, MO, NM, OH, OK, PA, TN, TX, and WV, under continuing contract(s) with Roman Adhesives, Inc., of Bloomfield, NJ. (Hearing site: St. Louis, MO, or New York, NY.)

MC 145515 (Sub-2F), filed October 24, 1978. Applicant: GREENE'S CARTAGE CO., INC., P.O. Drawer 2586, 1934 Avalon Avenue, Muscle Shoals, AL 35660. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting (1) *aluminum articles,* from Sheffield and Listerhill, AL, to points in IL, IN, MI, and OH, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of aluminum articles, in the reverse direction. (Hearing site: Birmingham, AL, or Atlanta, GA.)

NOTE—Dual operations are involved in this proceeding.

MC 145595F, filed October 17, 1978. Applicant: WARREN G. GORMLEY, d.b.a. GORMLEY TRUCKING, 1607 W. Swan, Springfield, MO 65807. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *sand, gravel, rock, and coal,* from points in OK and KS, to points in MO on and south of Interstate Hwy 70. (Hearing site: Kansas City, MO.)

MC 145628F, filed October 27, 1978. Applicant: TRANSPO, INC., 213 N. 9th Street, P.O. Box 327, Manitowoc, WI 54220. Representative: James V. Kramer (same address as applicant).

To operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Manitowoc, WI, and Outagamie County Airport, at Appleton, WI, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Green Bay or Milwaukee, WI.)

PASSENGER AUTHORITY

MC (Sub-255F), filed October 16, 1978. Applicant: GREYHOUND LINES, INC., a California corporation, Greyhound Tower, Phoenix, AZ 85077. Representative: W. L. McCracken (same address as applicant). To operate as a *common carrier,* by motor vehicle, transporting *passengers and their baggage, and express and newspapers,* in the same vehicle with passengers, between Texarkana, TX, and Memphis, TN, from Texarkana, over Interstate Hwy 30 to Little Rock, AR, then over Interstate Hwy 40 to Memphis, TN, and return over the same route, serving the intermediate point of Little Rock, AR. (Hearing site: Memphis, TN, Little Rock, AR, and Texarkana, TX.)

[FR Doc. 78-33798 Filed 12-4-78; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

TRANSMITTAL RULES

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: McGraw Edison Company Profit Sharing Trust and McGraw Edison Company are granted early termination of 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition by McGraw Edison Company Profit Sharing Trust of voting securities of McGraw Edison Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Associate Director for Premerger Notification, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-33899 Filed 12-4-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6570-06-M]

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-2435-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, December 5, 1978.

CHANGE IN THE MEETING: The following matter is added to the agenda:

3. Proposed response in the matter of a court opinion concerning the credibility of a Commission representative acting in his official capacity.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; Armando M. Rodriguez, Commissioner; and J. Clay Smith, Commissioner.

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, 202-634-6748.

Dated: November 30, 1978.

[S-2455-78 Filed 12-1-78; 11:15 am]

[6712-01-M]

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, December 7, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting following the open meeting.

MATTERS TO BE CONSIDERED:

Agenda, item No., and subject

Complaints and compliance—1—Field investigation of Stations WDAS and WDAS-FM, Philadelphia, Pa.

Hearing—1—Appeal of an interlocutory order denying a protective order in the Joplin, Mo./Pittsburg, Kan. television renewal proceeding (BC Docket No. 78-81, 78-82 and 78-83).

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from FCC Public Information Office, telephone 202-632-7260.

Issued: November 30, 1978.

[S-2456-78 Filed 12-1-78; 3:22 pm]

[6712-01-M]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, December 7, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, item No., and subject

General—1—Amendment of Part 2, 81, 83, and 89 of the rules to make the frequencies 156.050 and 156.175 MHz available for port operations purposes in the Coast Guard designated New Orleans Vessel Traffic Services area.

General—2—Petition for partial reconsideration of the Commission's decision in Mid-Continent Telecasting, Inc. et al., filed by Gilmore Broadcasting Corp.

General—3—Amendment of Parts 1, 81, and 83 of the Commission's Rules to implement a system of temporary permits for ship stations in the Maritime Services.

General—4—Report to the Commission regarding public participation in FCC Rulemaking Proceeding Workshops.

Safety and special radio services—1—Report and Order adopting the rules proposed in Notice of Proposed Rulemaking Docket No. 21350.

Safety and special radio services—2—License assignment plans—land mobile trunked systems at 800 MHz et al.

Safety and special radio services—1—Petition for waiver and applications for Certificates of Compliance filed by David A. Adams CATV Cable, Waymart, Jermyn, Mayfield, Fell Township, and Carbondale, Pa.

Safety and special radio services—2—Petition for Order to Show Cause filed by Western Broadcasting, Inc., KTUX, Rock Springs, Wyo.

Aural—1—Application for modification of the construction permit of Gareth F. Garlund and Anna White Garlund, KIQO(FM), Atascadero, Calif.

Television—1—Application (BPCT-4878) of Sarasota-Bradenton, Fla. TV (WXLT-TV), Sarasota, Fla.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from the FCC Public Information Office, telephone number (202) 632-7260.

Issued: November 30, 1978.

[S-2457-78 Filed 12-1-78; 3:22 pm]

[6740-02-M]

4

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2:30 p.m., December 1, 1978.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Further regulations implementing the Natural Gas Policy Act of 1978; and specifically, section 315 of the NGPA and optional pricing procedure under § 2.75 of the Commission's current regulations.

CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Acting Secretary, 202-275-4166.

[S-2454-78 Filed 12-1-78; 11:34 am]

[6210-01-M]

5

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 11 a.m., Friday, December 8, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed negotiation for the purchase of currency tagging equipment for the Federal Reserve System.
2. Proposed salary structure adjustments at Federal Reserve Banks.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving Federal Reserve System employees.
4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: November 30, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-2453-78 Filed 12-1-78; 11:34 am]

6

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on December 13, 1978.

A. The meeting will be held on Wednesday, December 13, 1978, in the Federal Ballroom South of the Quality Inn Capitol Hill, 415 New Jersey Avenue, N.W., Washington, D.C., beginning at 11:30 a.m.

B. The meeting will be open to the public at 12:15 p.m. beginning with agenda item no. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

AGENDA—NATIONAL RAILROAD PASSENGER CORPORATION

MEETING OF THE BOARD OF DIRECTORS, DECEMBER 13, 1978

Closed session (11:30)

1. Internal personnel matters.
2. Litigation matters.

Open session (12:15)

3. Approval of minutes of regular meeting of November 1, 1978.
4. Approval of operating agreement with Southern Railway.
5. Route restructuring.
6. Approval of corporate contribution to United Way Fund.
7. Board Committee reports: Audit, Equipment, Northeast Corridor Improvement Project, and Organization and Compensation.
8. President's report.
9. Approval of 1979 Board meeting dates.
10. New business.
11. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's By-laws should be directed to the Corporate Secretary at 202-383-3973.

Dated: December 1, 1978.

ELYSE G. WANDER,
Corporate Secretary.

[S-2458-78 Filed 12-1-78; 3:36 pm]

[8120-01-M]

7

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:30 a.m., Thursday, December 7, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS FOR DISCUSSION: (1) Proposed policy change relating to development and management of TVA reservoir recreation areas and facilities.

UNCLASSIFIED

1. Delegation of authority to approve contracts related to TVA's program for mitigating adverse socioeconomic impacts resulting from large construction projects.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information is also available at TVA's Washington Office, 202-566-1401.

Dated: November 30, 1978.

[S-2452-78 Filed 12-1-78; 11:34 am]

MATTERS FOR ACTION:

OLD BUSINESS

1. Assistance program for small independent coal operators—purchasing set asides.

NEW BUSINESS

PERSONNEL ACTIONS

1. Appointment of Leon E. Ring as General Manager.
2. Change of status for Hugh G. Parris from Assistant Manager of Power to Manager of Power.

PURCHASE AWARDS

1. Req. No. 822289—Hydrogen mixing blowers for Hartsville and Phipps Bend Nuclear Plants.
2. Req. No. 572453—Mini-computer systems for the Computing Services Branch.
3. Rejection of bids received in response to Invitation No. 577556 for indefinite quantity term contract for regulators, electrode holders, and accessories for any TVA warehouse or project.
4. Req. No. 822499—Balance of plant ANSI B31.1 principal piping systems for proposed Yellow Creek Nuclear Plant.
5. Req. No. 152690—161-kV main transformer for the Johnsonville Steam Plant.
6. Req. No. 46—Coal for Allen Steam Plant.

POWER ITEMS

1. Agreement between the city of Lenoir City, Tennessee, and TVA for a demonstration and test project involving electric thermal-storage facilities.
2. Memorandum of understanding with the Department of the Army covering arrangements for TVA to make transmission line modifications for the Tennessee-Tombigbee Waterway Project near Aberdeen, Mississippi.

federal register

TUESDAY, DECEMBER 5, 1978
PART II



ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

GLYPHOSATE

Establishment of Tolerances for Residues and Proposed Tolerances

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL1019-3; PP 5F1560, 6F1733, 6F1798, 6F1861, 7F1892, 7F1904, 7F1971, 7F2016, 8F2021/R187]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Glyphosate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide glyphosate on a variety of raw agricultural commodities. The regulation was requested by Monsanto Co. This rule establishes maximum permissible levels for residues of glyphosate on a variety of raw agricultural commodities.

EFFECTIVE DATE: Effective on December 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460 (202-755-7013).

SUPPLEMENTARY INFORMATION: Notices were given that Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, Mo. 63166, had filed the following pesticide petitions with the EPA proposing the establishment of tolerances for combined residues of the herbicide glyphosate (*N*-phosphonomethyl)glycine and its metabolite aminomethylphosphonic acid in or on raw agricultural commodities:

Subsequently, the petitioner amended Pesticide Petitions (PP) 6F1798 and 7F2016 by withdrawing the proposed tolerances on cotton forage, hay, and trash (PP 6F1798) and by expanding the proposed tolerance on seed and pod vegetables to include seed and pod vegetable forage and hay (PP 7F2016). It has also been determined that "almond husks" should be changed to "almond hulls" and that dry alfalfa be called alfalfa hay. (A related document establishing food additive tolerances for residues of glyphosate on various processed byproducts appears elsewhere in today's FEDERAL REGISTER.) No comments were received in response to these notices of filing.

The data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw), a 90-day rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm, a 90-day dog feeding study with an NOEL of 2,000 ppm, two rabbit teratology studies with an NOEL of 30 milligrams (mg)/kg bw/day, a two-year dog feeding study with an NOEL of 300 ppm, a three-generation rat reproduction study with an NOEL of 300 ppm, an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed) a two-year rat feeding study with an NOEL of 100 ppm, a hen neurotoxicity study (negative at 7.5 g/kg bw), a mouse dominant lethal study (negative at 10 mg/kg bw), a host-mediated mutagenicity assay (negative), an Ames test (negative), and a Rec-assay mutagenicity test (negative).

Desirable studies that are lacking or to be repeated are teratology studies, an 18-month mouse oncogenicity study, an oncogenicity study in a second species, the dominant lethal mouse study, the Ames test, and the Rec-assay mutagenicity test. The teratology studies on hand together with the reproduction study showed glyphosate has a low potential for showing adverse effects on reproduction. The lifetime rat and mouse studies provide adequate assurance that glyphosate has a relatively low oncogenic potential. In a letter of August 29, 1978, the petitioner agreed to perform the above studies and to remove the proposed uses from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

Tolerances have previously been established for residues of glyphosate on grain crops at 0.1 ppm and soybeans at 0.2 ppm for a theoretical maximal residue contribution (TMRC) of 0.0234 mg/day in a 1.5-kg diet compared with a maximal permissible intake (MPI) of 3 mg/day for a 60-kg man, or 0.78 percent of the MPI, which is based on an acceptable daily intake (ADI) of 0.05 mg/kg bw/day. The establishment of the proposed tolerances will add about 0.17 mg/day to the average diet for a total of 7 percent of the MPI, figuring in those glyphosate tolerances currently pending but not yet established. Tolerances have also been established on forage grasses and soybeans at 0.2 ppm (N) and soybean forage and hay at 0.4 ppm. Food additive tolerances (21 CFR 193.235) in connection with experimental programs have been previously established for residues of glyphosate in potable water and sugarcane molasses at 0.1 ppm. A feed additive regulation (21 CFR 561.253) has also been previously established for residues of glyphosate in sugarcane molasses at 2 ppm in connection with an experimental program.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved because no residues of the contaminant at detectable levels are present in raw agricultural commodities, nor does it pose a hazard to the applicator. The metabolism of glyphosate is adequately understood, an adequate analytical method (gas chromatography using a phosphorus-specific flame photometric detector) is available for enforcement purposes, and no other considerations are involved in establishing the proposed tolerances.

The tolerances established by amending 40 CFR 180.364 will be adequate to cover residues that would result in the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep from the proposed uses as delineated in § 180.6(a)(2), and there is no reasonable expectation of finite residues resulting in other meat products, eggs, or milk from the uses as delineated in § 180.6(a)(3). The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances established by amending 40 CFR 180.364 will protect the public health. It is concluded, therefore, that the tolerances be established as set forth below.

Pesticide petitions	Raw agricultural commodities	Tolerances in parts per million	Publication dates
5F1560	Grapes	0.1	Nov. 27, 1974 (39 FR 41402)
6F1733	Citrus fruits	0.2	Mar. 12, 1976 (41 FR 10709
6F1798	Cottonseed	0.2	July 6, 1976 (41 FR 27776)
	Cotton forage, hay, and trash	0.2	
6F1861	Pome fruits	0.2	Oct. 19, 1976 (41 FR 46020)
7F1892	Nuts	0.2	Feb. 11, 1977 (42 FR 8692)
	Pistachio nuts	0.2	
	Almond husks	1	
	Liver and kidney of cattle, goats, hogs, horses, poultry, and sheep.	0.1	

Pesticide petitions	Raw agricultural commodities	Tolerances in parts per million	Publication dates
7F1904	Alfalfa, fresh and dry	0.2	Feb. 11, 1977 (42 FR 8691)
	Liver and kidney of cattle, goats, hogs, horses, poultry, and sheep.	0.1	
7F1971	Cottonseed	6	Aug. 23, 1977 (42 FR 42373)
	Soybeans	6	
	Soybean hay and forage	15	
	Liver and kidney of cattle, goats, hogs, horses, poultry, and sheep.	0.1	
7F2016	Leafy vegetables	[N]0.2	Dec. 6, 1977 (42 FR 61626)
	Root crop vegetables	[N]0.2	
	Seed and pod vegetables	[N]0.2	
	Liver and kidney of cattle, goats, hogs, horses, poultry, and sheep.	0.1	
8F2021	Avocados	0.2	Jan. 12, 1978 (43 FR 1835)

[N] Negligible residues.

Any person adversely affected by this regulation may, on or before January 4, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St. SW., Washington 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on December 5, 1978, Part 180 is amended as set forth below.

Dated: Nov. 28, 1978.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.364 is amended by alphabetically inserting new items in the table and by revising the table to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

Commodity:	*Parts per million*
Alfalfa, fresh and hay	0.2
Almonds, hulls	1
Avocados	0.2
Cattle, kidney	0.1
Cattle, liver	0.1
Citrus fruits	0.2
Cottonseed	6
Goats, kidney	0.1
Goats, liver	0.1
Grain crops	0.1 (N)
Grapes	0.2
Grasses, forage	0.2 (N)
Hogs, kidney	0.1
Hogs, liver	0.1
Horses, kidney	0.1
Horses, liver	0.1
Leafy vegetables	0.2 (N)
Nuts	0.2
Pistachio nuts	0.2
Pome fruits	0.2
Poultry, kidney	0.1
Poultry, liver	0.1
Root crop vegetables	0.2 (N)
Seed and pod vegetables	0.2 (N)
Seed and pod vegetables, forage	0.2 (N)
Seed and pod vegetables, hay	0.2 (N)
Sheep, kidney	0.1
Sheep, liver	0.1
Soybeans	6
Soybeans, forage	15
Soybeans, hay	15

[FR Doc. 78-33817 Filed 12-4-78; 8:45 am]

[6560-01-M]

Title 21—Food and Drugs

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

[FRL 1019-2; FAP 6H5115, 6H5144, 7H5168/R44]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENAL PROTECTION AGENCY

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Glyphosate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 21 CFR 193.235 and 561.253 by establishing food and feed additive tolerances for residues of the herbicide glyphosate in dried citrus pulp, soybean hulls, and palm oil. The regulations were requested by Monsanto Co. This rule establishes a maximum permissible level for residues of glyphosate in dried citrus pulp, soybean hulls, and palm oil.

EFFECTIVE DATE: Effective on December 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460 (202/755-7013).

SUPPLEMENTARY INFORMATION: On March 12, 1976 (41 FR 10709), September 16, 1976 (41 FR 39831), and August 23, 1977 (42 FR 42373) notices were given that Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, had filed petitions (FAP 6H5115, 6H5144, and 7H5168) with the EPA. These petitions proposed that 21 CFR 193.235 and 561.253 be amended by establishing regulations permitting combined residues of the herbicide glyphosate (N-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in dried citrus pulp (FAP 6H5115), palm oil (FAP 6H5144), and soybean hulls (FAP 7H5168) resulting from application of glyphosate to growing citrus fruits, palm trees, and soybeans with tolerance limitations of 0.4 part per million (ppm) in the dried citrus pulp, 0.1 ppm in the palm oil, and 20 ppm in or on the soybean hulls. No comments were received by the Agency in response to these notices.

The data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw), a 90-day rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm, a 90-day dog feeding study with an NOEL of 2,000 ppm, two rabbit teratology studies with an NOEL of 30 milligrams (mg)/kg bw/day, a 2-year dog feeding study with an NOEL of 300 ppm, a three-generation rat reproduction study with an NOEL of 300 ppm, an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed), a 2-year rat feeding study with an NOEL of 100 ppm, a hen neurotoxicity study (negative at 7.5 g/kg bw), a mouse dominant lethal study (negative at 10 mg/kg bw), a host-mediated mutagenicity assay (negative), an Ames test (negative), and a Rec-assay mutagenicity test (negative).

Desirable studies that are lacking or to be repeated are teratology studies, an 18-month mouse oncogenicity

study, an oncogenicity study in a second species, the dominant lethal mouse study, the Ames test, and the Rec-assay mutagenicity test. The teratology studies on hand together with the reproduction study showed glyphosate has a low potential for showing adverse effects on reproduction. The lifetime rat and mouse studies provide adequate assurance that glyphosate has a relatively low oncogenic potential. In a letter of August 29, 1978, the petitioner agreed to perform the above studies and to remove the proposed uses from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

Tolerances have previously been established for residues of glyphosate on grain crops at 0.1 ppm and soybeans at 0.2 ppm for a theoretical maximal residue contribution (TMRC) of 0.0234 mg/day in a 1.5-kg diet compared with a maximal permissible intake (MPI) of 3 mg/day for a 60-kg man, or 0.78 percent of the MPI, which is based on an acceptable daily intake (ADI) of 0.05 mg/kg/bw/day. The proposed tolerance in palm oil contributes less than an additional 0.001 mg/day/1.5-kg diet, or about 0.002 percent of the MPI, which does not significantly increase the 0.78 percent of the MPI. Should all the tolerances for glyphosate currently pending be established, the TMRC will only be 7.02 percent of the MPI. The establishment of the proposed tolerances will add about 0.17 mg/day to the average diet for a total of 7 percent of the MPI.

Tolerances have also been established on forage grasses and soybeans at 0.2 ppm (negligible residues) and soybean forage and hay at 0.4 ppm. Food additive tolerances (21 CFR 193.235) in connection with experimental programs have been previously established for residues of glyphosate in potable water and sugarcane molasses at 0.1 ppm. A feed additive tolerance (21 CFR 561.253) has also been previously established for residues of glyphosate in sugarcane molasses at 2 ppm in connection with an experimental program.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved because no residues of the contaminant at detectable levels are present in raw agricultural commoditites, not does it pose a hazard to the applicator.

The matabolism of glyphosate is adequately understood, and adequate analytical method (gas chromatography using a phosphorus specific flame photometric detector) is available for enforcement purposes, and no other considerations are involved in establishing the proposed tolerances. (A related document establishing tolerances for residues of glyphosate in or on a variety of raw agricultural commodities, including the kidney and liver of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm, appears elsewhere in today's FEDERAL REGISTER. The tolerances in the kidney and liver of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm are adequate to cover residues in these tissues resulting from the proposed food and feed additive uses as delineated in 40 CFR 180.6(a)(2). There is no reasonable expectation of finite residues resulting in other meat products, milk, or eggs from the proposed food and feed additive uses as delineated in 40 CFR 180.6(a)(3)).

Thus, it concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The pesticide is considered useful for the purpose for which tolerances are sought. Therefore the regulations establishing tolerances of 0.4 ppm in or on citrus pulp, 0.1 ppm in palm oil, and 20 ppm in or on soybean hulls by amending 21 CFR 193.235 and 561.253 are being promulgated as proposed. Accordingly food and feed additive regulations are established as set forth below.

Any person adversely affected by this regulation may, on or before January 4, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St., SW, Washington 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on December 5, 1978, 21 CFR Parts 193 and 561 are amended as set forth below.

Dated: November 28, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)))

1. Part 193, Subpart A, § 193.235 is amended by adding the new paragraph (e) at the end of the section to read as follows:

§ 193.235 Glyphosate.

* * * * *

(e) A tolerance is established for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in or on the following processed food when present therein as a result of the application of the herbicide in palm tree culture:

0.1 part per million in palm oil.

2. Part 561, § 561.253, is amended by adding the new paragraph (f) at the end of the section to read as follows:

§ 561.253 Glyphosate.

* * * * *

(f) Tolerances are established for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in the following processed feeds when present therein as a result of application of this herbicide to growing crops:

Feed:	*Parts per million*
Citrus pulp, dried	0.4
Soybean hulls	20

[FR Doc. 78-33816 Filed 12-4-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 1018-7; PP 6E1809/P98]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide Chemical Glyphosate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the herbicide glyphosate on coffee beans. The proposal was submitted by Monsanto Co. This amendment would establish a maximum permissible level for residues of glyphosate on coffee beans.

DATE: Comments must be received on or before January 4, 1979.

ADDRESS COMMENTS TO: Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA (202/755-7013).

SUPPLEMENTARY INFORMATION: Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, has submitted a pesticide petition (PP 6E1809) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.364 be amended by the establishment of a tolerance for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity coffee beans at 1 part per million.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw), a 90-day rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm, a 90-day dog feeding study with an NOEL of 2,000 ppm, two rabbit teratology studies with an NOEL of 30 milligrams (mg)/kg bw/day, a two-year dog feeding study with an NOEL of 300 ppm, a three-generation rat reproduction study with an NOEL of 300 ppm, an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed), a two-year rat feeding study with an NOEL of 100 ppm, a hen neurotoxicity study (negative at 7.5 g/kg bw), a mouse dominant lethal study (negative at 10 mg/kg bw), a host-mediated mutagenicity assay (negative), an Ames test (negative), and a Rec-assay mutagenicity test (negative).

Desirable studies that are lacking or to be repeated are teratology studies, an 18-month mouse oncogenicity study, an oncogenicity study in a second mammalian species, the dominant lethal mouse study, the Ames test, and the Rec-assay mutagenicity test. The teratology studies on hand together with the reproduciton study showed glyphosate has a low potential for showing adverse effects on reproduction. The lifetime rat and mouse studies provide adequate assurance that glyphosate has a relatively low oncogenic potential. In a letter of August 29, 1978, the petitioner agreed to perform the above studies and to remove the proposed uses from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

Tolerances have previously been established for residues of glyphosate on grain crops at 0.1 ppm and soybeans at 0.2 ppm for a theoretical maximal residue contribution (TMRC) of 0.0234 mg/day in a 1.5-kg diet compared with a maximal permissible intake (MPI) of 3 mg/day for a 60-kg man, or 0.78 percent of the MPI, which is based on an acceptable daily intake (ADI) of 0.05 mg/kg bw/day. The tolerance of 1 ppm on coffee beans contributes an additional 0.011 mg/day/1.5-kg diet, or 0.37 percent, for a total of 1.15 percent of the MPI. Should all the tolerances for glyphosate currently pending be established, the TMRC will be only 7.02 percent of the MPI.

Tolerances have also been established on forage grasses and soybeans at 0.2 ppm (negligible residues) and soybean forage and hay at 0.4 ppm. Food additive tolerances (21 CFR 193.235) in connection with experimental programs have previously been established for residues of glyphosate in potable water and sugarcane molasses at 0.1 ppm. A feed additive tolerance has also previously been established for residues of glyphosate in sugarcane molasses at 2 ppm in connection with an experimental program.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved because no residues of the contaminant at detectable levels are present in raw agricultural commodities, nor does it pose a hazard to the applicator. The metabolism of glyphosate is adequately understood, an adequate analytical method (gas chromatography using a phosphorus-specific flame photometric detector) is available for enforcement purposes, and no other considerations are involved in establishing the proposed tolerance. There is no reasonable expectation of finite of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3) from the use on green coffee beans.

The pesticide is considered useful for the purpose for which a tolerance is being sought, and it is concluded that the tolerance of 1 ppm on coffee beans established by amending 40 CFR 180.364 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before January 4, 1979, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 6E1809/P98". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: November 28, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e))).

It is proposed that Part 180, Subpart C, § 180.364 be amended by alphabetically inserting coffee beans at 1 ppm in the table to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * * * *

Commodity:	*Parts per million*
* * * * * * *	
Coffee beans	1
* * * * * * *	

[FR Doc. 78-33813 Filed 12-4-78; 8:45 am]

[6560-01-M]

[40 CFR Part 180]

[FRL 1019-1; PP 6F1758/P97]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerances for the Pesticide Chemical Glyphosate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the herbicide glyphosate on sugarcane. The proposal was submitted by Monsanto Co. This amendment would establish a maximum permissible level for residues of glyphosate on sugarcane.

DATE: Comments must be received on or before January 4, 1979.

ADDRESS COMMENTS TO: Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency (202-755-7013).

SUPPLEMENTARY INFORMATION: On April 8, 1976, a notice was given (41 FR 14924) that Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis, Mo. 63166, has filed a petition (PP 6F1758) with the EPA. This petition proposed to amend 40 CFR 180.364 by establishing a tolerance for combined residues of the herbicide glyphosate (*N*(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity sugarcane at 0.05 part per million (ppm).

Subsequently, the petitioner amended the petition by increasing the proposed tolerance from 0.05 ppm to 0.1 ppm. (A related document establishing a food additive tolerance for residues of glyphosate in sugarcane molasses appears elsewhere in today's FEDERAL REGISTER). No comments were received in response to this notice of filing. Because of the potential exposure to humans to glyphosate residues, the tolerance is being proposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw), a 90-day rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm, a 90-day dog feeding study with an NOEL of 2,000 ppm, two rabbit teratology studies with an NOEL of 30 milligrams (mg)/kg bw/day, a two-year dog feeding study with an NOEL of 300 ppm, a three-generation rat reporduction study with an NOEL of 300 ppm, an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed), a two-year rat feeding study with an NOEL of 100 ppm, a hen neurotoxicity study (negative at 7.5 g/kg bw), a mouse dominant lethal study (negative at 10 mg/kg bw), a host-mediated mutagenicity assay (negative), an Ames test (negative), and a Rec-assay mutagenicity test (negative).

Desirable studies that are lacking or to be repeated are teratology studies, an 18-month mouse oncogenicity study, an oncogenicity study in a second mammalian species, the dominant lethal mouse study, the Ames test, and the Rec-assay mutagenicity test. The teratology studies on hand together with the reproduction study showed glyphosate has a low potential for showing adverse effects on reproduction. The lifetime rat and mouse studies provide adequate assurance that glyphosate has a relatively low oncogenic potential. In a letter of August 29, 1978, the petitioner agreed to perform the above studies and to remove the proposed use from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

Tolerances have previously been established for residues of glyphosate on grain crops at 0.1 ppm and soybeans at 0.2 ppm for a theoretical maximal residue contribution (TMRC) of 0.0234 mg/day in a 1.5-kg diet compared with a maximal permissible intake (MPI) of 3 mg/day for a 60-kg man, or 0.78 percent of the MPI. The 0.1 ppm tolerance on sugarcane contributes about an additional 0.005 mg/day/1.5-kg diet or approximately 0.18 percent for a total of about 0.9 percent of MPI, which is based on an acceptable daily intake (ADI) of 0.05 mg/kg bw/day. Should all the tolerances for glyphosate currently pending be established, the TMRC will only be 7.02 percent of the MPI.

Tolerances have also been established on forage grasses and soybeans at 0.2 ppm (negligible residues) and soybeans forage and hay at 0.4 ppm. Food additive tolerances (21 CFR 193.235) in connection with experimental programs have been previously established for residues of glyphosate in potable water and sugarcane molasses at 0.1 ppm. A feed additive tolerance (21 CFR 561.253) has also been previously established for residues of glyphosate in sugarcane molasses at 2 ppm in connection with an experimental program.

A regulatory action was pending against glyphosate based on its contamination with *n*-nitrosoglyphosate, but this was resolved because no residues of the contaminant at detectable levels are present in the raw agricultural commodities, nor does it pose a hazard to the applicator. The metabolism of glyphosate is adequately understood, an adequate analytical method (gas chromatography using a phosphorus-specific flame photometric detector) is available for enforcement purposes, and no other considerations are involved in establishing the proposed tolerance.

The tolerance of 0.1 ppm in liver and kidney of cattle, goats, hogs, horses, poultry, and sheep established by another rule in today's FEDERAL REGISTER is adequate to cover residues in these tissues from the use on sugarcane as delineated in 40 CFR 180.6(a)(2). There is no reasonable expectation of residues in other meat products, eggs, or milk from the proposed use as delineated in 40 CFR 180.6(a)(3). The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance established on sugarcane at 0.1 ppm by amending 40 CFR 180.364 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before January 4, 1979, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 6F1758/P97." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(3)).)

Dated: November 28, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, § 180.364 be amended by alphabetically inserting sugarcane at 0.1 ppm at the end of the table to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

Commodity:	*Parts per million*
* * * * *	
Sugarcane	0.1

[FR Doc. 78-33815 Filed 12-4-78; 8:45 am]

[6560-01-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 193 and 561]

[FRL 1018-8; FAP 6H5126/P12]

TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS AND FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Proposed Food and Feed Additive Tolerances for Glyphosate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the herbicide glyphosate in sugarcane molasses. The proposal was submitted by Monsanto Co. This amendment would establish a maximum permissible level for residues of glyphosate in sugarcane molasses.

DATE: Comments must be received on or before January 4, 1979.

ADDRESS COMMENTS TO: Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA. Rm. 401, East Tower, 401 M Street, SW, Washington DC 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, EPA, (202/755-7013).

SUPPLEMENTARY INFORMATION: On April 8, 1976, the EPA published in the FEDERAL REGISTER (41 FR 14924) a notice that Monsanto Agricultural Products Co., 800 Lindbergh Blvd., St. Louis, MO 63116, had submitted a petition (FAP 6H5126). This petition proposed that 21 CFR 193.235 and 561.253 be amended by the establishment of a regulation permitting residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethlyphosphonic acid in or on sugarcane molasses resulting from the application of the herbicide to growing sugarcane with a tolerance limitation of 0.5 part per million (ppm). No comments were received in response to this notice. Subsequently, the petitioner amended the petition by increasing the proposed tolerance from 0.5 ppm to 2 ppm. Because of the potential increase in exposure of humans to glyphosate residues, the tolerance is being proposed at this time to provide for public comment. (A related document establishing a tolerance for residues of glyphosate on sugarcane appears elsewhere in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw), a 90-day rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm, a 90-day dog feeding study with an NOEL of 2,000 ppm, two rabbit teratology studies with an NOEL of 30 milligrams (mg)/kg bw/day, a two-year dog feeding study with an NOEL of 300 ppm, a three-generation rat reproduction study with an NOEL of 300 ppm, an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed), a two-year rat feeding study with an NOEL of 100 ppm, a hen neurotoxcity study (negative at 7.5 g/kg bw), a mouse dominant lethal study (negative at 10 mg/kg bw), a host-mediated mutagenicity assay (negative), an Ames test (negative), and a Rec-assay mutagenicity test (negative).

Desirable studies that are lacking or to be repeated are teratology studies, an 18-month mouse oncogenicity study, an oncogenicity study in a second mammalian species, the dominant lethal mouse study, the Ames test, and the Rec-assay mutagenicity test. The teratology studies on hand together with the reproduction study showed glyphosate has a low potential for showing adverse effects on reproduction. The lifetime rat and mouse studies provide adequate assurance that glyphosate has a relatively low oncogenic potential. In a letter of August 29, 1978, the petitioner agreed to perform the above studies and to remove the proposed uses from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

Tolerances have previously been established for residues of glyphosate on grain crops at 0.1 ppm and soybeans at 0.2 ppm for a theoretical maximal residue contribution (TMRC) of 0.0234 mg/day in a 1.5-kg diet compared with a maximal permissible intake (MPI) of 3 mg/day for a 60-kg man, or 0.78 percent of the MPI, which is based on an acceptable daily intake (ADI) of 0.05 mg/kg bw/day. The establishment of the 2 ppm tolerance in sugarcane molasses will add about 0.0009 mg/day to the average human diet for a TMRC of 0.2105 mg/day, which is 7.02 percent of the ADI.

Tolerances have also been established on forage grasses and soybeans at 0.2 ppm (negligible residues) and soybean forage and hay at 0.4 ppm. Food additive tolerances (21 CFR 193.235) in connection with experimental programs have previously been established for residues of glyphosate in potable water and sugarcane molasses at 0.1 ppm. A feed additive tolerance (21 CFR 561.253) has also been previously established for residues of glyphosate in sugarcane at 2 ppm in connection with an experimental program.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved because no residues of the contaminant at detectable levels are present in raw agricultural commodities, nor does it pose a hazard to the applicator. The metabolism of glyphosate is adequately understood, and adequate analytical method (gas chromatography using a phosphorus-specific flame photometric detector) is available for enforcement purposes, and no other considerations are involved in establishing the proposed tolerance. Thus, it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The tolerance of 0.1 ppm in liver and kidney of cattle, goats, hogs, horses, poultry, and sheep established by another rule in today's FEDERAL REGISTER is adequate to cover residues in these tissues from the use in sugarcane molasses as delineated in 40 CFR 180.6(a)(2). there is no reasonable expectation of residues in other meat products, eggs, or milk as delineated in 40 CFR 180.6(a)(3). The pesticide is considered useful for the purpose for which a tolerance is sought. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenti-

cide Act, which contains any of the ingredients listed herein, may request on or before January 4, 1979, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "P6H5126/P12". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register Section from 8:30 to 4 p.m. Monday through Friday.

Dated: November 28, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(Sec. 409, Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).)

It is proposed that Part 193 and Part 561 be amended as follows:

1. part 193, Subpart A, § 193.235 is amended by revising paragraph (e) to read as follows:

§ 193.235 Glyphosate.

* * * * *

(e) Tolerances are established for combined residues of the herbicide glyphosate (*N*-(Phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in the following processed foods when present therein as a result of application of the herbicide in palm tree culture and to growing sugarcane:

2 parts per million in sugarcane molasses.
0.1 part per million in palm oil.

2. part 561, § 561.253, is amended by revising paragraph (f) to read as follows:

§ 561.253 Glyphosate.

* * * * *

(f) Tolerances are established for combined residues of the herbicide glyphosate (*N*-phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on the following processed feeds when present therein as a result of application of this herbicide to growing crops:

Feed:	*parts per million*
Citrus pulp, dried	0.4
Soybean hulls	20
Sugarcane molasses	2

[FR Doc. 78-33814 Filed 12-4-78; 8:45]

Federal register

TUESDAY, DECEMBER 5, 1978

PART III



THE PRESIDENT

■

ALASKAN NATIONAL MONUMENTS

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presidential documents

[3195-01-M]

Title 3—President

Proclamation 4611 • **December 1, 1978**

Admiralty Island National Monument

By the President of the United States of America

A Proclamation

Admiralty Island is outstanding for its superlative combination of scientific and historic objects. Admiralty Island contains unique resources of scientific interest which need protection to assure continued opportunities for study.

Admiralty Island has been continuously inhabited by Tlingit Indians for approximately 10,000 years. Archeological sites and objects are plentiful in the areas of Angoon, Chaik Bay, Whitewater Bay and other bays and inlets on the island. These resources provide historical documentation of continuing value for study. The continued presence of these natives on the island add to the scientific and historical value of the area.

The cultural history of the Tlingit Indians is rich in ceremony and creative arts and complex in its social, legal and political systems. Admiralty provides a unique combination of archeological and historical resources in a relatively unspoiled natural ecosystem that enhances their value for scientific study.

Subsequent to exploration and mapping by Captain George Vancouver at the end of the 18th century, Russian fur traders, Yankee whalers, and miners and prospectors have left objects and sites on Admiralty which provide valuable historical documentation of white settlement and exploitation of the island and its resources. Admiralty Island is rich in historic structures and sites, including whaling stations, canneries, old mining structures and old village sites, for example, Killisnoo Village where a whaling and herring saltery station were established in 1880.

Unusual aspects of the island ecology include its exceptional distribution of animal species, including dense populations of brown bears and eagles, but excluding entirely—because of the island's separation from the mainland—a large number of species indigenous to the general area. This peculiar distribution enhances the island's value for scientific study.

The unique island ecology includes the highest known density of nesting bald eagles (more than are found in all the other States combined); large numbers of Alaska brown bear; and the largest unspoiled coastal island ecosystem in North America. Admiralty Island was added to the Tongass National Forest in 1909, and specific portions of the island have been designated as bear and eagle management areas and numerous scientific studies of the bear and eagle habitat have been conducted by scientists from around the world. The island is an outdoor living laboratory for the study of the bald eagle and Alaska brown bear.

Protection of the entire island, exclusive of the Mansfield Peninsula, is necessary to preserve intact the unique scientific and historic objects and sites located there. Designation of a smaller area would not serve the scientific purpose of preserving intact this unique coastal island ecosystem.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the Monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States to be National Monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906, (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Admiralty Island National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Admiralty Island National Monument (Copper River, Meridian)", attached to and forming a part of this Proclamation. The area reserved consists of approximately 1,100,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

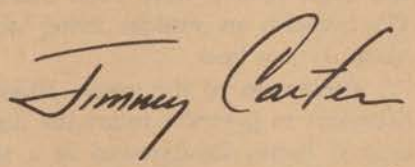
All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616 (d)(1)); however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

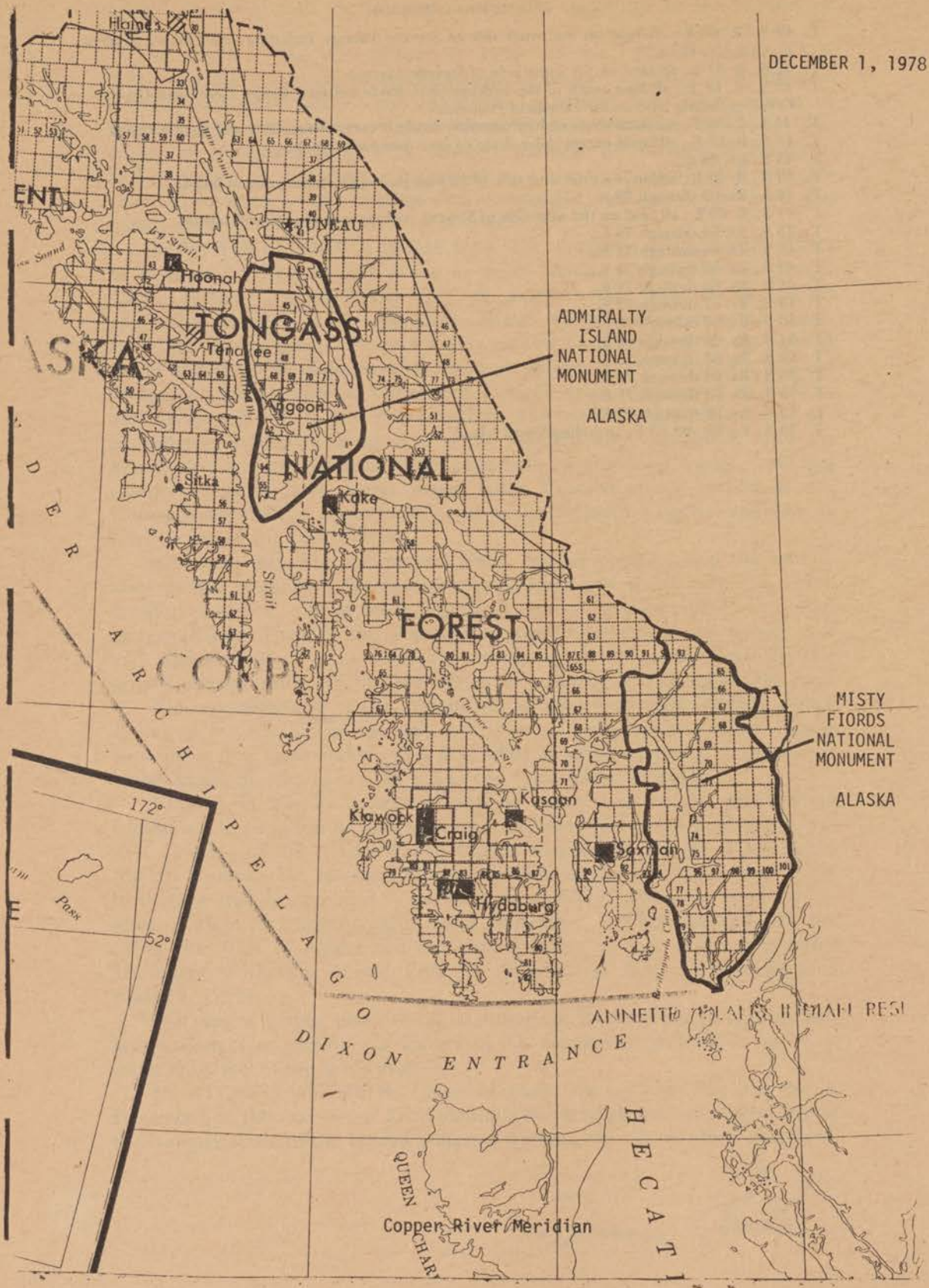


ADMIRALTY ISLAND NATIONAL MONUMENT

COPPER RIVER MERIDIAN

T. 42 S., R. 66 E., all land on the south side of Stevens Passage including small island adjacent to Admiralty Cove.
T. 42 S., R. 67 E., all land on the south side of Stevens passage.
T. 43 S., R. 65 E., all land south of the hydrographic divide between Fowler Creek and Greens Creek excluding land on the Mansfield Peninsula
T. 43 S., R. 66 E., all lands south of hydrographic divide between Young Bay and Greens Creek
T. 43 S., R. 67 E., all lands except those draining into Admiralty Creek
T. 43 S., Rs. 68 E.,
T. 43 S., R. 69 E., all lands on the west side of Stevens passage including Grand Island
T. 44 S., Rs. 65 through 68 E.,
T. 44 S., R. 69 E., all land on the west side of Stevens passage including Grand Island
T. 45 S., Rs. 66 through 70 E.,
T. 46 S., Rs. 66 through 71 E.,
T. 47 S., Rs. 66 through 71 E.,
T. 48 S., Rs. 66 through 71 E.,
T. 49 S., Rs. 67 through 72 E.,
T. 50 S., Rs. 67 through 72 E.,
T. 51 S., Rs. 67 through 72 E.,
T. 52 S., Rs. 68 through 72 E.,
T. 53 S., Rs. 68 through 73 E.,
T. 54 S., Rs. 68 through 71 E.,
T. 55 S., Rs. 68 through 70 E.,
T. 56 S., Rs. 68 and 69 E., including Yasha Island.

[3195-01-C]



[FR Doc. 78-33986 Filed 12-1-78; 2:53 pm]

[3195-01-M]

Proclamation 4612 • **December 1, 1978**

Aniakchak National Monument

By the President of the United States of America

A Proclamation

The Aniakchak Caldera is located in the heart of the Alaska Peninsula. It is so unexpected a feature that it remained unknown to all but the Natives of the region until about 1920. With its average diameter of approximately six miles, Aniakchak is one of the world's largest calderas.

In the interior of the caldera are textbook examples of certain volcanic features such as lava flows, cinder cones, and explosion pits. Also lying within the caldera is Surprise Lake which is fed by warm springs and is uniquely charged with chemicals. Surprise Lake is the source of the Aniakchak River, which cascades through a 1,500 foot gash in the caldera wall and downward for 27 miles to the Pacific Ocean.

The flanks of the caldera provide a geological and biological continuum by which to make a comparative study of the formation of the caldera and the significant process of biological succession of both plant and animal species occurring in the vicinity of the caldera, an area that was rendered virtually devoid of life forms by a major eruption of the volcano in 1931.

The caldera is also climatologically unique in that, because of its topography and setting, it appears to be able to generate its own weather. A striking phenomenon known as cloud "niagaras" occurs frequently as strong downdrafts form over the caldera walls.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological, climatological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Aniakchak National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Aniakchak National Monument on the map numbered ANIA-90,006 attached to and forming a part of this Proclamation. The area reserved consists of approximately 350,000 acres,

and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, rights confirmed in Section 15 of the Act of January 2, 1976 (89 Stat. 1145), and valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

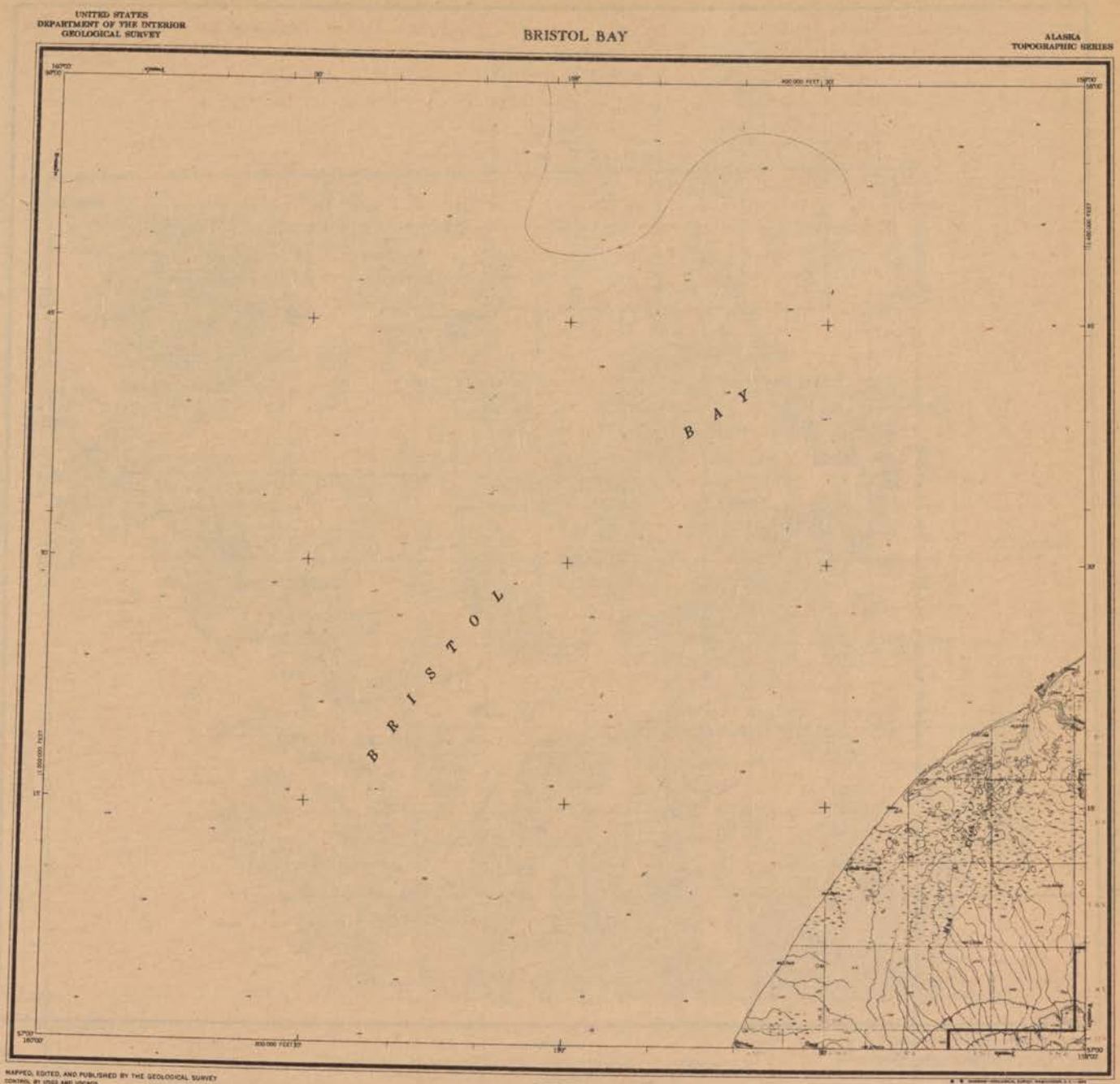
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

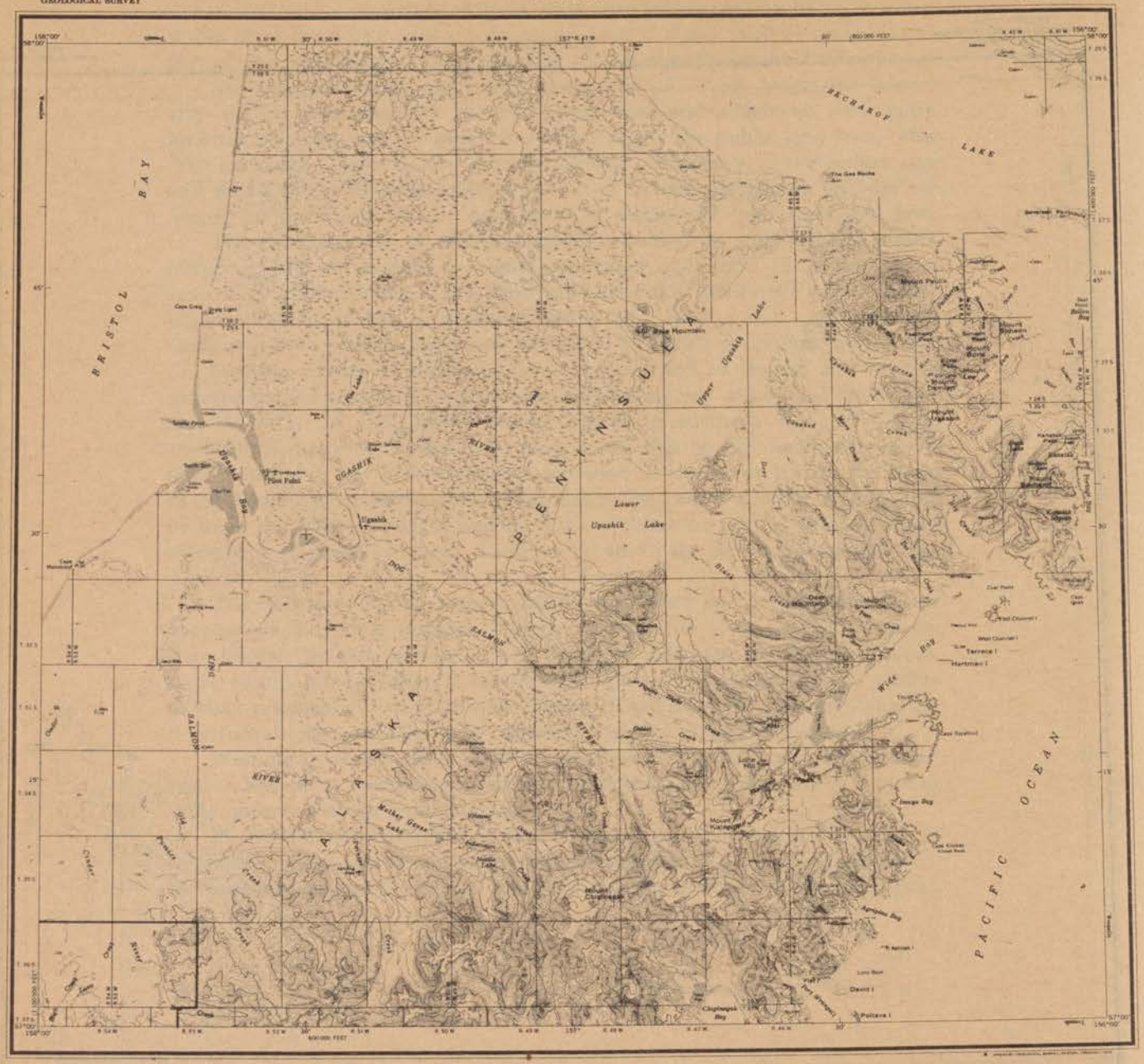
[3195-01-C]


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BRISTOL BAY
ALASKA
TOPOGRAPHIC SERIES
B A Y
B R I S T O L
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
CONTROL BY USGS AND USC&GS
COMPILED IN 1966 FROM U.S. GEOLOGICAL SURVEY 1:63 360 SCALE MAPS, SURVEYED IN 1963. MAP NOT FIELD CHECKED
SELECTED HYDROGRAPHIC DATA COMPILED FROM USC&GS CHART 9800 (1966). THIS INFORMATION IS NOT INTENDED FOR NAVIGATIONAL PURPOSES
UNIVERSAL TRANSVERSE MERCATOR PROJECTION. 1927 NORTH AMERICAN DATUM 10,000-FOOT GRID BASED ON ALASKA COORDINATE SYSTEM, ZONE 4
10,000-METER UNIVERSAL TRANSVERSE MERCATOR GRID TICKS, ZONE 4, SHOWN IN BLUE
LAND LINES REPRESENT UNSURVEYED AND UNMARKED LOCATIONS PREDETERMINED BY THE BUREAU OF LAND MANAGEMENT
FOLIOS 5-21 AND 5-26, SEWARD MERIDIAN
SWAMPS, AS PORTRAYED, INDICATE ONLY THE WETTER AREAS, USUALLY OF LOW RELIEF, AS INTERPRETED FROM AERIAL PHOTOGRAPHS
LAKE ELEVATIONS ARE UNCHECKED
ANIAKCHAK NATIONAL MONUMENT
ANIA-90,006 November 1978
(Sheet 1 of 4)
SCALE 1:250000
CONTOUR INTERVAL 100 FEET
DOTTED LINES REPRESENT 50 FOOT CONTOURS
DATUM IS MEAN SEA LEVEL
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
LINES MAGNETIC DECLINATION AT SOUTH EDGE OF SHEET VARIES FROM 19° TO 20° EAST
THIS MAP IS AVAILABLE IN BOTH SHADED RELIEF AND CONTOUR EDITIONS
FOR SALE BY U.S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA, 99701, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS FREE ON REQUEST
LOCATION INDEX
ROAD CLASSIFICATION
NO ROADS OR TRAILS IN THIS AREA
BRISTOL BAY, ALASKA
1963

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

UGASHIK

ALASKA
TOPOGRAPHIC SERIES



MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY

CONTROL BY USGS, USC&GS, AND USCE

COMPILED IN 1967 FROM U. S. GEOLOGICAL SURVEY 1:63 360 SERIES MAPS, DATED 1951-1962, AND FROM ARMY MAP SERVICE 1:50 000 SERIES MAPS, DATED 1951-1953
MAP NOT FIELD CHECKED

SELECTED HYDROGRAPHIC DATA COMPILED FROM USC&GS CHARTS 8560 (1:80 000), 9802 (1:80 000), 9803 (1:80 000), AND 9302 (1:80 000)
THIS INFORMATION IS NOT INTENDED FOR NAVIGATIONAL PURPOSES

UNIVERSAL TRANSVERSE MERCATOR PROJECTION, 1927 NORTH AMERICAN DATUM
10 000-FOOT GRID BASED ON ALASKA COORDINATE SYSTEM, ZONE 6
25 000-METRE UNIVERSAL TRANSVERSE MERCATOR GRID TICKS, ZONE 6, SHOWN IN BLUE

GRAY LAND LINES REPRESENT UNSURVEYED AND UNMARKED LOCATIONS PREDETERMINED BY THE BUREAU OF LAND MANAGEMENT
TOWNSHIPS 5-21, 5-30, 6-25, AND 7-26, SEWARD MERIDIAN

SWAMPS, AS PORTRAYED, INDICATE ONLY THE WETTER AREAS
USUALLY OF LOW RELIEF, AS INTERPRETED FROM AERIAL PHOTOGRAPHS

LAKE EXTENTIONS ARE UNCHECKED

ANIAKCHAK NATIONAL MONUMENT
ANIA-90,006 November 1978
(Sheet 2 of 4)

SCALE 1:250000

CONTOUR INTERVAL 200 FEET
DOTTED LINES REPRESENT 100-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
1963 MAGNETIC DECLINATION AT SOUTH EDGE OF SHEET VARIES FROM 20° TO 21° EAST
THIS MAP IS AVAILABLE IN BOTH SHADED RELIEF AND CONTOUR EDITIONS

FOR SALE BY U. S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

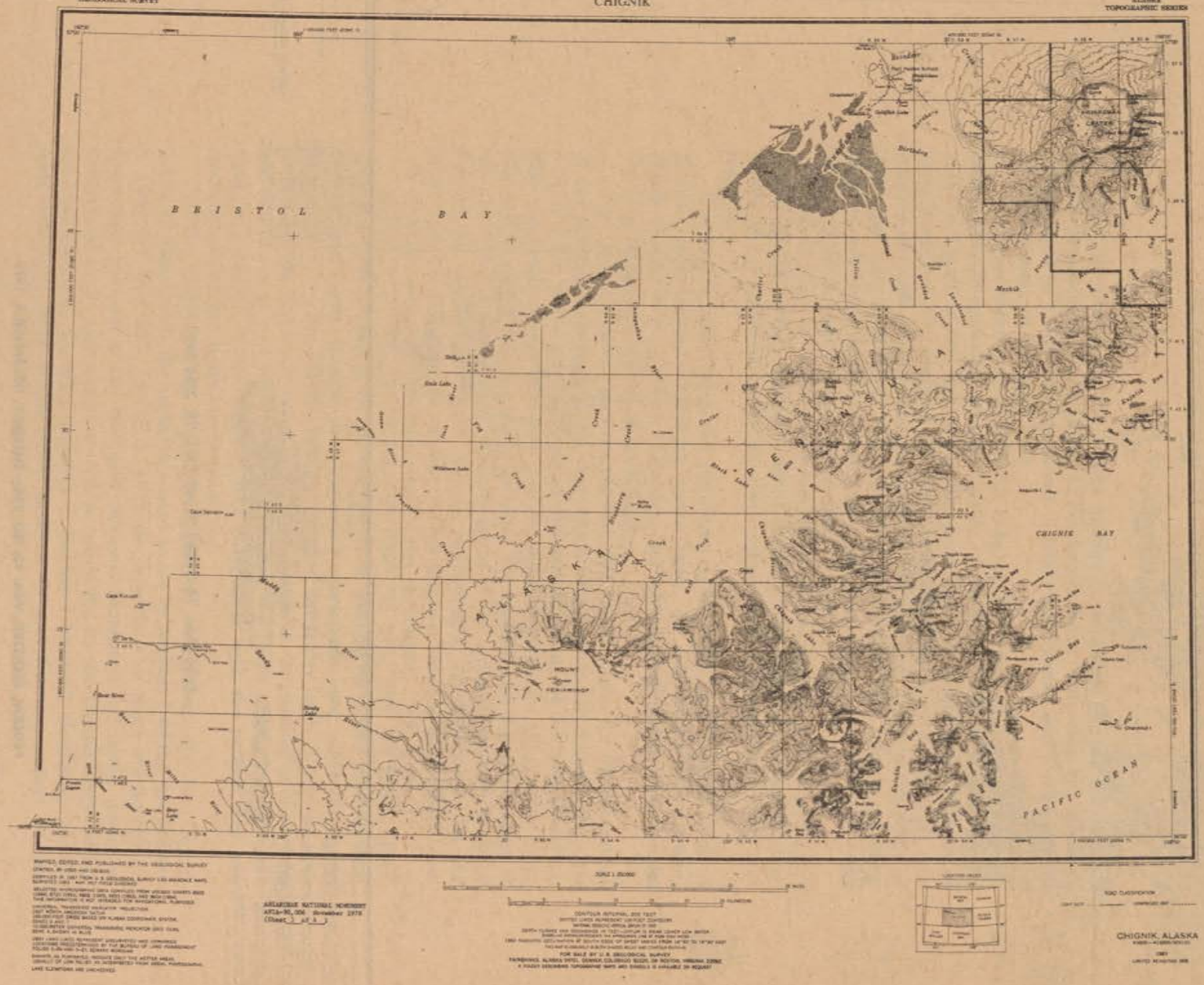
LOCATION INDEX

ROAD CLASSIFICATION

TRAILS

UGASHIK, ALASKA

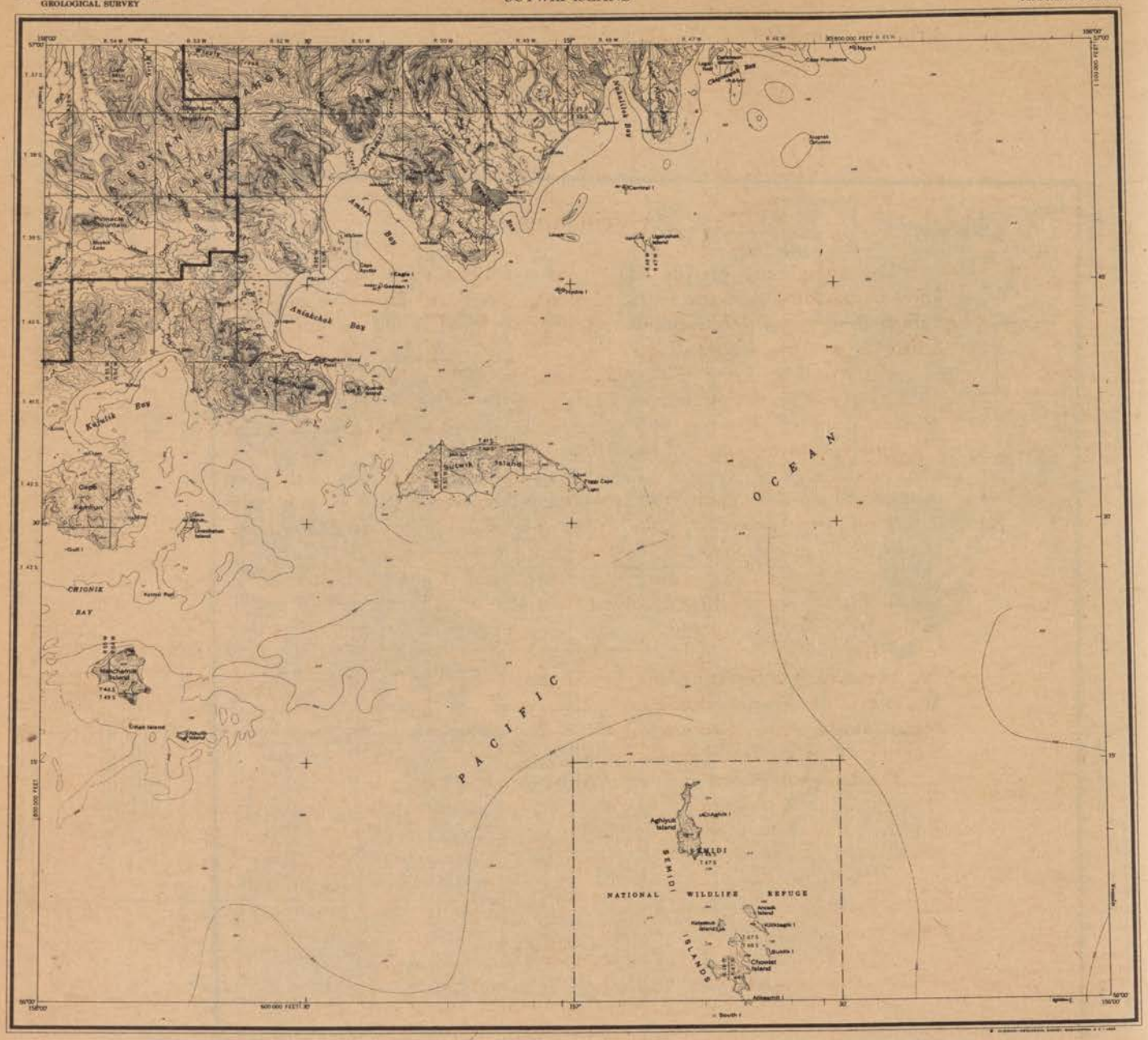
1963


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CHIGNIK
ALASKA
TOPOGRAPHIC SERIES
BRISTOL
BAY
CHIGNIK BAY
PACIFIC OCEAN
CHIGNIK, ALASKA

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SUTWIK ISLAND

ALASKA
TOPOGRAPHIC SERIES



MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY

CONTROL BY USGS AND USC&GS

COMPILED IN 1966 FROM U. S. GEOLOGICAL SURVEY 1:63 360 SCALE MAPS, SURVEYED 1963; ARMY MAP SERVICE 1:50 000-SCALE MAP, SURVEYED 1944; AND U. S. COAST AND GEODETIC 1:20 000-SCALE TOPOGRAPHIC MANUSCRIPTS, SURVEYED 1944. MAP NOT FIELD CHECKED.

SOUNDINGS FROM USC&GS CHARTS 8502 (1966), 8510 (1952), 8502 (1966), 8851 (1963), AND 8868 (1963). THIS INFORMATION IS NOT INTENDED FOR NAVIGATIONAL PURPOSES.

UNIVERSAL TRANSVERSE MERCATOR PROJECTION. 1927 NORTH AMERICAN DATUM 100,000-FOOT GRID BASED ON ALASKA COORDINATE SYSTEM, ZONE 6 (1,000-METER UNIVERSAL TRANSVERSE MERCATOR GRID TICKS, ZONE 4, SHOWN IN BLUE.

GRAY LINES REPRESENT UNSURVEYED AND UNMARKED LOCATIONS PREDETERMINED BY THE BUREAU OF LAND MANAGEMENT FOLIOS 5-25 AND 5-26, SEWARD MERIDIAN.

SWAMPS, AS PORTRAYED, INDICATE ONLY THAT WETTER AREAS, USUALLY OF LOW RELIEF, AS INTERPRETED FROM AERIAL PHOTOGRAPHS.

NO RELIEF INFORMATION AVAILABLE FOR USC&GS CHART ISLAND.

SCALE 1:250 000

CONTOUR INTERVAL 200 FEET
DOTTED LINES REPRESENT 100-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOWER LOW WATER
SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF MEAN HIGH WATER
1963 MAGNETIC DECLINATION AT SOUTH EDGE OF SHEET VARIES FROM 19°30' TO 20°30' EAST
THIS MAP IS AVAILABLE IN BOTH SHADED RELIEF AND CONTOUR EDITIONS

FOR SALE BY U. S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ANIAKCHAK NATIONAL MONUMENT
ANIA-90,006 November 1978
(Sheet 4 of 4)

LOCATION INDEX

ROAD CLASSIFICATION
NO ROADS OR TRAILS IN THIS AREA

SUTWIK ISLAND, ALASKA
1963

[FR Doc. 78-33987 Filed 12-1-78; 2:54 pm]

[3195-01-M]

Proclamation 4613 • **December 1, 1978**

Becharof National Monument

By the President of the United States of America

A Proclamation

This monument on the Alaska Peninsula supports one of the densest known populations of the great Alaska brown bear. This area encompasses habitat used by a discrete population of bears for denning and foraging, both north and south of Becharof Lake.

At the southern end of Becharof Lake, several hundred bears concentrate during salmon spawning season. Certain of the bears make their dens in the area on islands a few feet above the water level, a unique phenomenon of great interest in the study of this great carnivore. Deeply worn bear trails also indicate decades of extensive use, making this area important to the study of the bears' long term habits and population fluctuation. Rich salmon spawning habitats and the presence of such prey species as caribou and moose are key factors in the intensive use of the area by the bears.

The biology of the brown bears, their habitat and associated plant and animal species within the monument, together with other ecological features of the area, combine to offer excellent opportunities for scientific study and research.

The area is interesting and significant geologically, as it contains one of Alaska's most recent volcanically active areas, the Gas Rocks under Mount Peulik. Studies here of recent volcanism may contribute to the growing understanding of this powerful geological force.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Becharof National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as Becharof National Monument on the map numbered FWS-81-00-0414 attached to and forming a part of this

Proclamation. The area reserved consists of approximately 1,200,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any public land order effecting a withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

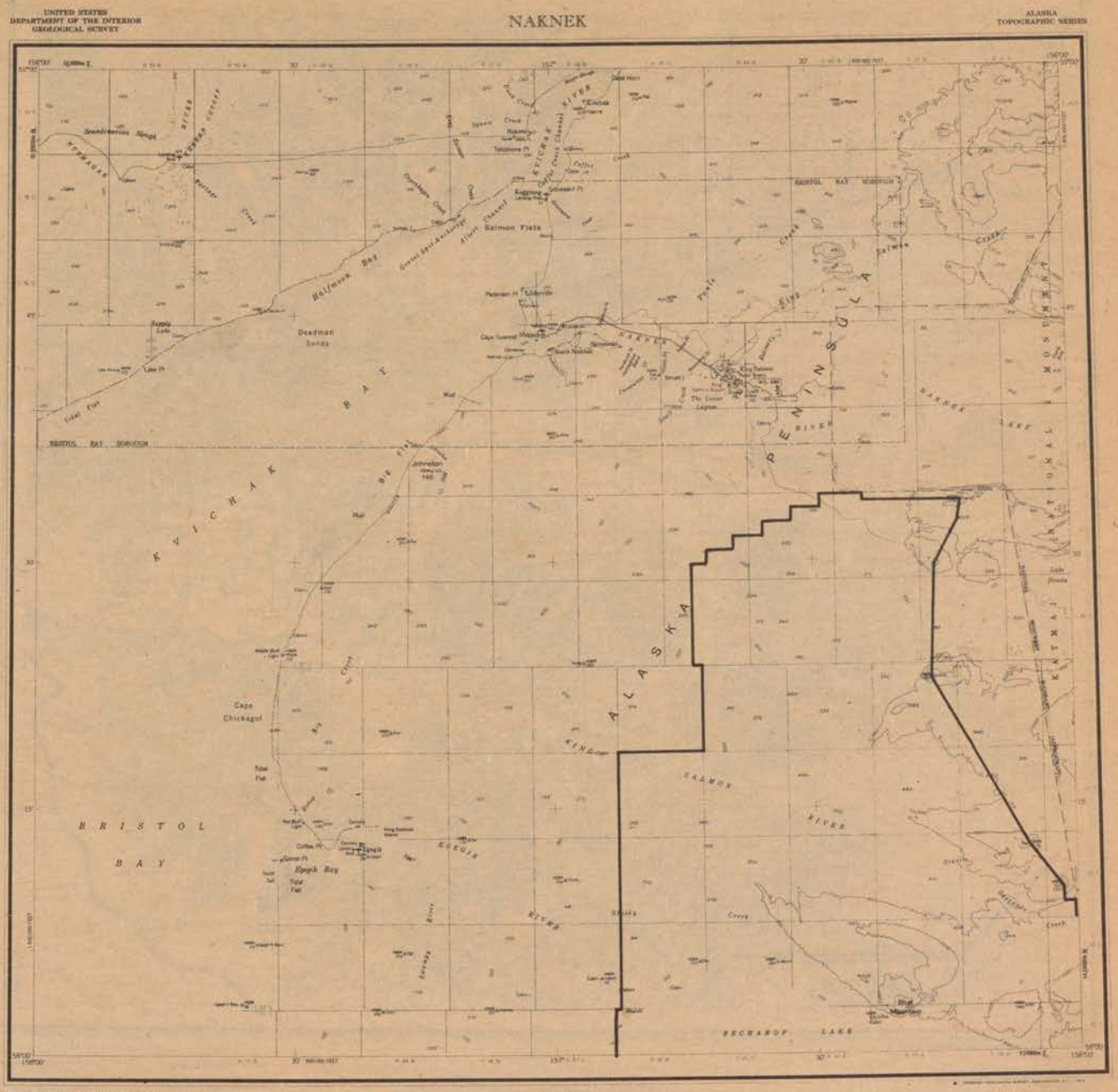
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of sport hunting, and of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population or to sport hunting of a particular fish or wildlife population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

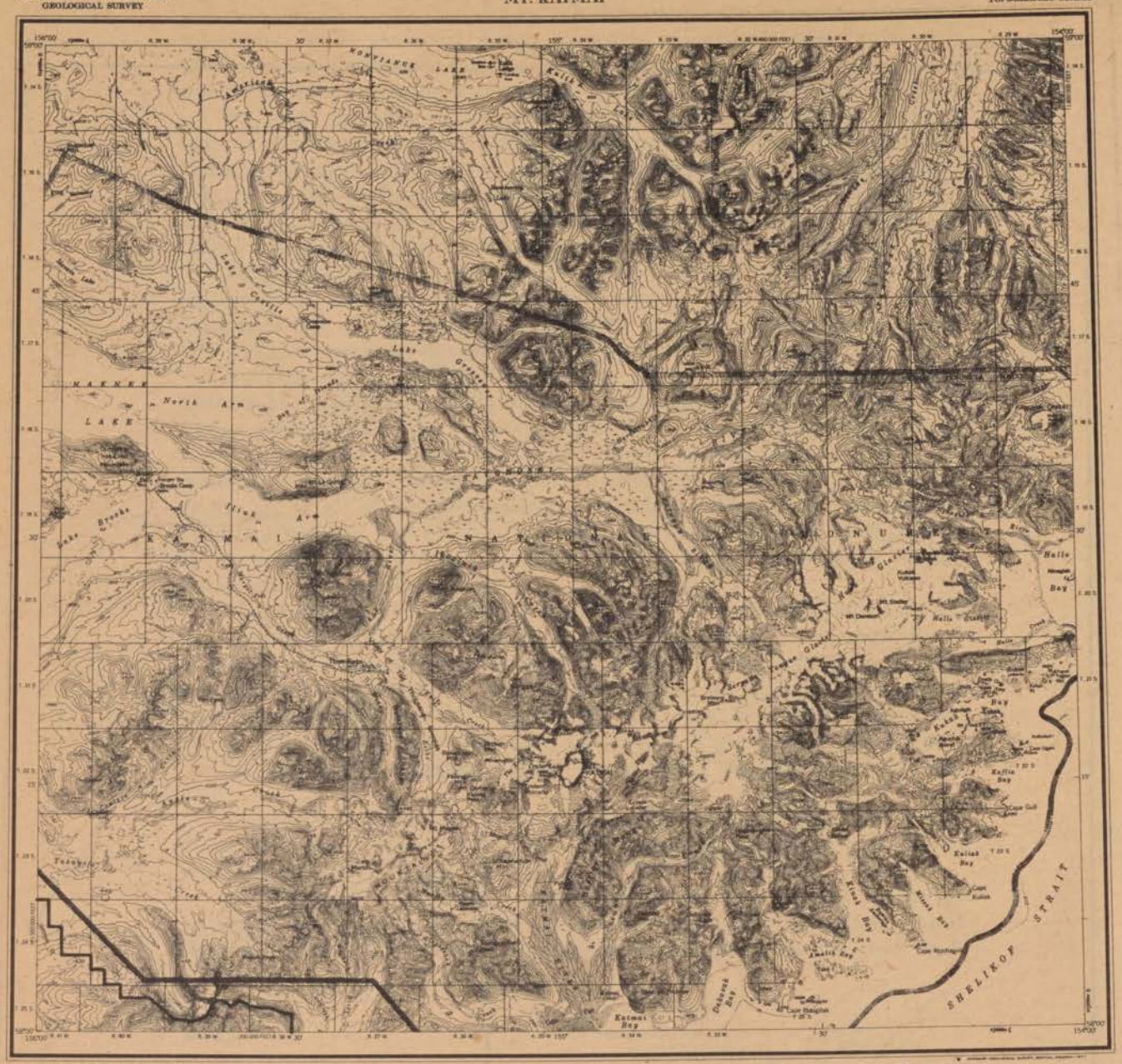
[3195-01-C]


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
NAKNEK
ALASKA
TOPOGRAPHIC SERIES
KVICHAK BAY
ALASKA PENINSULA
BRISTOL BAY
BECHAROF LAKE
Deadman Sands
Cape Chicksgol
Johnston
Naknek
Salmon Flats
Kvichak River
Naknek River
Alagnak River
King Salmon
Blue Mountain
Becharof Lake
Bristol Bay Borough
Katmai National Monument
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
SCALE 1:250 000
CONTOUR INTERVAL 100 FEET
ROAD CLASSIFICATION
BECHAROF NATIONAL MONUMENT
PMS-81-00-0614 November 1978
(Sheet 1 of 4)
FOR SALE BY U. S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242
NAKNEK, ALASKA
1952

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

MT. KATMAI

ALASKA
TOPOGRAPHIC SERIES



MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY

SCALE 1:250,000

CONTOUR INTERVAL 200 FEET

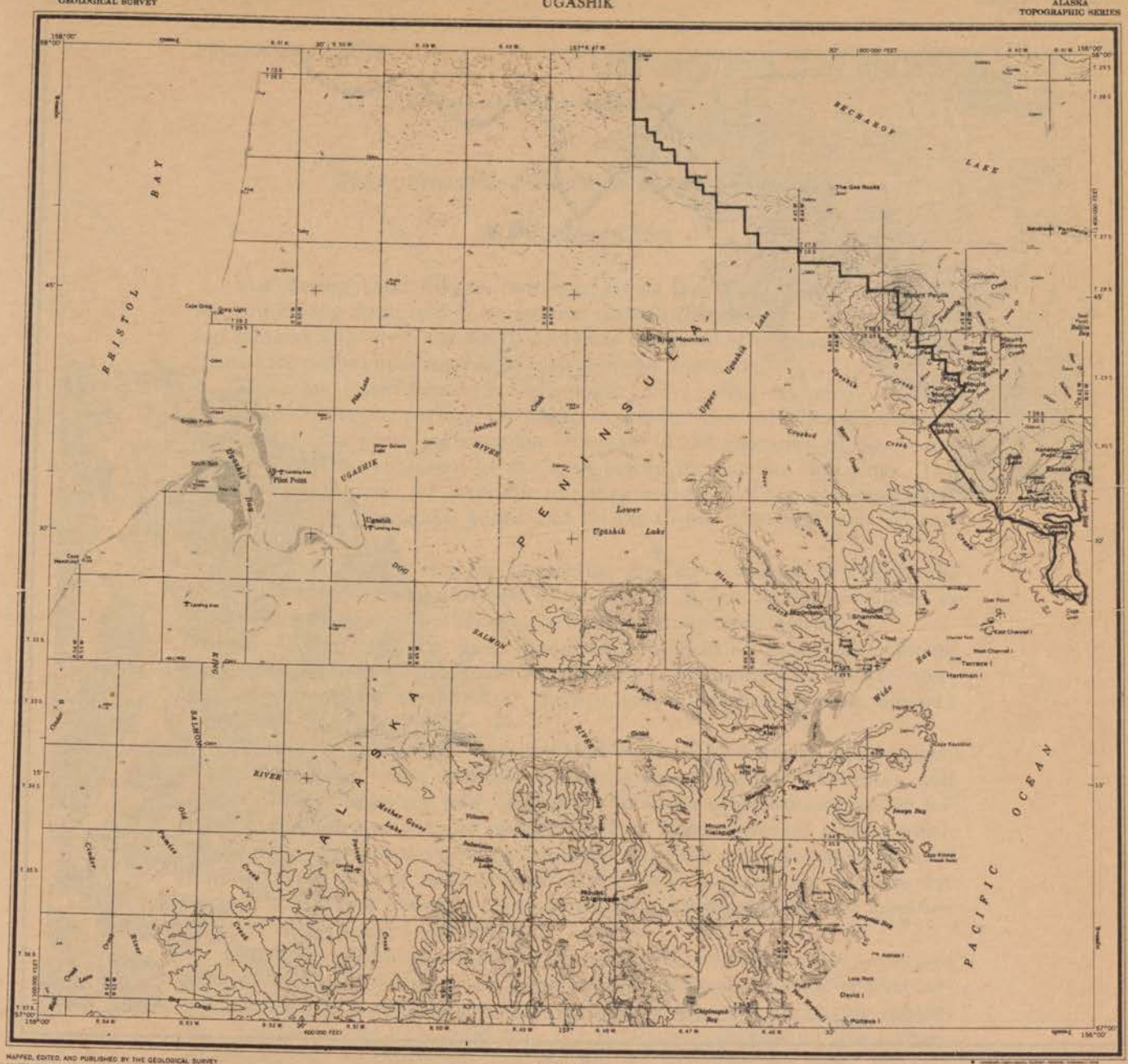
ROAD CLASSIFICATION

MT. KATMAI, ALASKA

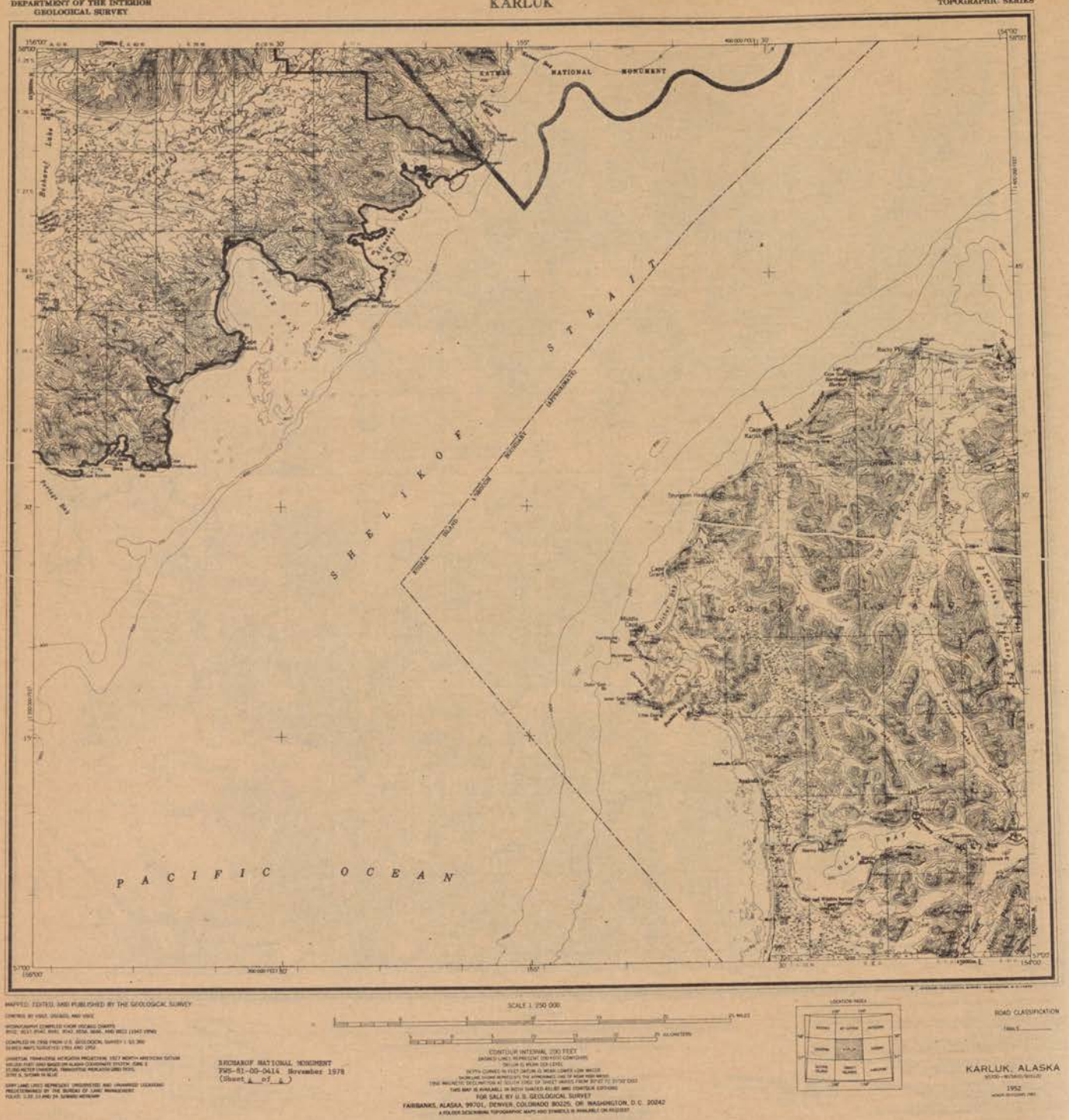
1951

KATMAI NATIONAL MONUMENT
FWS-81-06-0414 November 1978
(Sheet 2 of 4)

FOR SALE BY U.S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092



RECHARGF NATIONAL MONUMENT
FMS-81-00-0414 November 1978
(Sheet 3 of 4)



[FR Doc. 78-33988 Filed 12-1-78; 2:55 pm]

[3195-01-M]

Proclamation 4614 • **December 1, 1978**

Bering Land Bridge National Monument

By the President of the United States of America

A Proclamation

The Bering Land Bridge, now overlain by the Chukchi Sea, the Bering Sea and Bering Strait, was the migration route by which many plants, animals, and humans arrived on the North American continent. The monument hereby created has within it an invaluable record of this migration.

There are found here rich archeological sites giving evidence of human migration during the periods the Bridge was water-free. Also found are paleontological sites providing abundant evidence of the migration of plants and animals onto the continent in the ages before the human migrations. The arctic conditions here are favorable to the preservation of this paleontological record from minute pollen grains and insects to the large mammals such as the mammoth.

The monument is also the summering area for a number of Old World bird species, which feed and nest in the area. It is one of the few places in North America where ornithologists are able to study these species.

The diversity of the soils, topography, permafrost action and climate within the monument leads to an excellent representation of varied, yet interrelated tundra plant communities. Their proximity and diversity make the area a prime outdoor laboratory.

The area is also rich in volcanics. Here is the opportunity to study unique Arctic lava flows which erupted through deep permafrost. The tubes and cracks of these flows are now filled with the sheen of permanent ice. In the Devil Mountain area are the uniquely paired maar explosion craters which were formed by violent explosions resulting from the steam pressure released when the hot volcanic ejecta contacted the water and ice that covered this wetland area. These craters are now crystal clear lakes bounded by a shoreline of volcanic ash, cinders and scoria.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, paleontological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Bering Land Bridge National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Bering Land Bridge National Monument on the map numbered BELA-90,006 attached to and forming a part of this Proclamation. The area reserved consists of approximately 2,590,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

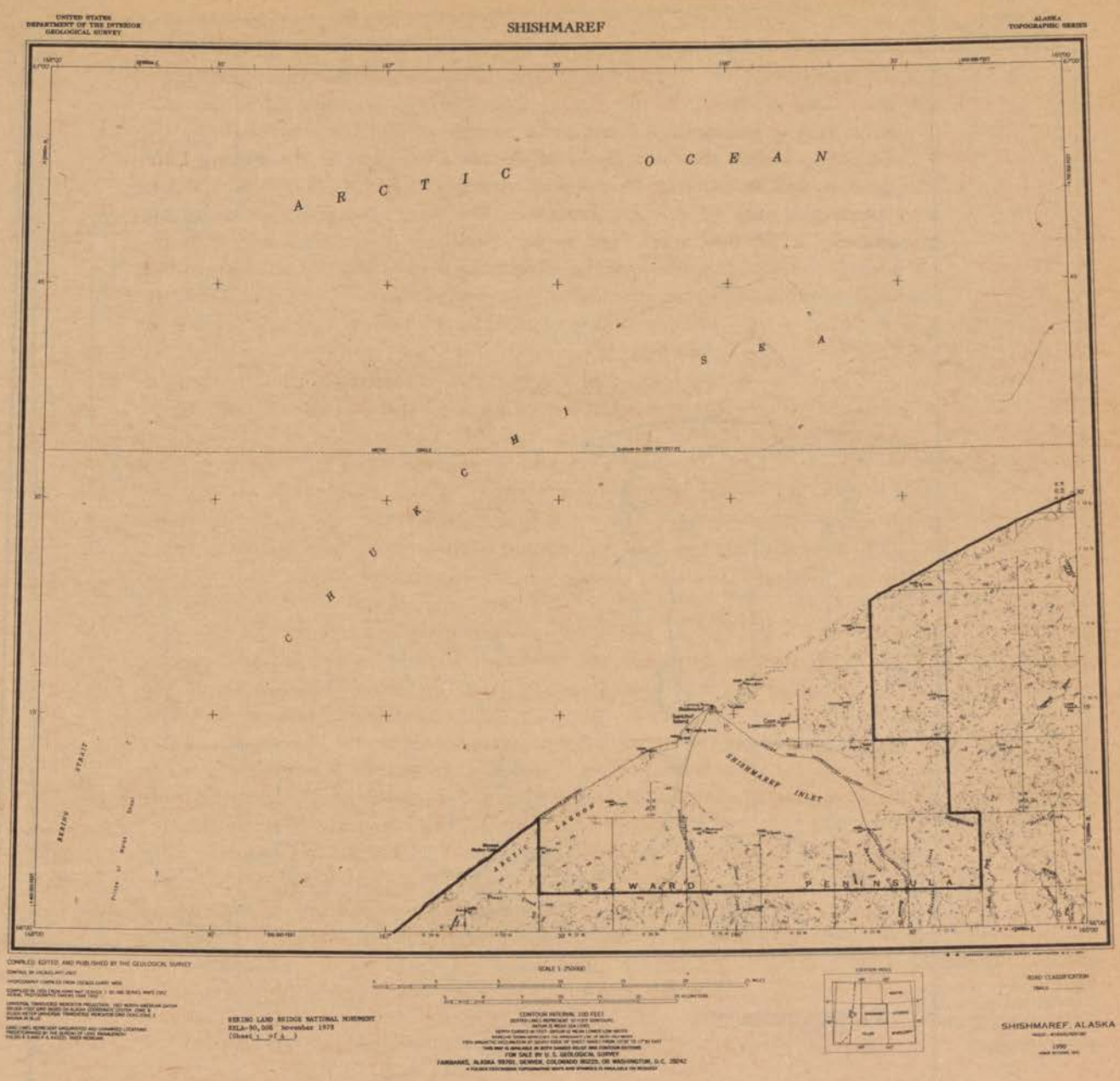
Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

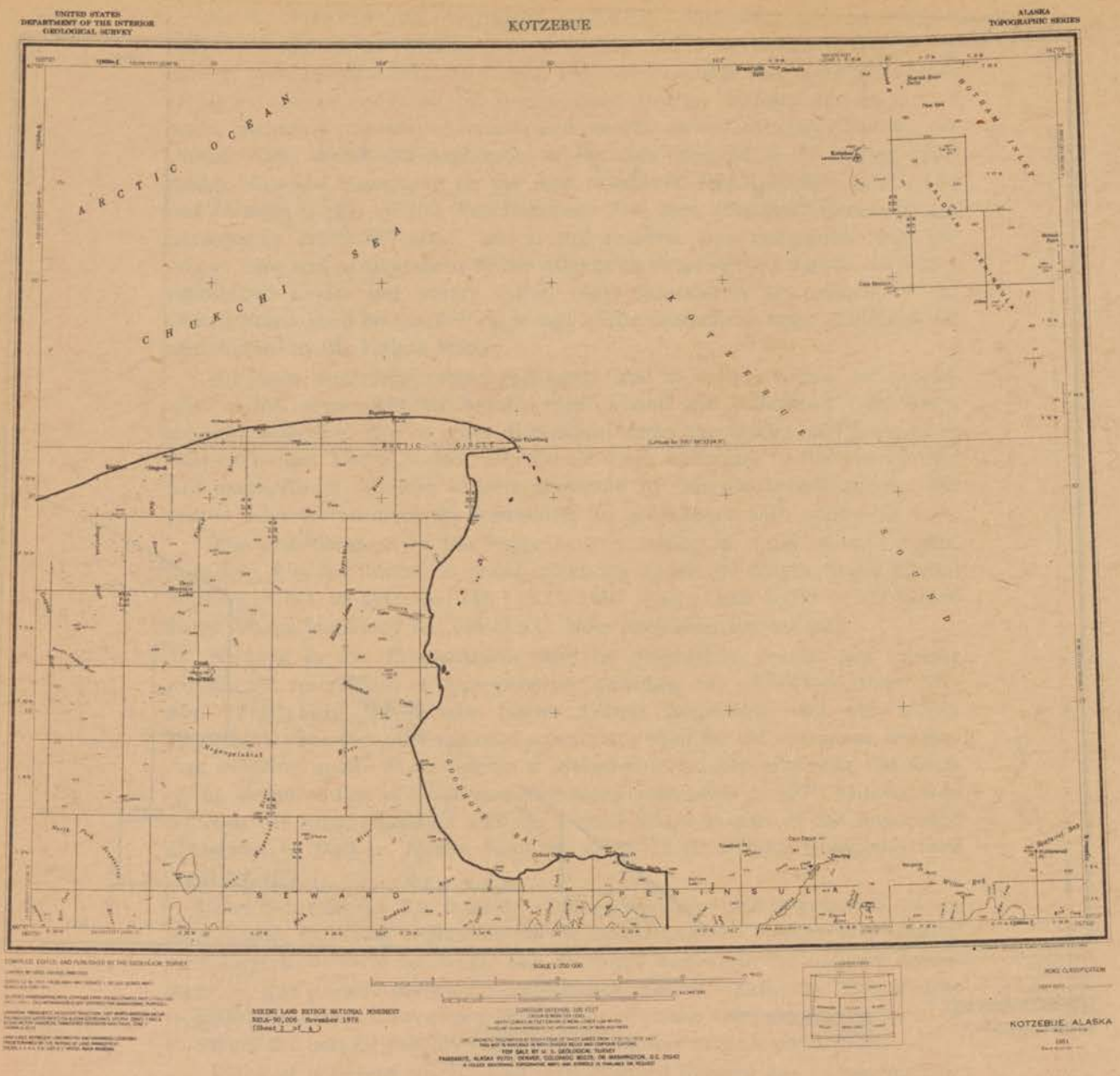
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

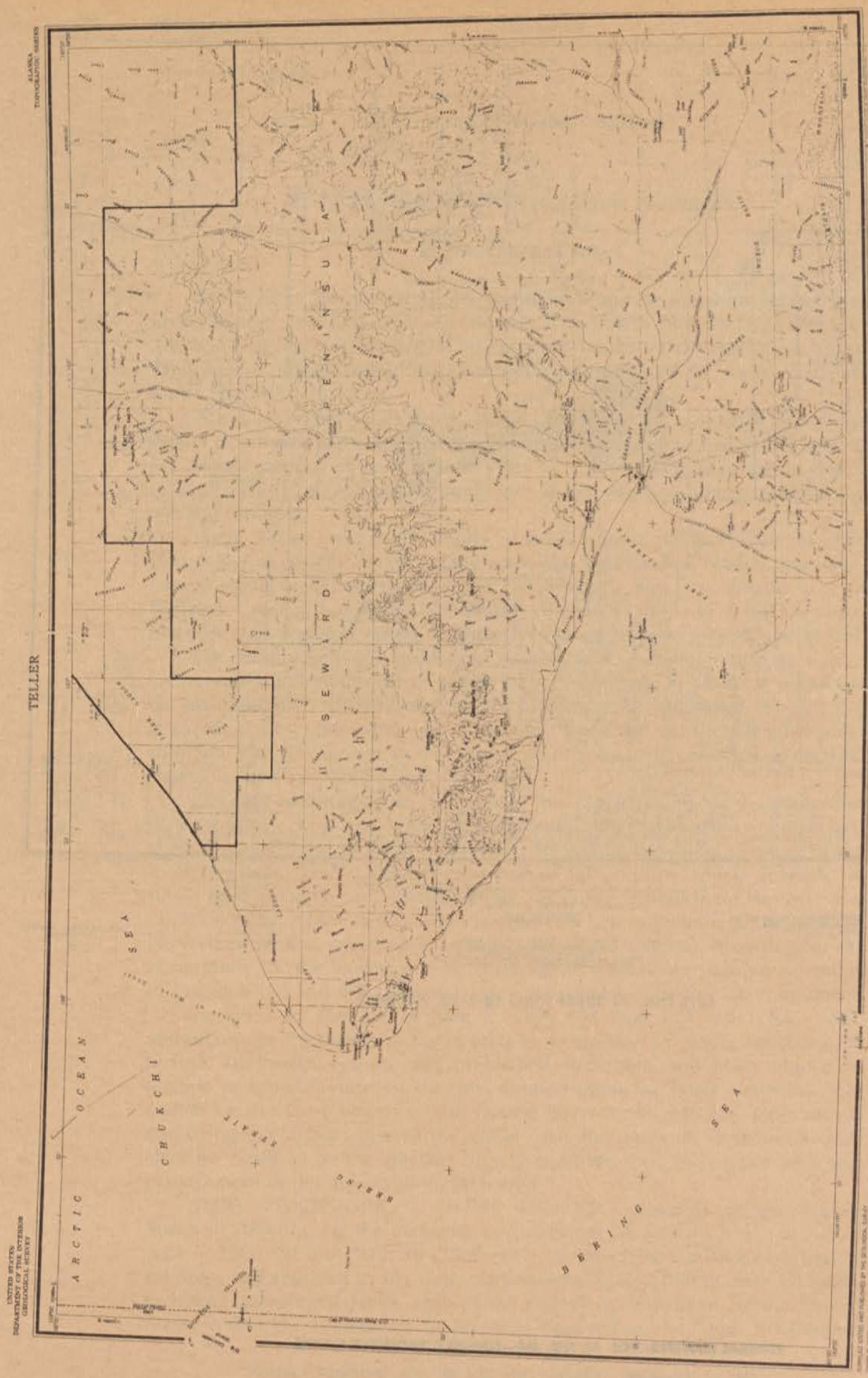
IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

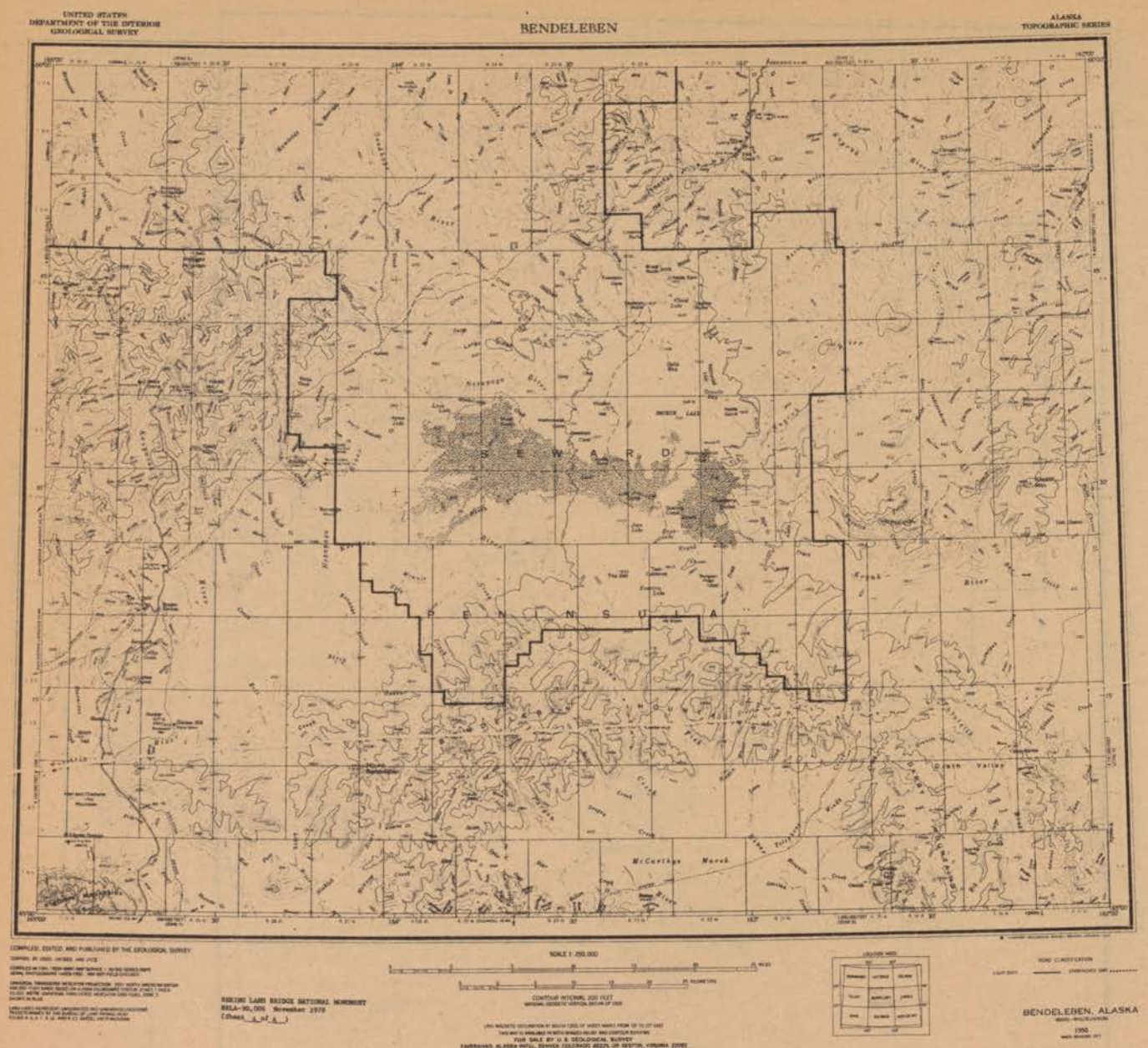
Jimmy Carter


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
SHISHMAREF
ALASKA
TOPOGRAPHIC SERIES
ARCTIC OCEAN
CHUKCHI SEA
SHISHMAREF INLET
ARCTIC LAGOON
SEWARD PENINSULA
BERING STRAIT
SCALE 1:250000
BERING LAND BRIDGE NATIONAL MONUMENT
SHISHMAREF, ALASKA



FEDERAL REGISTER, VOL. 43, NO. 234—TUESDAY, DECEMBER 5, 1978


TELLER
SEWARD PENINSULA
ARCTIC OCEAN
CHUKCHI SEA
BERING SEA
KOTZEBUE SOUND
TELLER ALASKA



[FR Doc. 78-33989 Filed 12-1-78; 2:56 pm]

[3195-01-M]

Proclamation 4615 • **December 1, 1978**

Cape Krusenstern National Monument

By the President of the United States of America

A Proclamation

The area of northwest Alaska known as Cape Krusenstern contains an archeological record of great significance. The Cape's bluffs and its series of one hundred fourteen horizontal beach ridges hold an archeological record of every major cultural period associated with habitation of the Alaska coastline in the last 5000 years.

The unglaciated lands lying inland, including the Kakagrak Hills, the Rabbit Creek area and others, have an older archeological record dating back to pre-Eskimo periods of at least 8000 years ago. This continuum of evidence is of great historic and scientific importance in the study of human survival and cultural evolution.

There are in this area examples of other unique natural processes. The climatological conditions are conducive to the formation of Naleds, one spectacular example of which occurs in the area. In the same inland area at Kilikmak Creek is found the only known Alaskan example of a still recognizable Illinoisian glacial esker, a formation which is over 100,000 years old.

The unique geologic process of erosion and sediment transport in this area created and continues to create the beach ridges in which is preserved the archeological record of the beach civilizations. Also found in the area is a wide variety of plant and animal species, from the marine life along the shoreline and its lagoons to the inland populations such as musk-oxen, Dall sheep, caribou and many smaller species.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Cape Krusenstern National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Cape Krusenstern

National Monument on the map numbered CAKR-90,008 attached to and forming a part of this Proclamation. The area reserved consists of approximately 560,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

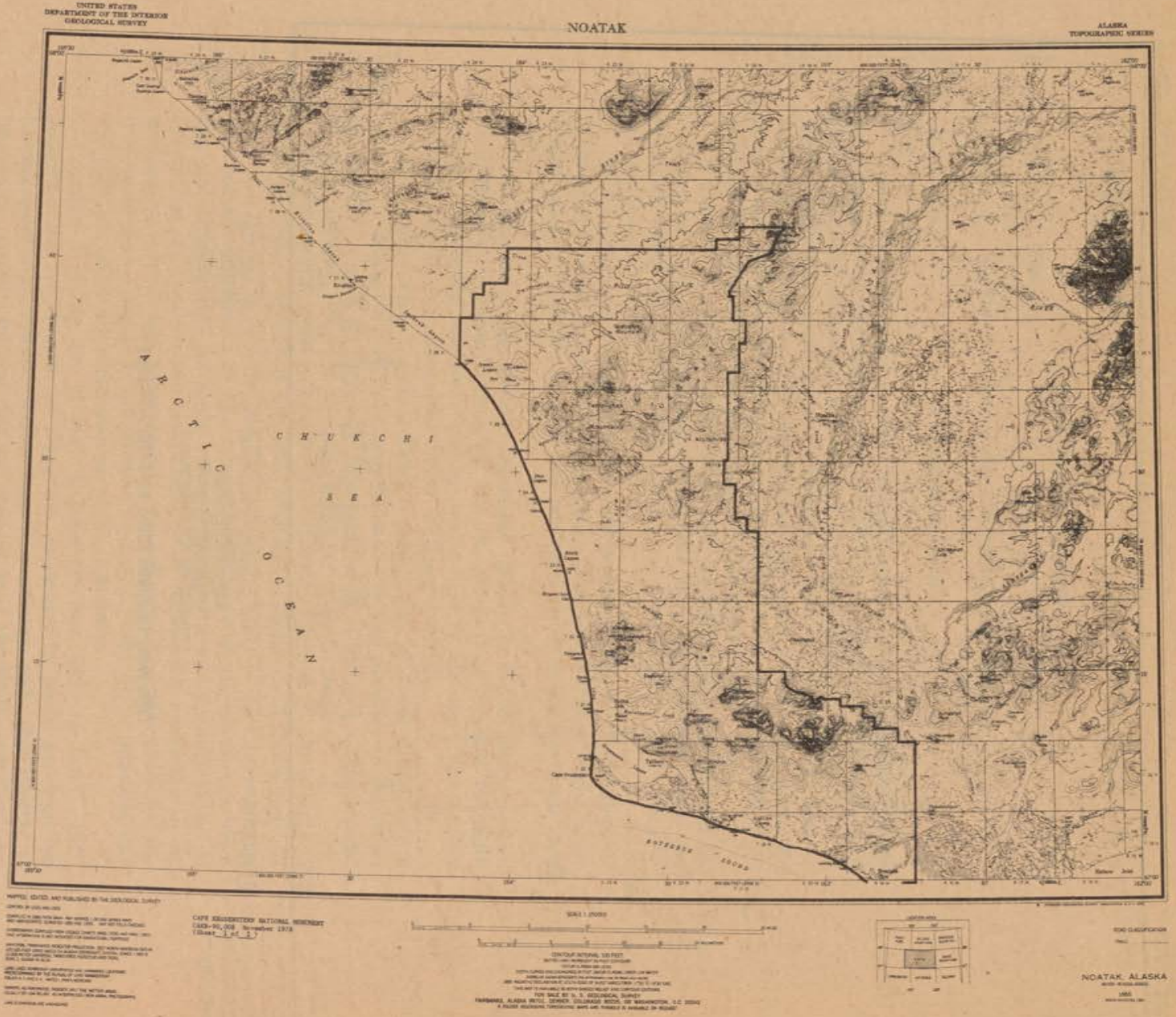
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

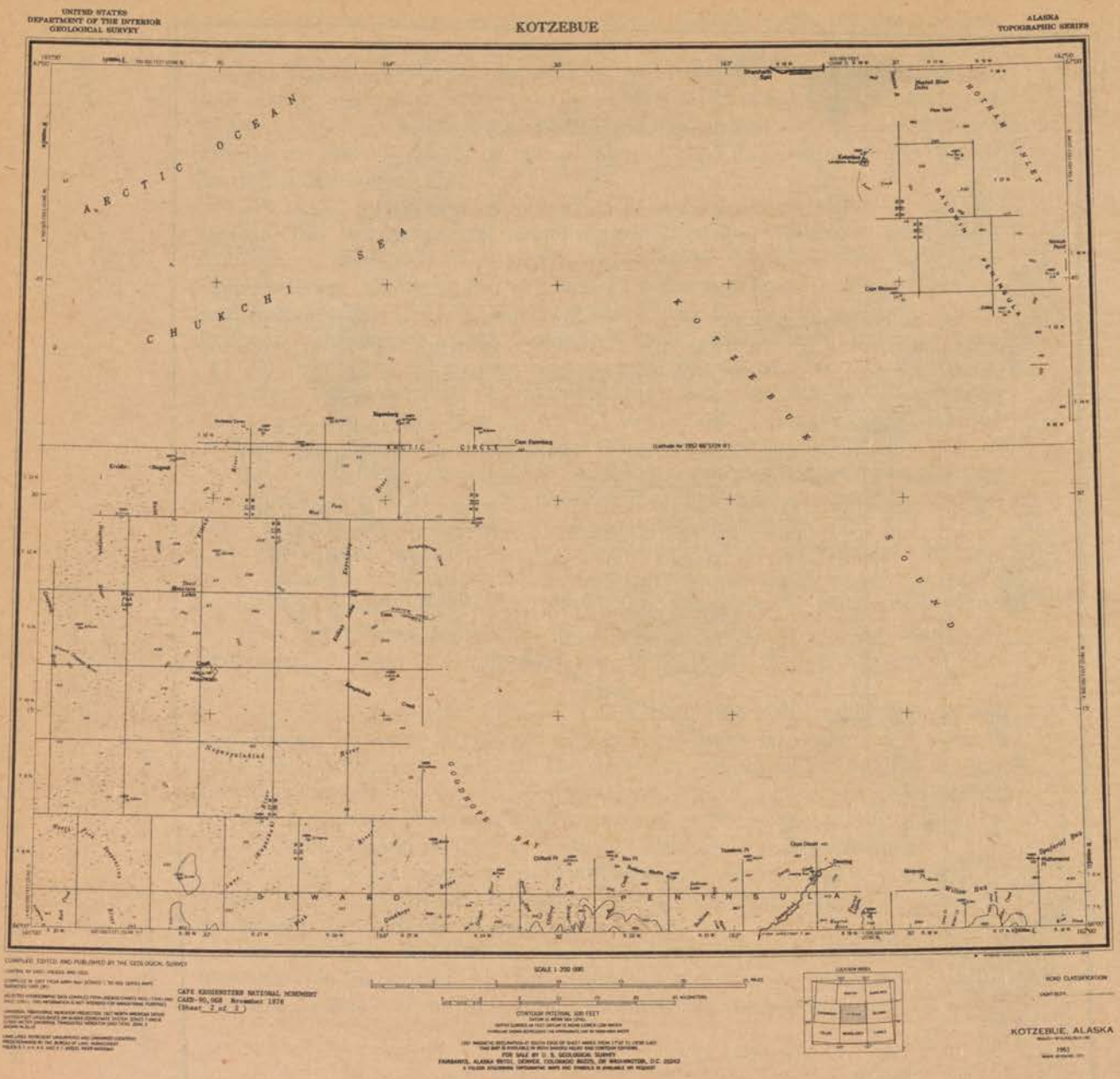
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[3195-01-C]


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
NOATAK
ALASKA
TOPOGRAPHIC SERIES
CHUKCHI
SEA
ARCTIC OCEAN
NOATAK, ALASKA



[FR Doc. 78-33990 Filed 12-1-78; 2:57 pm]

[3195-01-M]

Proclamation 4616 **December 1, 1978**

Denali National Monument

By the President of the United States of America

A Proclamation

In the creation of Mount McKinley National Park the southern half of the mountain's massif was inadvertently excluded from the Park. The creation of Denali National Monument will bring within the protection of the National Park System the entirety of this, the highest peak on the North American continent. This face markedly differs from the north side for it has a more gradual rise and a significant system of glaciers. It is also the approach route used historically by those seeking to scale Mount McKinley.

Certain of the glaciers on the south face are among the largest in Alaska, reaching up to 45 miles in length. Yet, only the very uppermost parts are presently within the National Park. Their protection is enhanced by the creation of this monument.

In the southwest area of the monument hereby created are the geologically unique Cathedral Spires. From this granitic pluton mass radiate eight major glacial troughs exhibiting cirques and headwalls rising 5,000 feet from their bases.

The monument also protects significant habitat for the McKinley caribou herd which has provided a basis for scientific study since the early twentieth century. Associated with the herd in this ecosystem are other scientifically important mammals such as grizzly bear, wolf and wolverine.

The Toklat River region includes a unique area of warm springs which attracts an unusual late run of Chum salmon. This run provides an important late fall food source for the grizzly bear population of the area which, because of its accessibility, has been the subject of many scientific studies.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Denali National Monument all lands, including

submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Denali National Monument on the map numbered DENA-90,007 attached to and forming a part of this Proclamation. The area reserved consists of approximately 3,890,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquistion of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

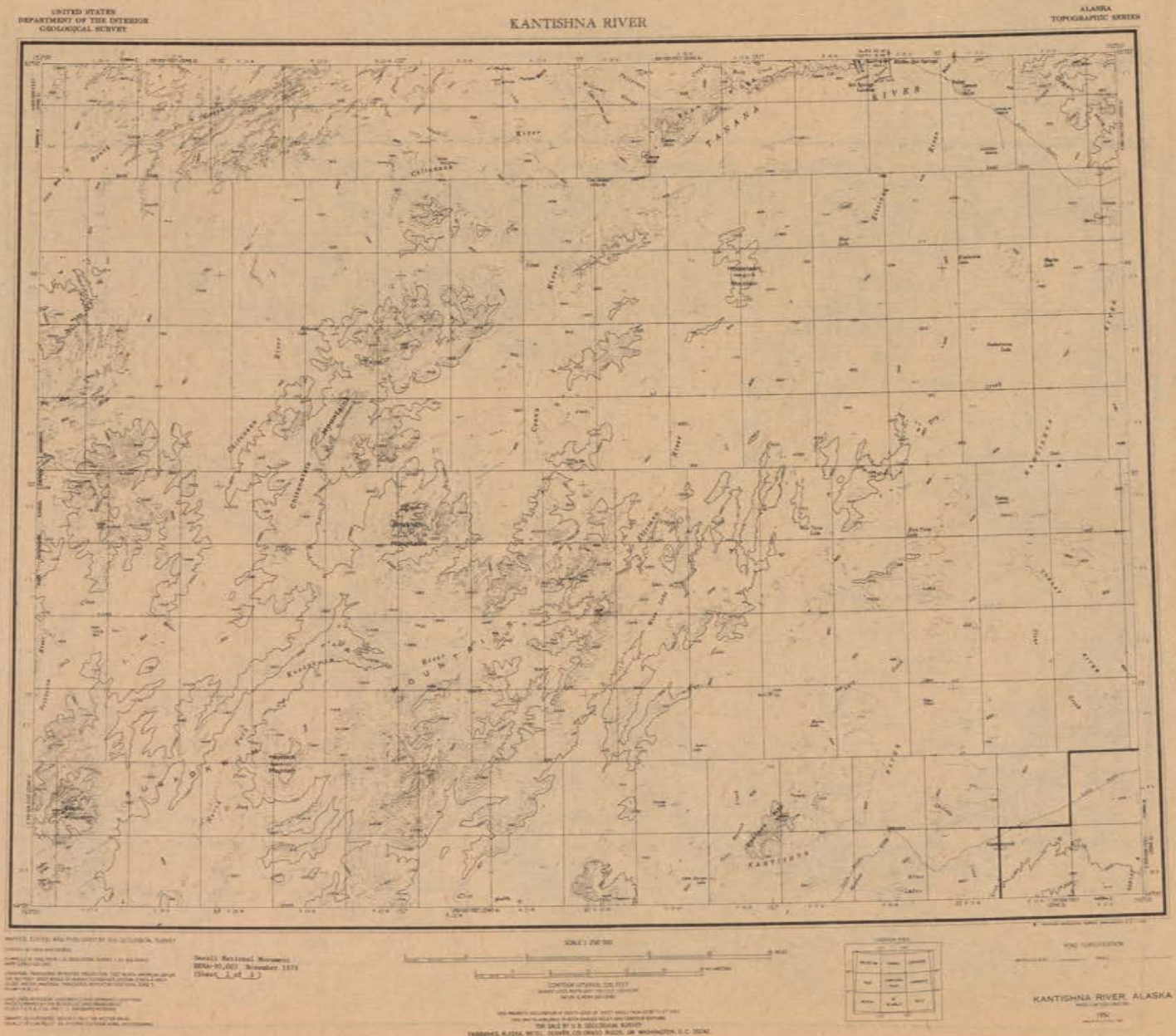
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

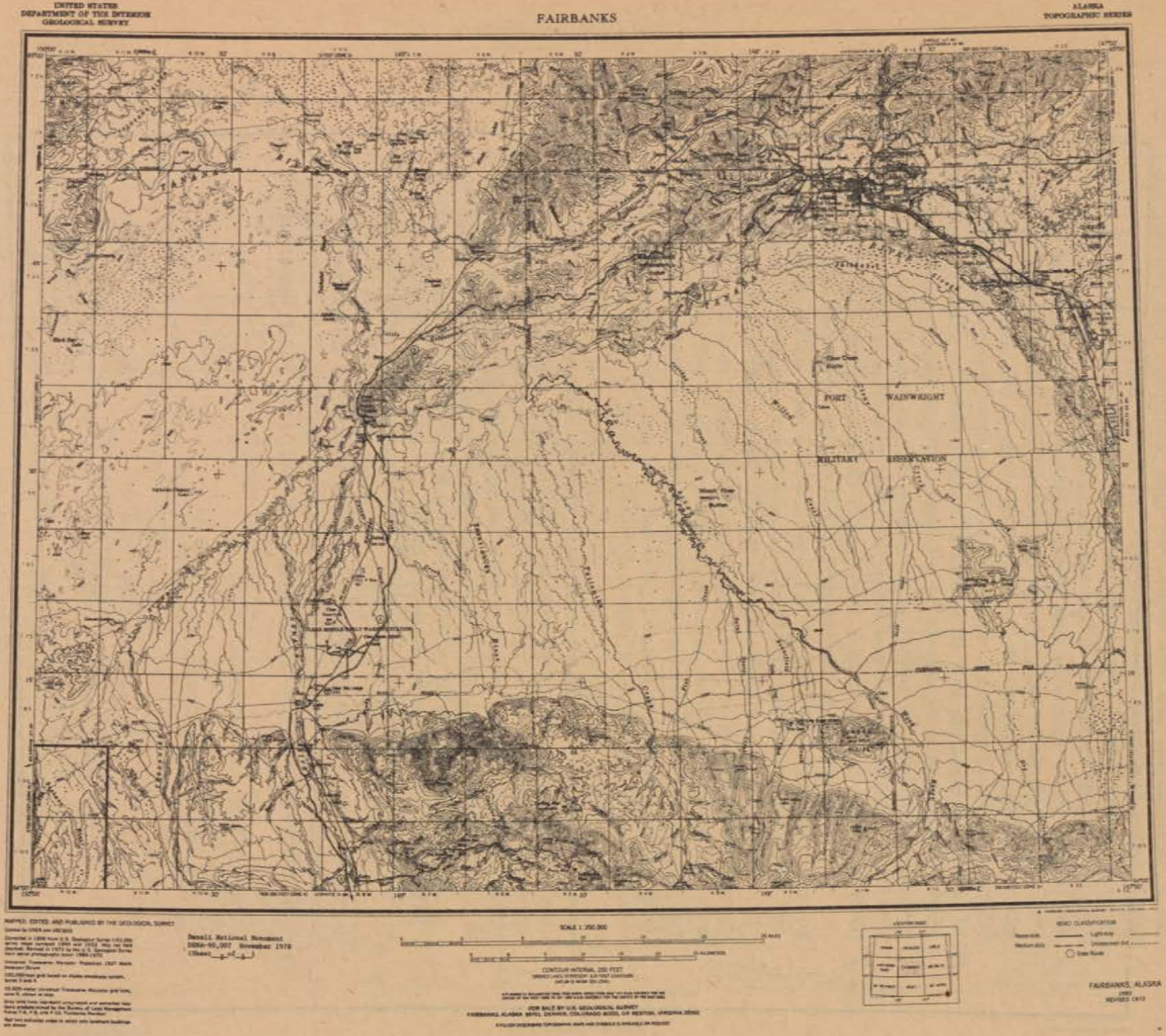
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

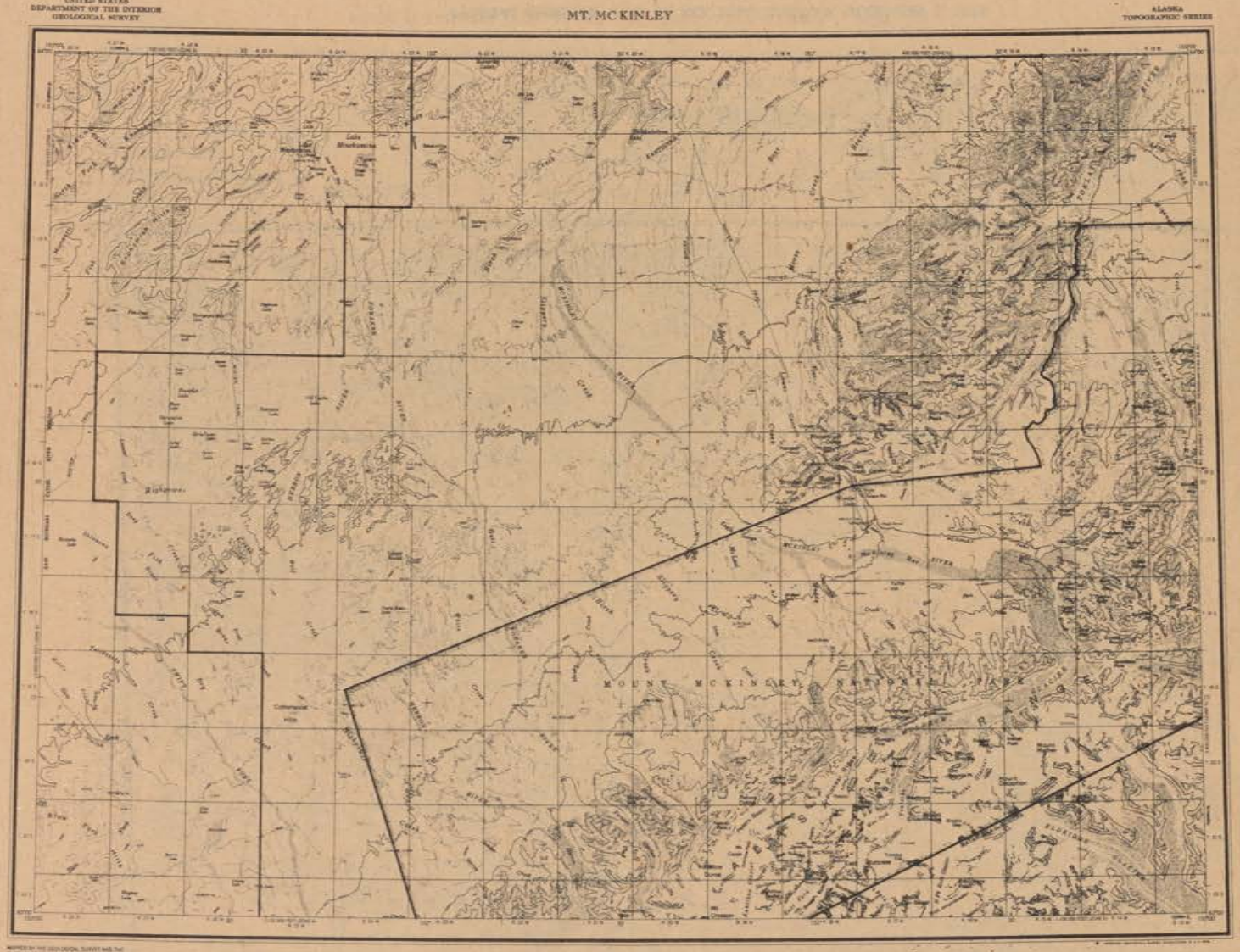
IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

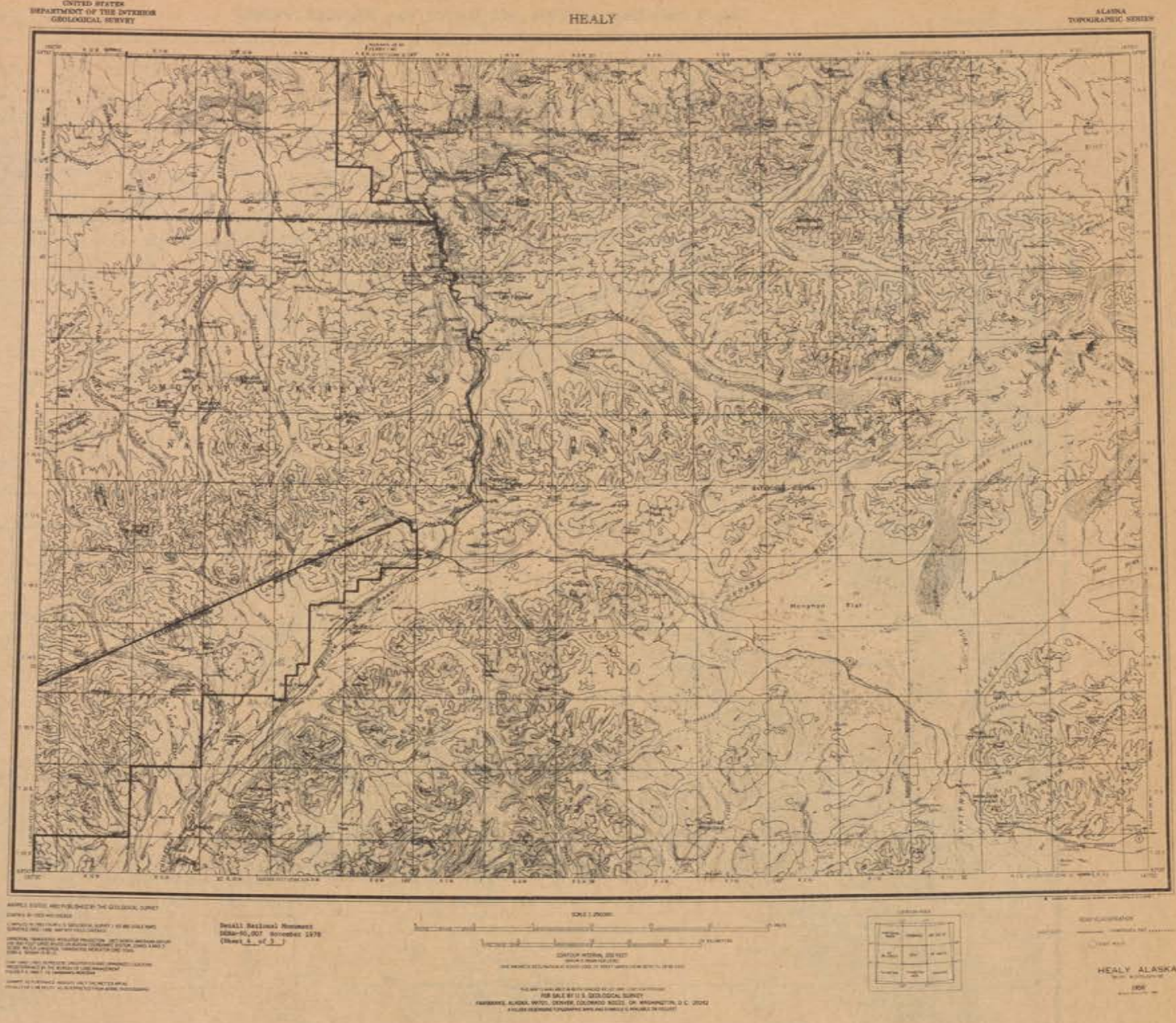
Jimmy Carter

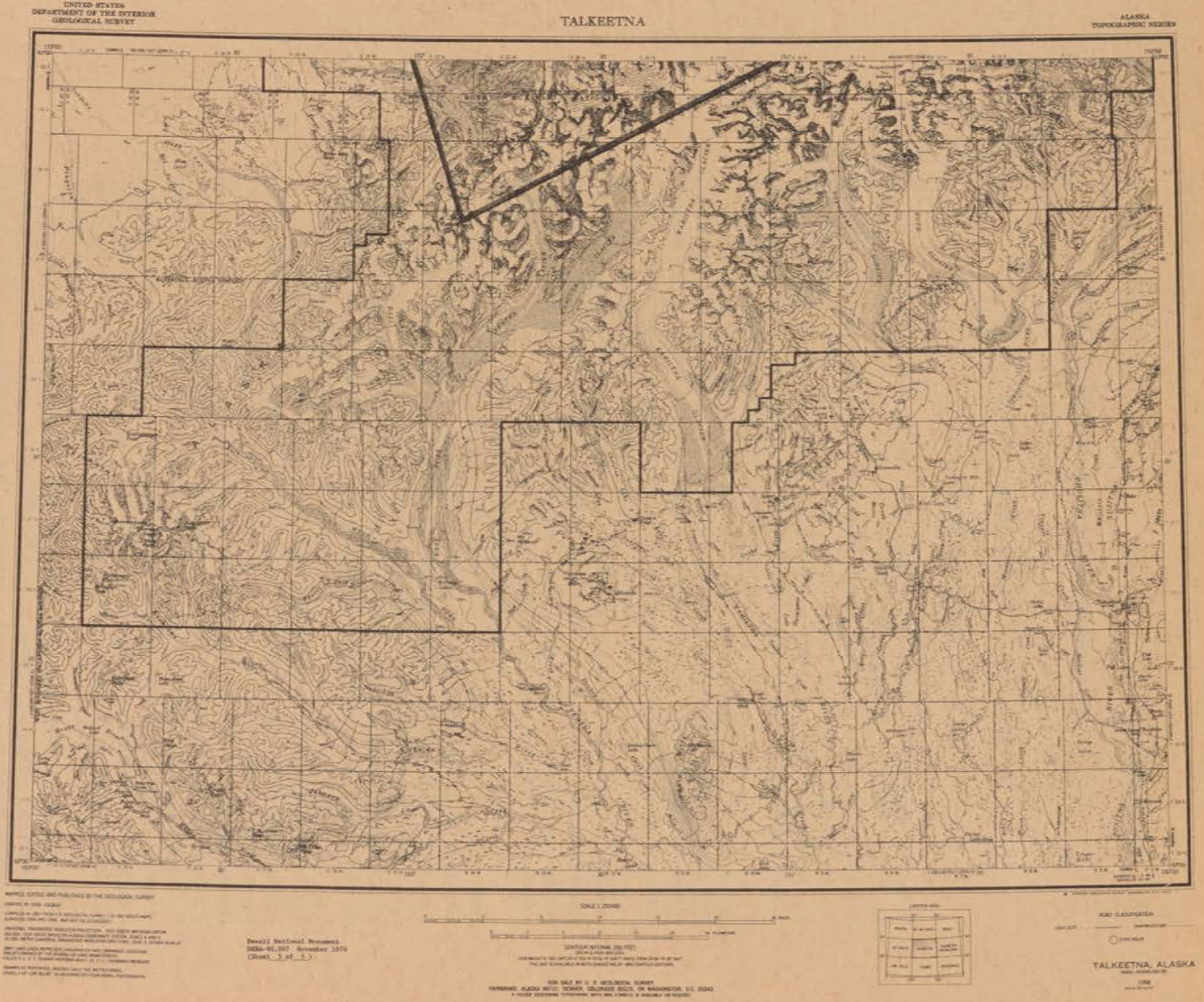
[3195-01-C]


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
KANTISHNA RIVER
ALASKA
TOPOGRAPHIC SERIES
KANTISHNA RIVER, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
FAIRBANKS
ALASKA
TOPOGRAPHIC SERIES
PORT
WAINWRIGHT
MILITARY
RESERVATION
Denali National Monument
DENA-90,007 November 1978
SCALE 1:250,000
CONTOUR INTERVAL 200 FEET
FOR SALE BY U.S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA
FAIRBANKS, ALASKA
1950
REVISED 1972


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
MT. MC KINLEY
ALASKA
TOPOGRAPHIC SERIES
MOUNT MCKINLEY NATIONAL PARK
Denali National Monument
DEBA-95-007 November 1978
(Sheet 2 of 3)
MT. MC KINLEY, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
HEALY
ALASKA
TOPOGRAPHIC SERIES
Denali National Monument
HEALY, ALASKA



[FR Doc. 78-33991 Filed 12-1-78; 2:58 pm]

[3195-01-M]

Proclamation 4617 • **December 1, 1978**

Gates of the Arctic National Monument

By the President of the United States of America

A Proclamation

Lying wholly north of the Arctic Circle, the Gates of the Arctic National Monument hereby created preserves an area containing a wide variety of interior arctic geological and biological forms. The essence of the geology of the area is its great diversity. There are excellent examples of glacial action which formed U-shaped valleys and morraine-dammed lakes. In contrast are the fissure-shaped precipices of Ernie Creek and the tilted limestone blocks along the northern edge of the Brooks Range.

Associated with these various land forms is a progression of ecosystems representing a continuum of communities from the boreal spruce forest and riparian shrub thickets in the south to the arctic tussock tundra in the north. These communities of plants and undisturbed animals offer excellent opportunities for study of natural interaction of the species.

The monument also protects a substantial portion of the habitat requirements for the Western Arctic caribou herd which uses ancient routes through the mountains for migration. This herd, which has suffered severe population losses recently, is of great value for the study of the population dynamics relating to both the decline and recovery of the herd.

The archeological and historical significance of the area is demonstrated by the studies which have revealed evidence of human habitation for approximately 7,000 years. Several known traditional Indian-Eskimo trade routes run through the monument area giving the promise of further important archeological discoveries. In the Wiseman and Ernie's Cabin mining regions in the south are offered opportunities for historical study of the life of the Alaskan pioneer miner of the early twentieth century.

The land withdrawn and reserved by this Proclamation for the protection of the biological, geological, archeological, historical, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends upon subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of

June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Gates of the Acrtic National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Gates of the Arctic National Monument on the map numbered GAAR–90,011 attached to and forming a part of this Proclamation. The area reserved consists of approximately 8,220,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the united States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*)., and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

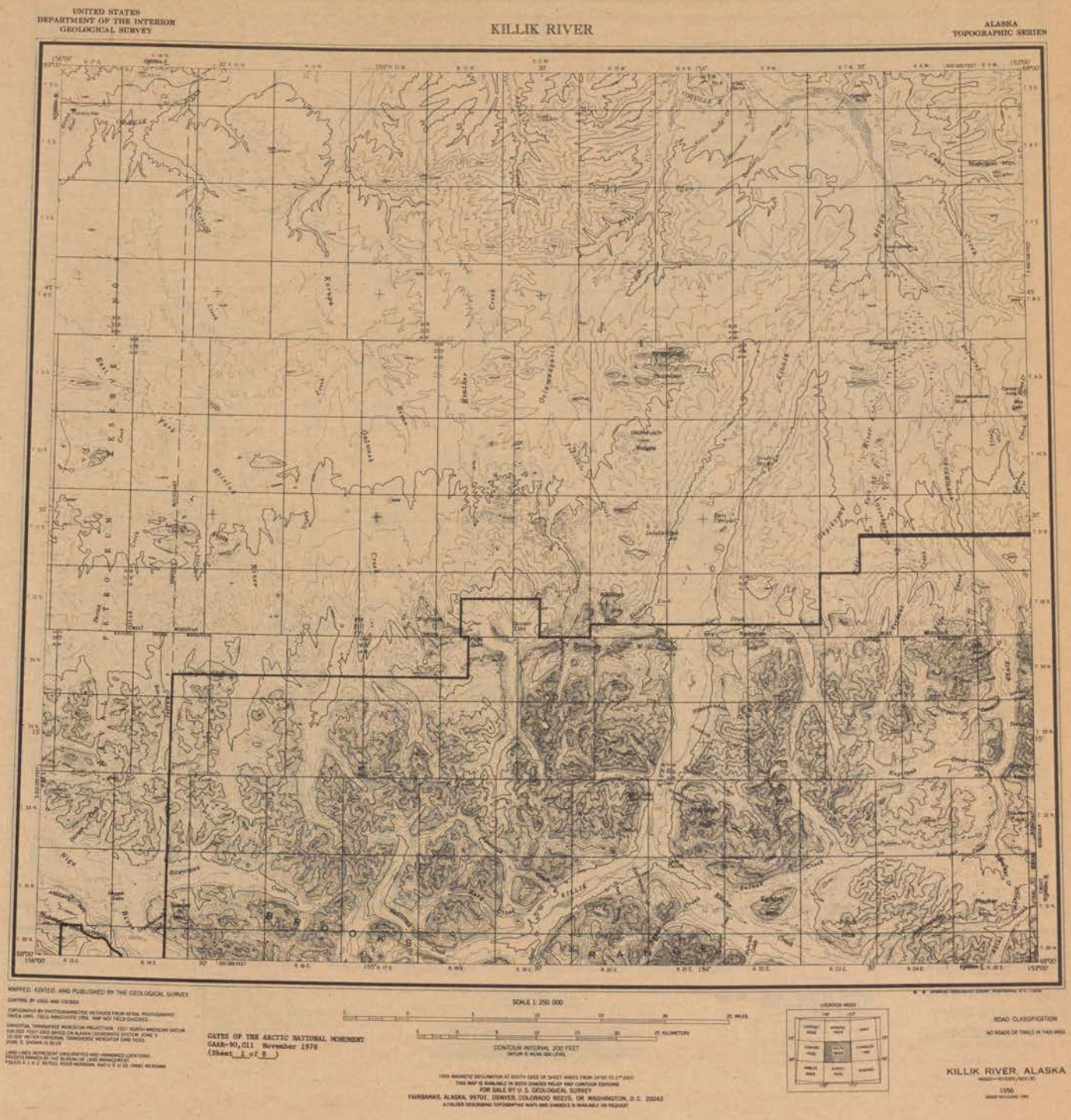
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

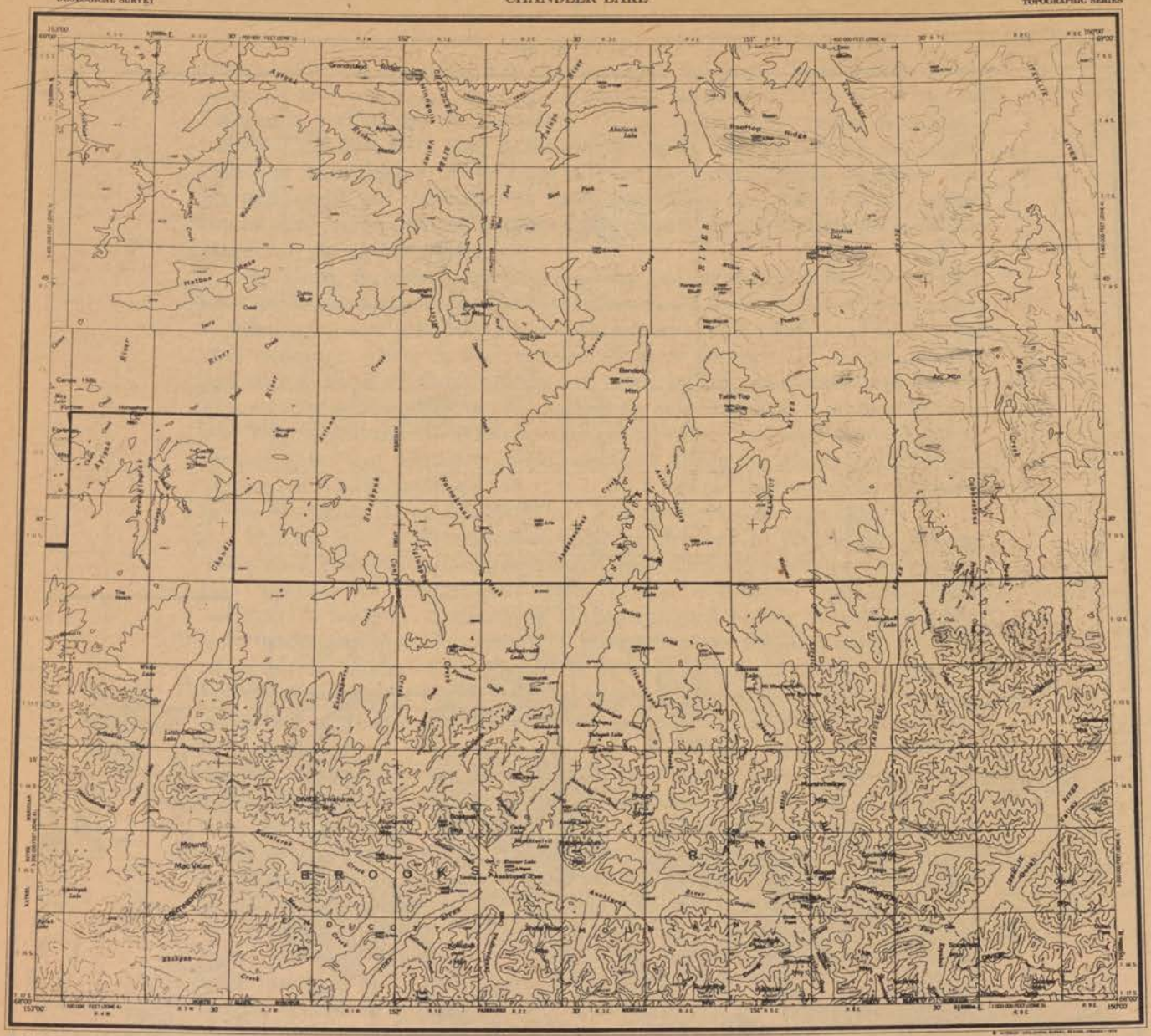
[3195-01-C]

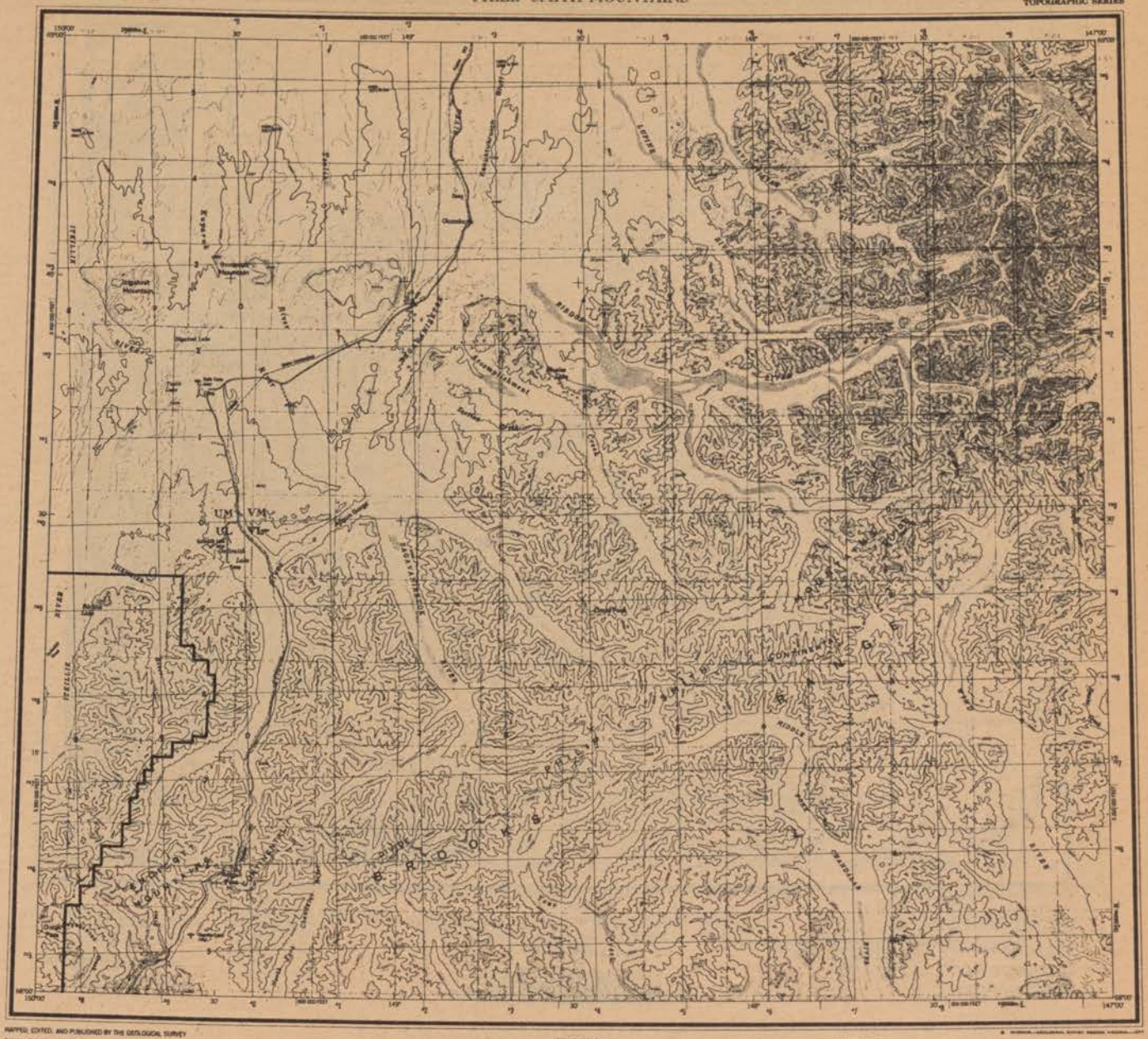

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
KILLIK RIVER
ALASKA
TOPOGRAPHIC SERIES
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
SCALE 1:250 000
CONTOUR INTERVAL 200 FEET
GATES OF THE ARCTIC NATIONAL MONUMENT
GAAR-90,011 November 1978
(Sheet 1 of 8)
FOR SALE BY U. S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA, 99701, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242
ROAD CLASSIFICATION
KILLIK RIVER, ALASKA
1956

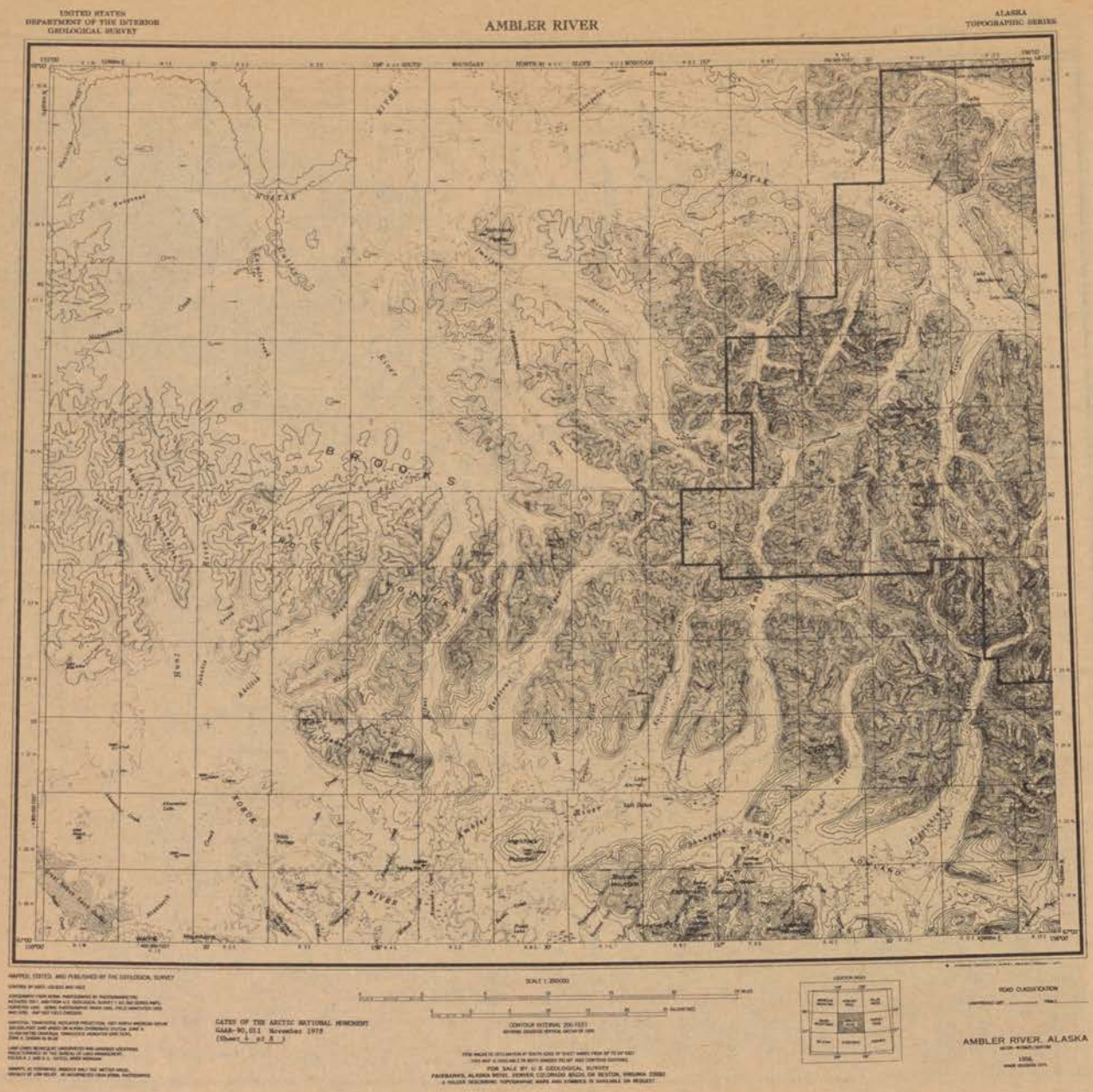
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

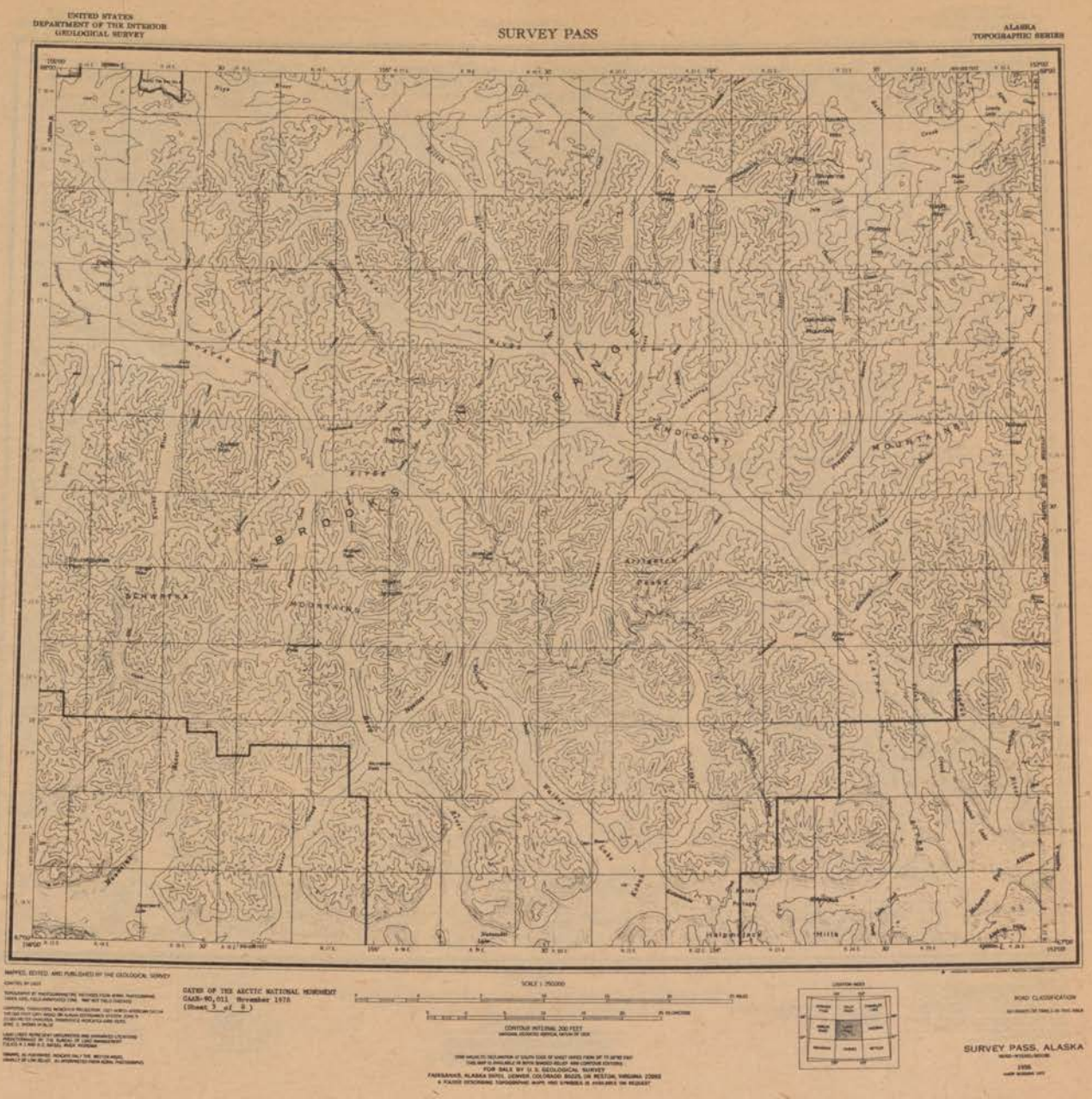
CHANDLER LAKE

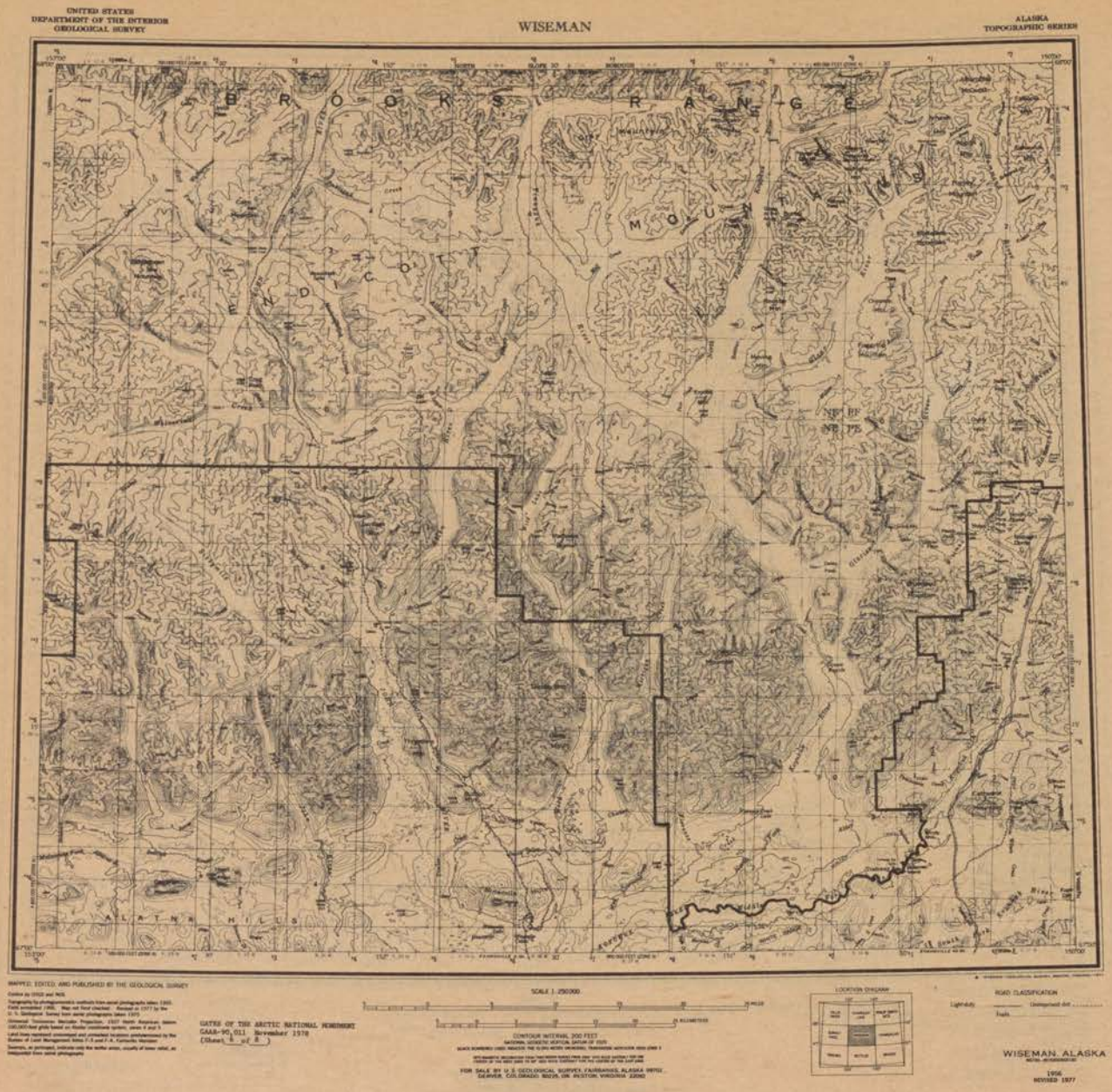
ALASKA
TOPOGRAPHIC SERIES

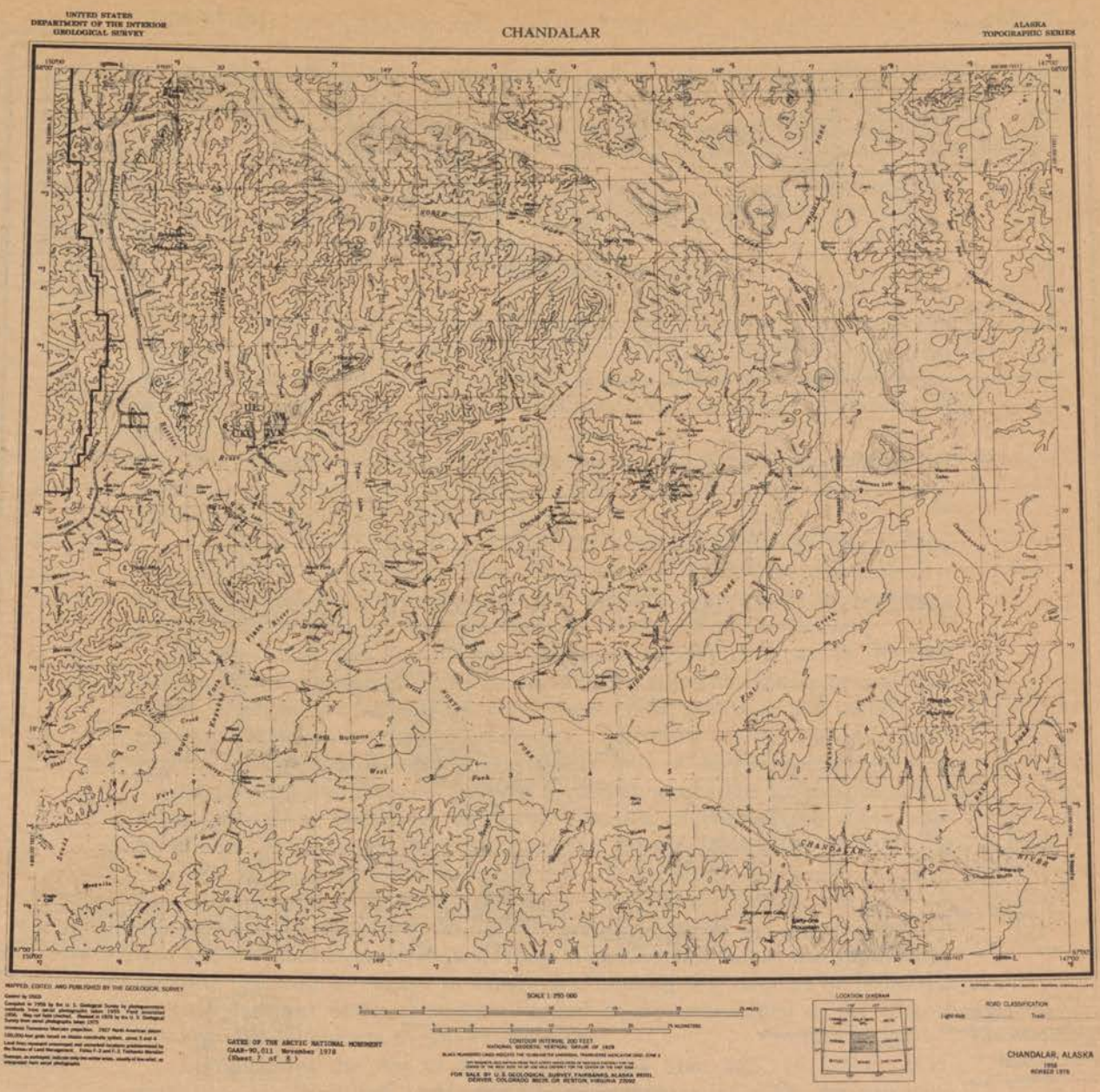

Mount
MacVicar
B R O O K S
R A N G E
Table Top
Chandler Lake
Anaktuvuk River
Killik River
Alatna River
Arrigetch Peaks
Frigid Crags
Boreal Mountain
Akuliyak Lake
Amauligak Lake
Survey Pass
Ekpikpuk Creek
Itkillik River
Nanushuk River
Nanushuk Lake
Tulugak Lake
Tulugak Ridge
Killik Mountain
Killik Pass
Killik Valley
Killik Lake
Killik Creek
Killik Glacier
Killik Peak
Killik Ridge

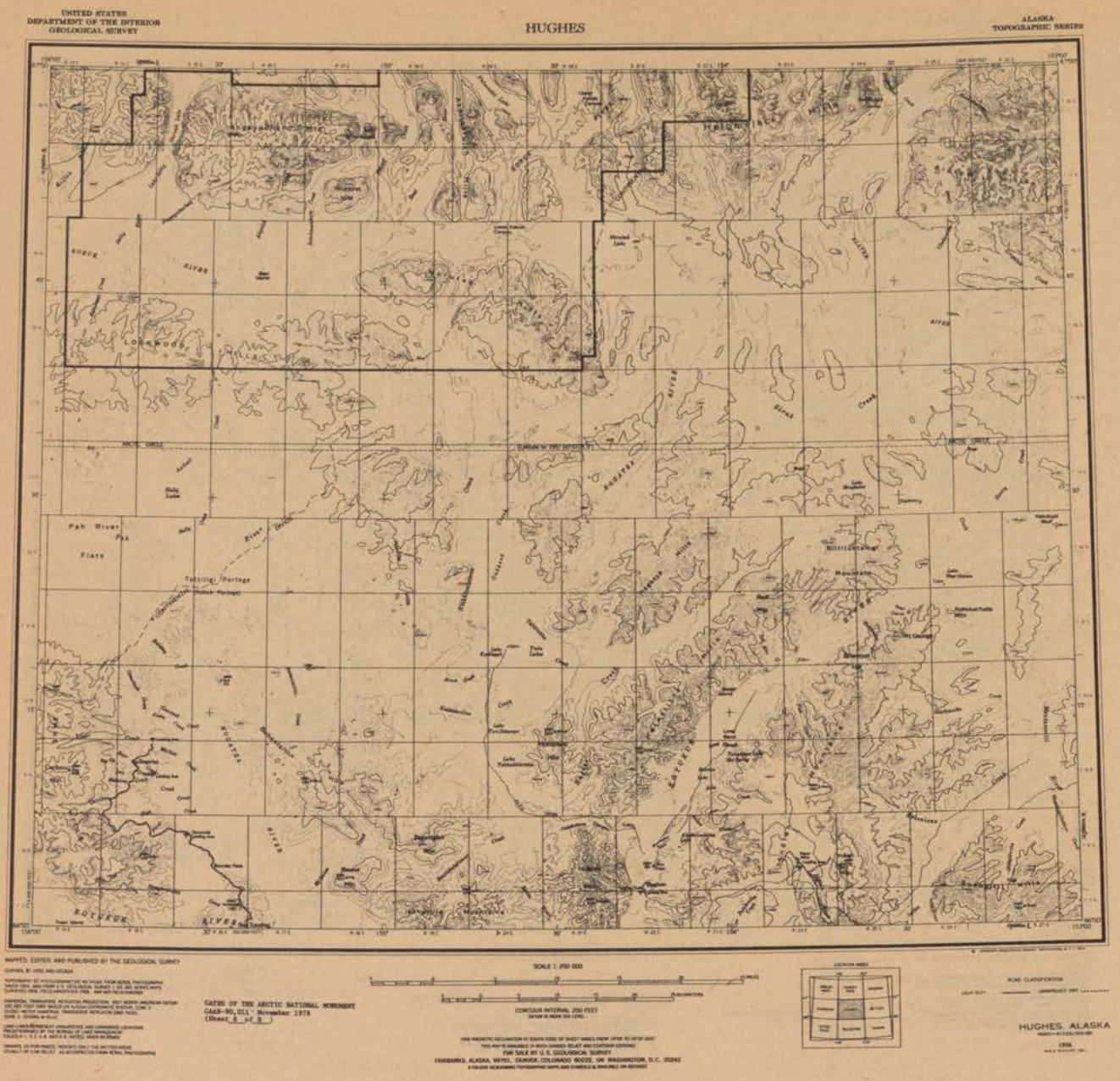

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
PHILIP SMITH MOUNTAINS
ALASKA
TOPOGRAPHIC SERIES
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
SCALE 1:250000
CONTOUR INTERVAL 200 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
GATES OF THE ARCTIC NATIONAL MONUMENT
GAAR-90,011 November 1978
(Sheet 3 of 8)
LOCATION DIAGRAM
ROAD CLASSIFICATION
PHILIP SMITH MOUNTAINS, ALASKA
1956
REVISED 1978


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
AMBLER RIVER
ALASKA
TOPOGRAPHIC SERIES
B R O O K S
R A N G E
KOYUK
RIVER
SCALE 1:250000
GATES OF THE ARCTIC NATIONAL MONUMENT
GAAR-90,011 November 1978
(Sheet 1 of 8)
AMBLER RIVER, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
SURVEY PASS
ALASKA
TOPOGRAPHIC SERIES
SURVEY PASS, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WISEMAN
ALASKA
TOPOGRAPHIC SERIES
B R O O K S R A N G E
M O U N T
E N D I C O T T
A L A T N A H I L L S
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
GATES OF THE ARCTIC NATIONAL MONUMENT
GAAR-90,011 November 1978
(Sheet 1 of 2)
SCALE 1:250000
CONTOUR INTERVAL 200 FEET
LOCATION DIAGRAM
ROAD CLASSIFICATION
WISEMAN, ALASKA
1956
REVISED 1977


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CHANDALAR
ALASKA
TOPOGRAPHIC SERIES
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
SCALE 1:250 000
LOCATION DIAGRAM
ROAD CLASSIFICATION
GATES OF THE ARCTIC NATIONAL MONUMENT
CONTOUR INTERVAL 200 FEET
CHANDALAR, ALASKA
1956



[FR Doc. 78-33992 Filed 12-1-78; 2:59 pm]

[3195-01-M]

Proclamation 4618 • **December 1, 1978**

Enlarging the Glacier Bay National Monument

By the President of the United States of America

A Proclamation

Glacier Bay National Monument was created by Presidential Proclamation in 1925 and was enlarged in 1939 and again in 1955. It protects the great tidewater glaciers and a dramatic range of plant communities. The enlargement accomplished by this Proclamation furthers the protection of the array of geological and ecological interests in the area.

This addition includes the northwesterly side of Mount Fairweather, the highest peak in this part of Alaska, and the Grand Plateau Glacier, both significant to students of glaciology.

The Alsek River corridor provides the only pass through the coastal mountain range for 120 miles. This is the route by which large mammals first entered this isolated area and is used by a significant percentage of the Alaska bald eagle population en route to the Klukwan area where they winter.

The addition also protects two botanically significant areas. In the hills flanking Grand Plateau Glacier live the oldest plant communities in southeast Alaska which survive because the area escaped both glaciation and inundation. Also important to the study of ecological succession are the mature aquatic vegetative communities of the pre-neoglacial lakes in the Deception Hills area.

The land withdrawn and reserved by this Proclamation for the protection of the geological, biological, and other phenomena enumerated above supports now, as it has in the past, a unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the area added to the Glacier Bay National Monument by this Proclamation.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved for inclusion in the Glacier Bay National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Enlargement of Glacier Bay National Monument on the map numbered GLBA-90,005 attached to and forming a part of this Proclamation. The area reserved consists of approximately 550,000 acres, and is necessary to ensure the proper

care and management of the objects the monument was established to preserve and those added by this Proclamation. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this addition are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

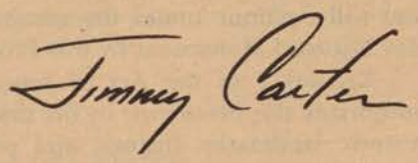
The establishment of this addition is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

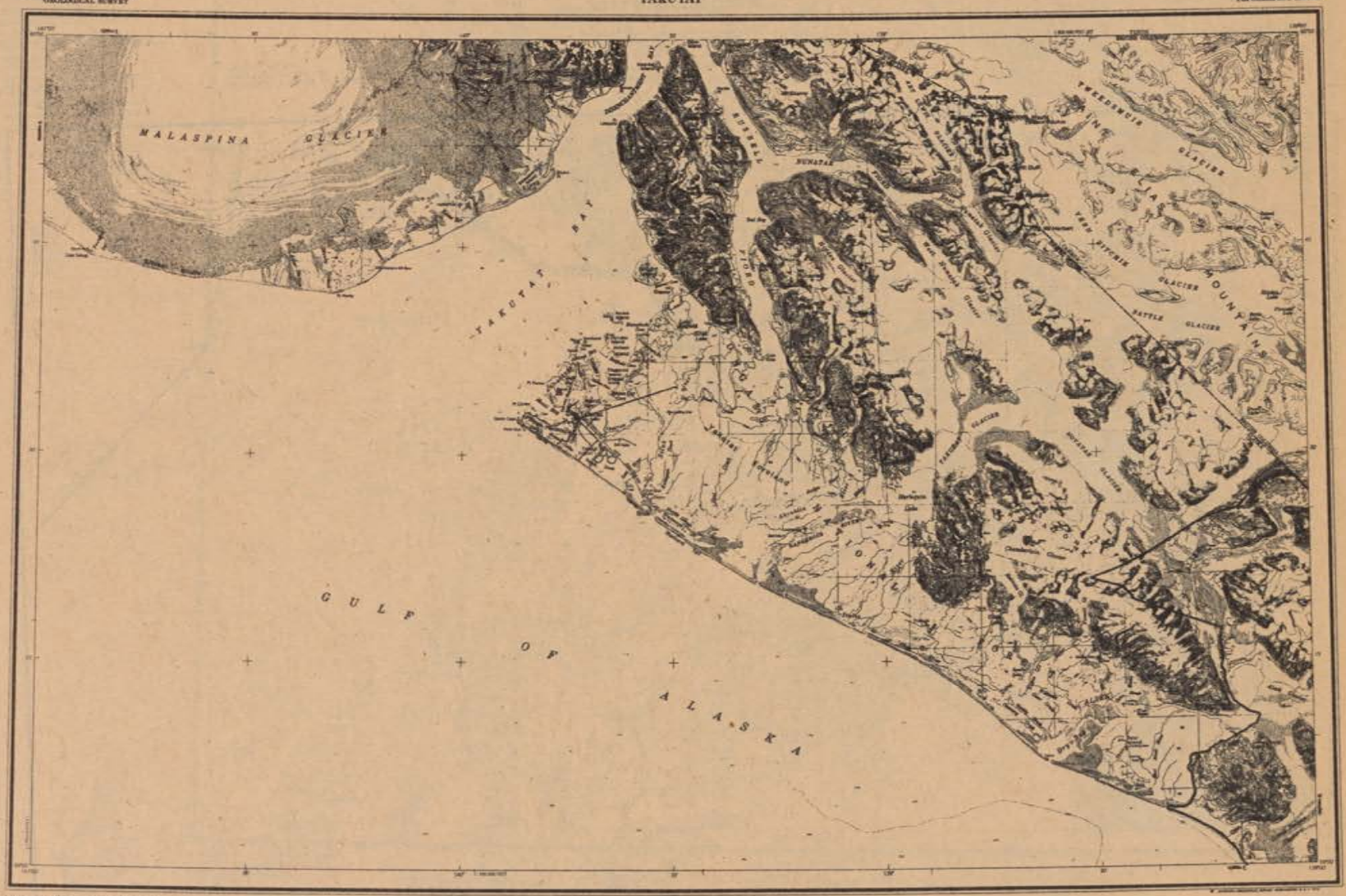
Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act, (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Furthermore, nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

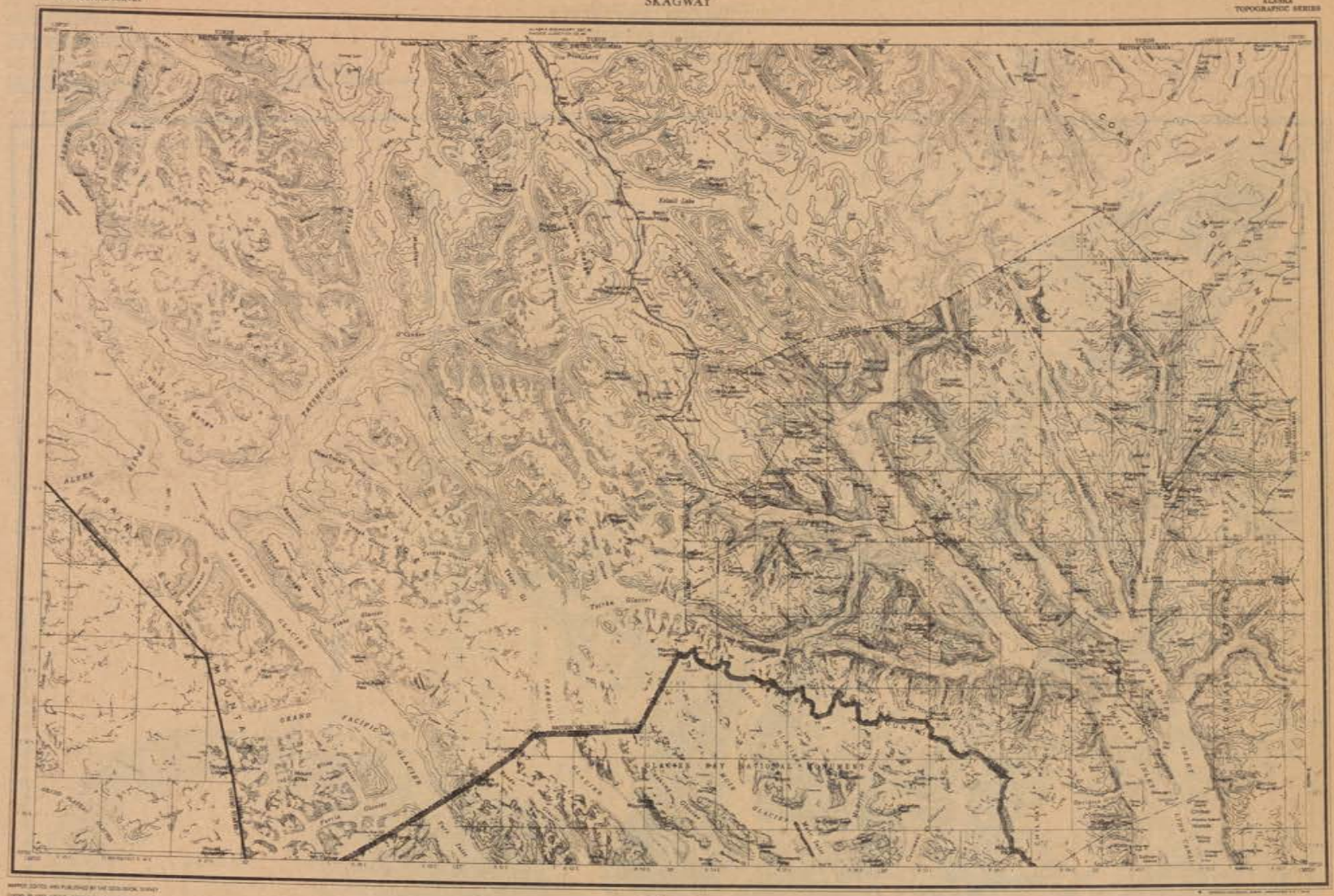
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this addition, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

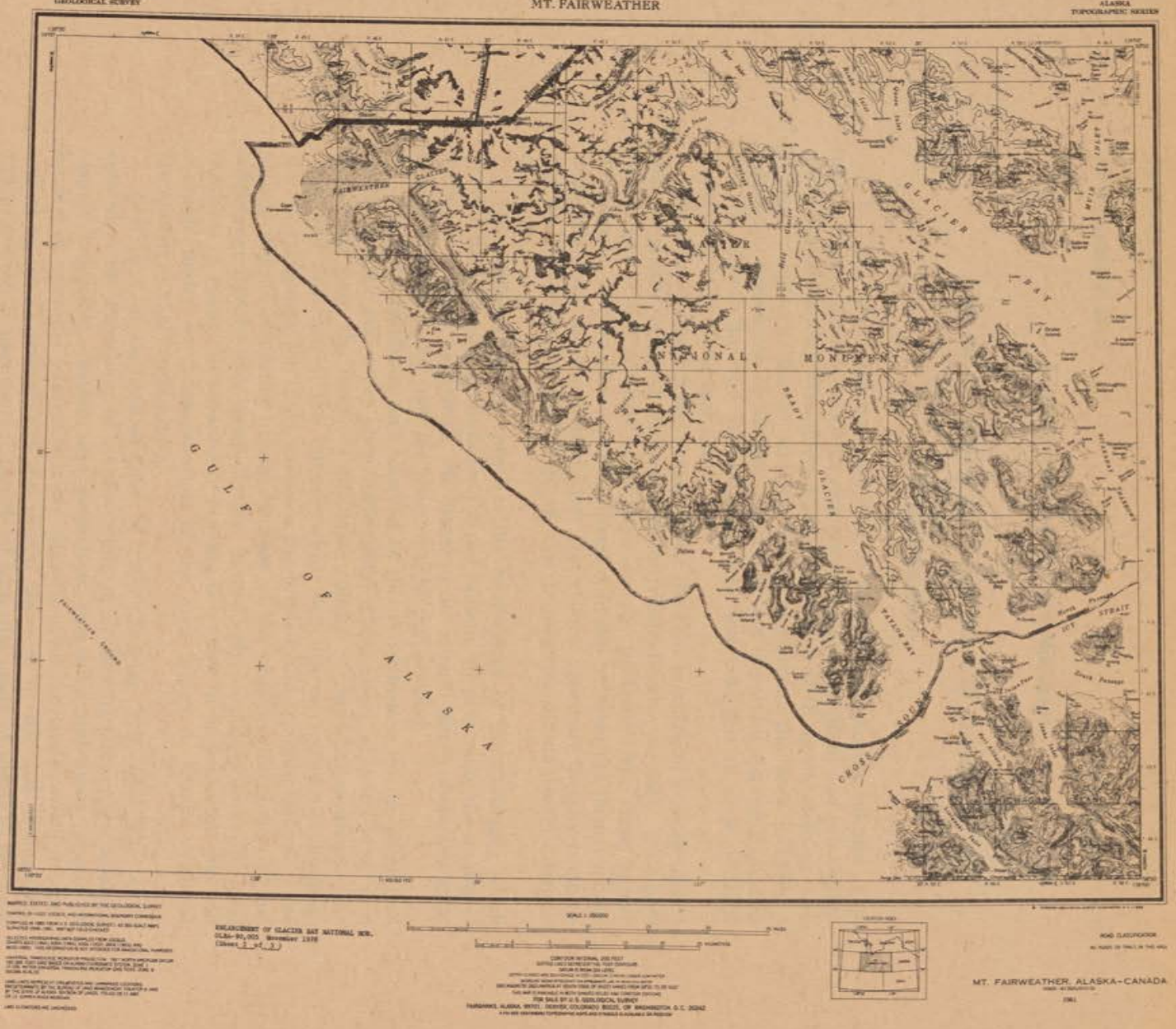
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.




UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
YAKUTAT
ALASKA
TOPOGRAPHIC SERIES
MALASPINA GLACIER
YAKUTAT BAY
RUSSELL FIORD
YAKUTAT
TWENTYMILE GLACIER
CHUGACH MOUNTAINS
GULF OF ALASKA
YAKUTAT, ALASKA—CANADA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
SKAGWAY
ALASKA
TOPOGRAPHIC SERIES
SKAGWAY, ALASKA-CANADA



[FR Doc. 78-33993 Filed 12-1-78; 3:00 pm]

[3195-01-M]

Proclamation 4619 **December 1, 1978**

Enlarging the Katmai National Monument

By the President of the United States of America

A Proclamation

In 1912, Mount Katmai gave vent to an extremely violent volcanic eruption. To preserve this excellent example of recent volcanism and ash deposition, Katmai National Monument was established in 1918. In the ensuing years it was recognized that in addition to the volcanoes, the area included a significant population of Alaskan brown bear and important spawning grounds for the Bristol Bay red salmon. The area was enlarged in view of these features in 1931, 1942 and 1969.

Continued research has revealed that the bear population is more mobile than originally believed. By the addition made hereby, a viable gene-pool population of the Alaskan brown bear can be protected free from human harassment. The addition closes a fifteen mile gap between the former monument boundary and the McNeil River State Game Sanctuary thereby completing the protection of the range of this population of the world's largest carnivore.

The enlargement also protects the headwaters of the drainages which provide the spawning grounds for the red salmon. By protecting the quality of the water in these watersheds, the drama of the salmon run, a phenomenon of great scientific interest over the years, may be perpetuated.

The land withdrawn and reserved by this Proclamation for the protection of the biologic and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein, because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the area added to Katmai National Monument by this Proclamation.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved for inclusion in the Katmai National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Enlargement of Katmai National Monument on the map numbered KATM-90,007 attached to and forming a part of this Proclamation. The area reserved consists of

approximately 1,370,000 acres, and is necessary to ensure the proper care and management of the objects the monument was established to preserve and those added by this Proclamation. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this addition are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

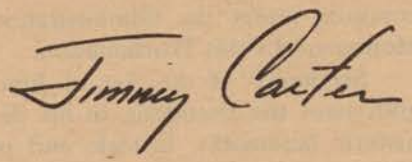
The establishment of this addition is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Furthermore, nothing in this Proclamation is intended to modify, revoke or abrogate the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

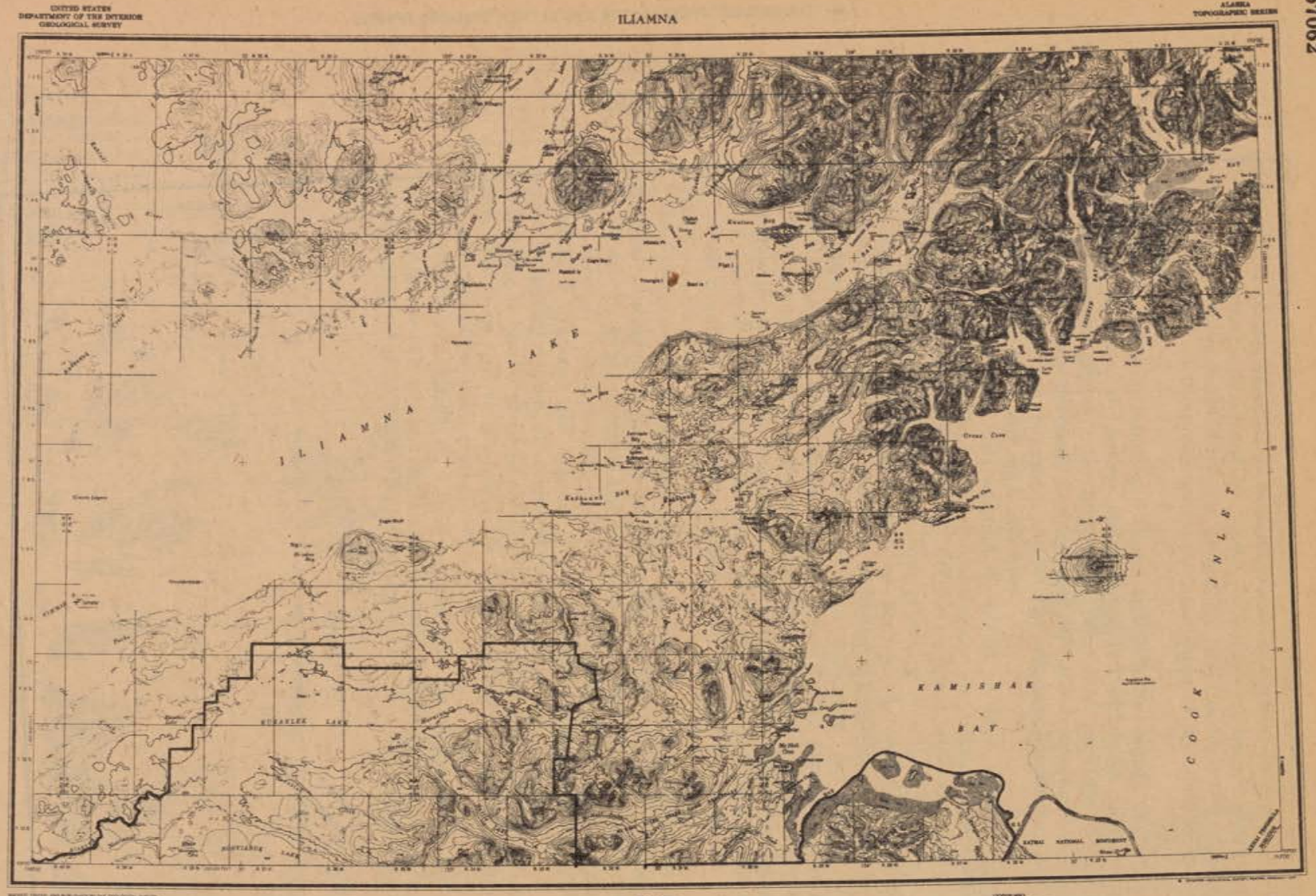
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this addition, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

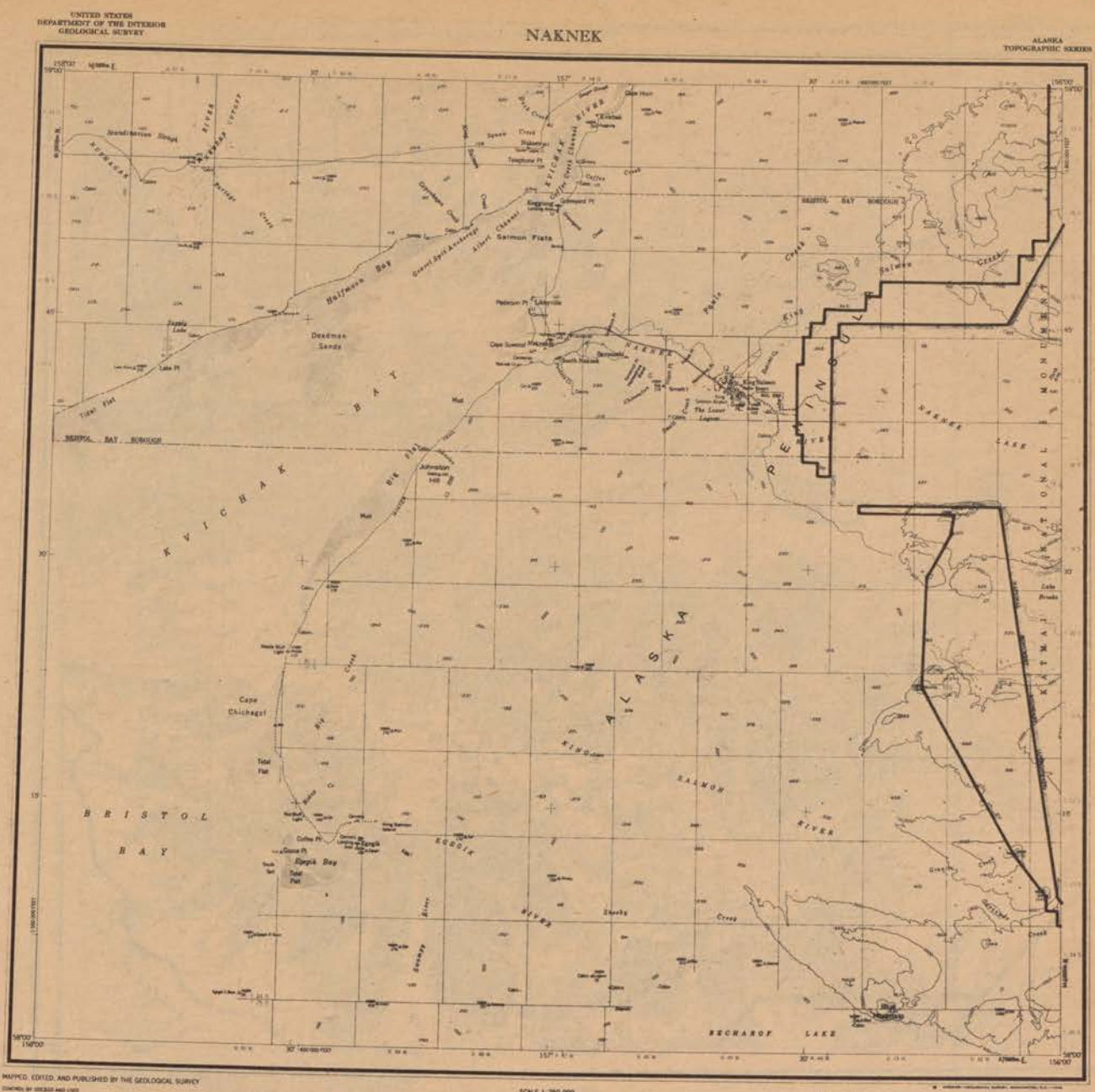
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.




UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
DILLINGHAM
ALASKA
TOPOGRAPHIC SERIES
KUSKOKWIM
RIVER
LAKE
KUSKOKWIM RIVER
ENLARGEMENT OF KATMAI NATIONAL MONUMENT
DILLINGHAM, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
ILIAMNA
ALASKA
TOPOGRAPHIC SERIES
ILIAMNA LAKE
KAMISHAK BAY
COOK INLET
KIJAKALEK LAKE
NONTARAHA LAKE
ENLARGEMENT OF KATMAI NATIONAL MONUMENT
KATM-90, 003 November 1978
(Sheet 2 of 6)
ILIAMNA, ALASKA



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SCALE 1:250 000

CONTOUR INTERVAL 100 FEET

ENLARGEMENT OF KATMAI NATIONAL MONUMENT
KATM-90,007 November 1978
(Sheet 3 of 6)

FOR SALE BY U. S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR WASHINGTON, D.C. 20242

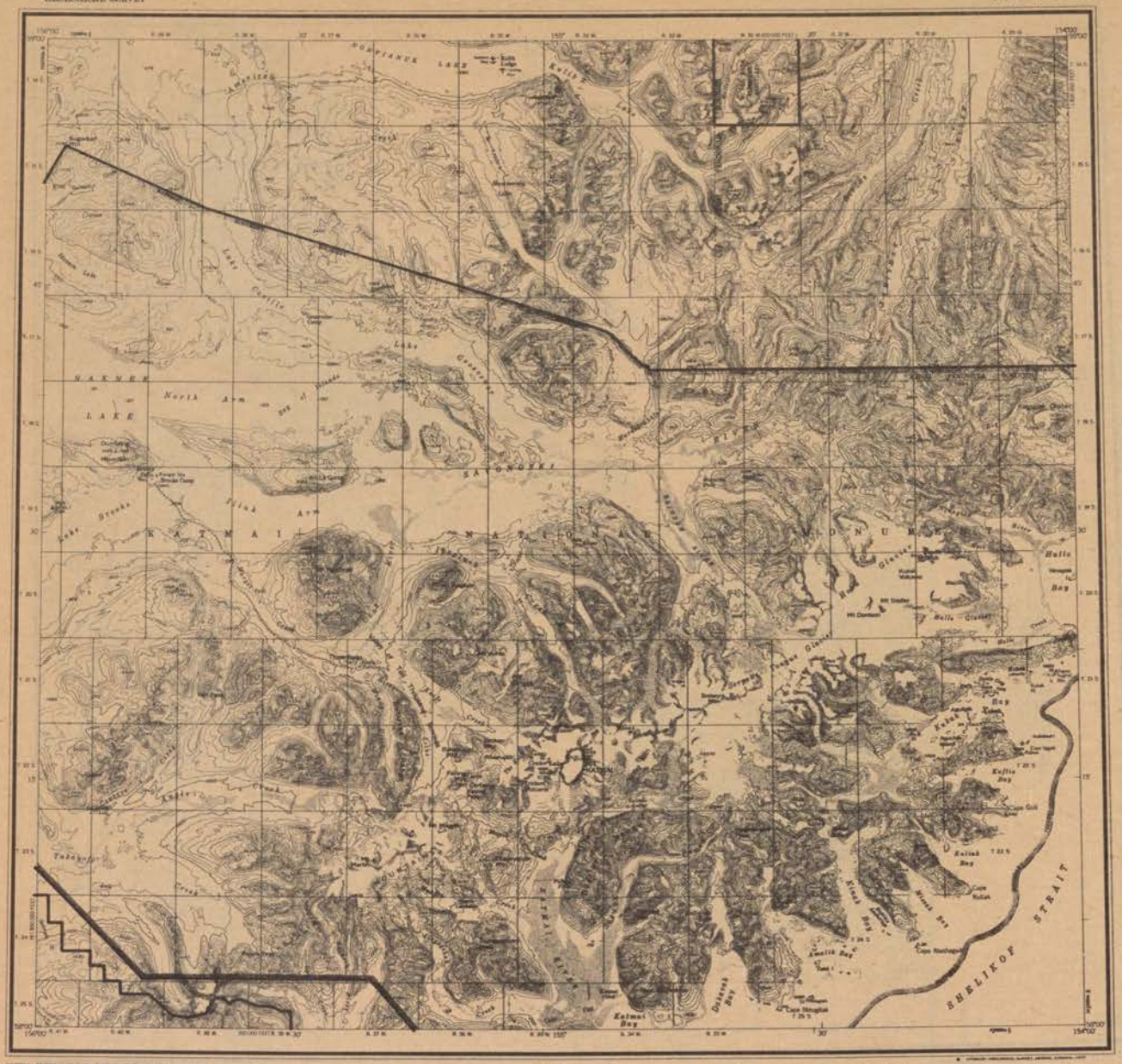
ROAD CLASSIFICATION

NAKNEK, ALASKA

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

MT. KATMAI

ALASKA
TOPOGRAPHIC SERIES



MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY

SCALE 1:250,000

CONTOUR INTERVAL 200 FEET

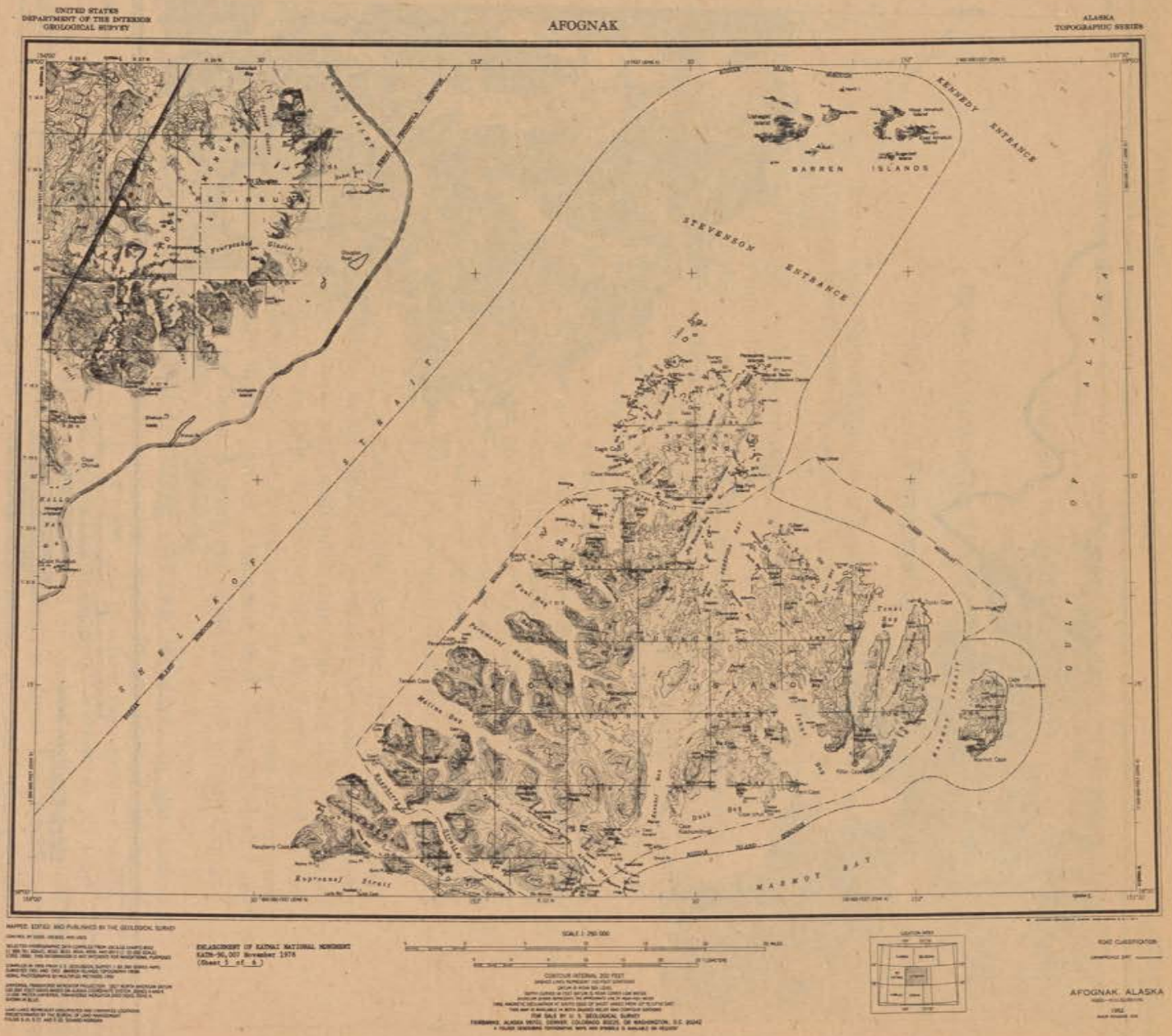
ROAD CLASSIFICATION

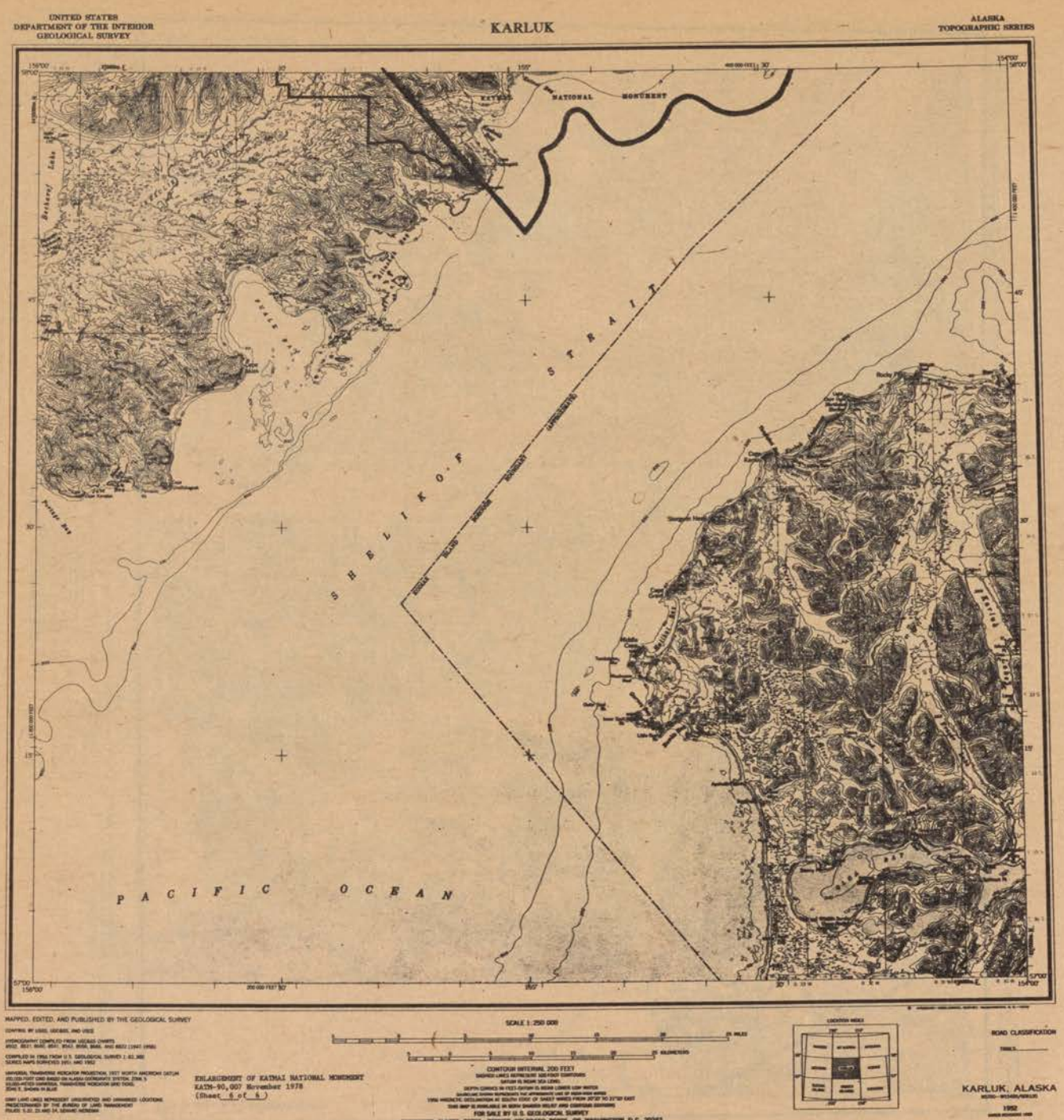
MT. KATMAI, ALASKA

1954

ENLARGEMENT OF KATMAI NATIONAL MONUMENT
KATM-90,007 November 1978
(Sheet 4 of 4)

FOR SALE BY U. S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
AFOGNAK
ALASKA
TOPOGRAPHIC SERIES
KENNEDY ENTRANCE
BARREN ISLANDS
STEVENSON ENTRANCE
SHELIKOF STRAIT
GULF OF ALASKA
MARMOT BAY
AFOGNAK, ALASKA



[FR Doc. 78-33994 Filed 12-1-78; 3:01 pm]

[3195-01-M]

Proclamation 4620 **December 1, 1978**

Kenai Fjords National Monument

By the President of the United States of America

A Proclamation

Kenai Fjords National Monument borders the Gulf of Alaska and includes the Harding Icefield and extensions of mountain peaks out into the sea. The area holds a significant opportunity for geologic study of mountain building and for scientific study of ecological variations from an icecap environment to a marine shoreline environment.

The Harding Icefield, one of the Nation's major icecaps, continues to carve deep glacial valleys through the Kenai Mountains. The mountains themselves illustrate tectonic movement through uplift and subsidence over geologic time. Former alpine valleys are now fjords, and former mountain peaks are now tips of islands and vertical sea stacks.

Between the fjords, richly varied rain forest habitats offer opportunities to study life forms adaptable to the wet coastal environment. On the land these include mountain goat, black bear, otter, ptarmigan, and bald eagle. The area is extremely rich in sea bird life of interest to ornithologists and in marine mammals which come to feed in the fjords from their hauling and resting places on nearby islands. The recovery of the sea otter population from almost total extermination to relatively natural populations in this area is of continuing scientific interest.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Kenai Fjords National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as Kenai Fjords National Monument on the map numbered KEFJ-90,008 attached to and forming a part of this Proclamation. The area reserved consists of approximately 570,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care

and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

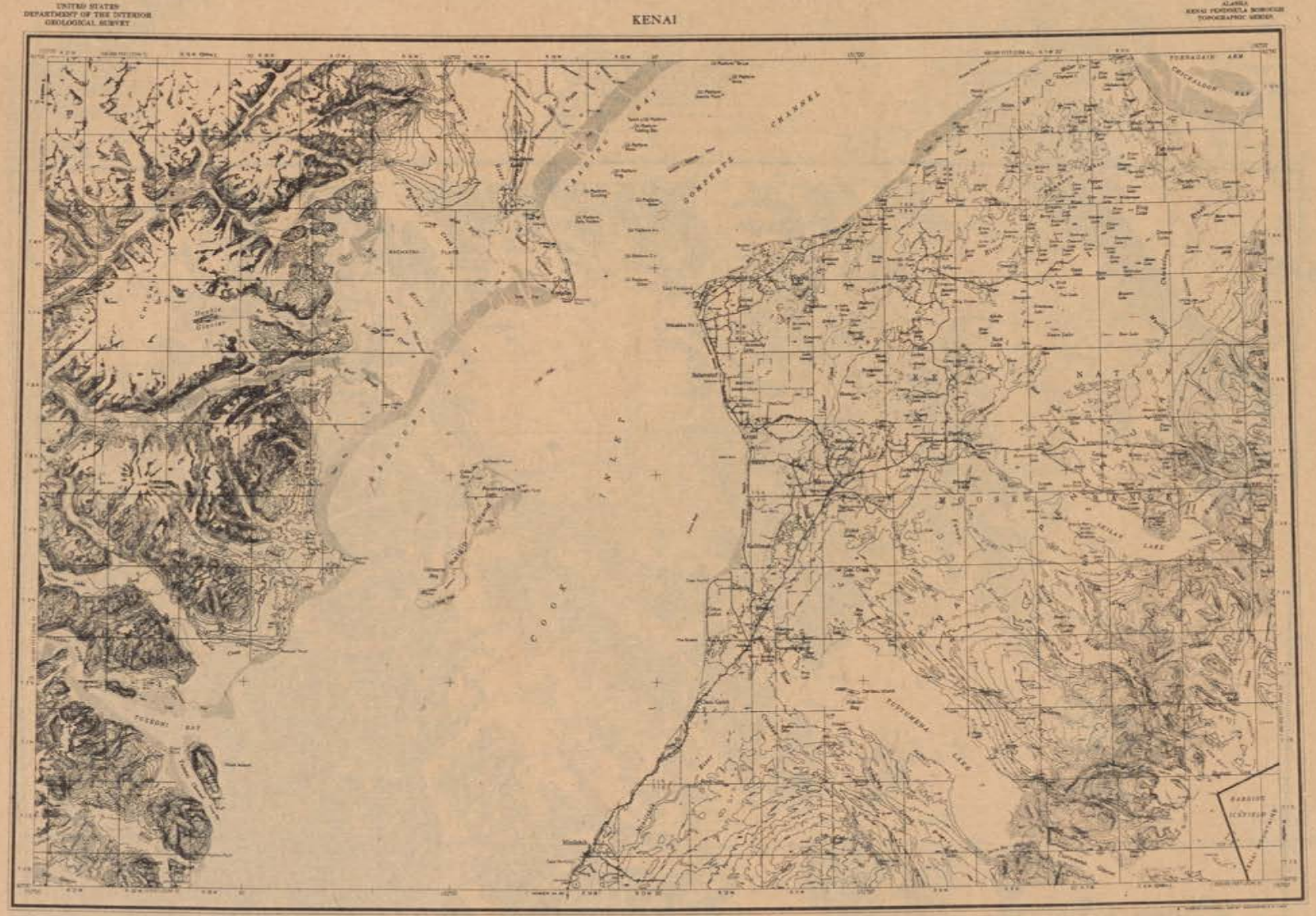
Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate.

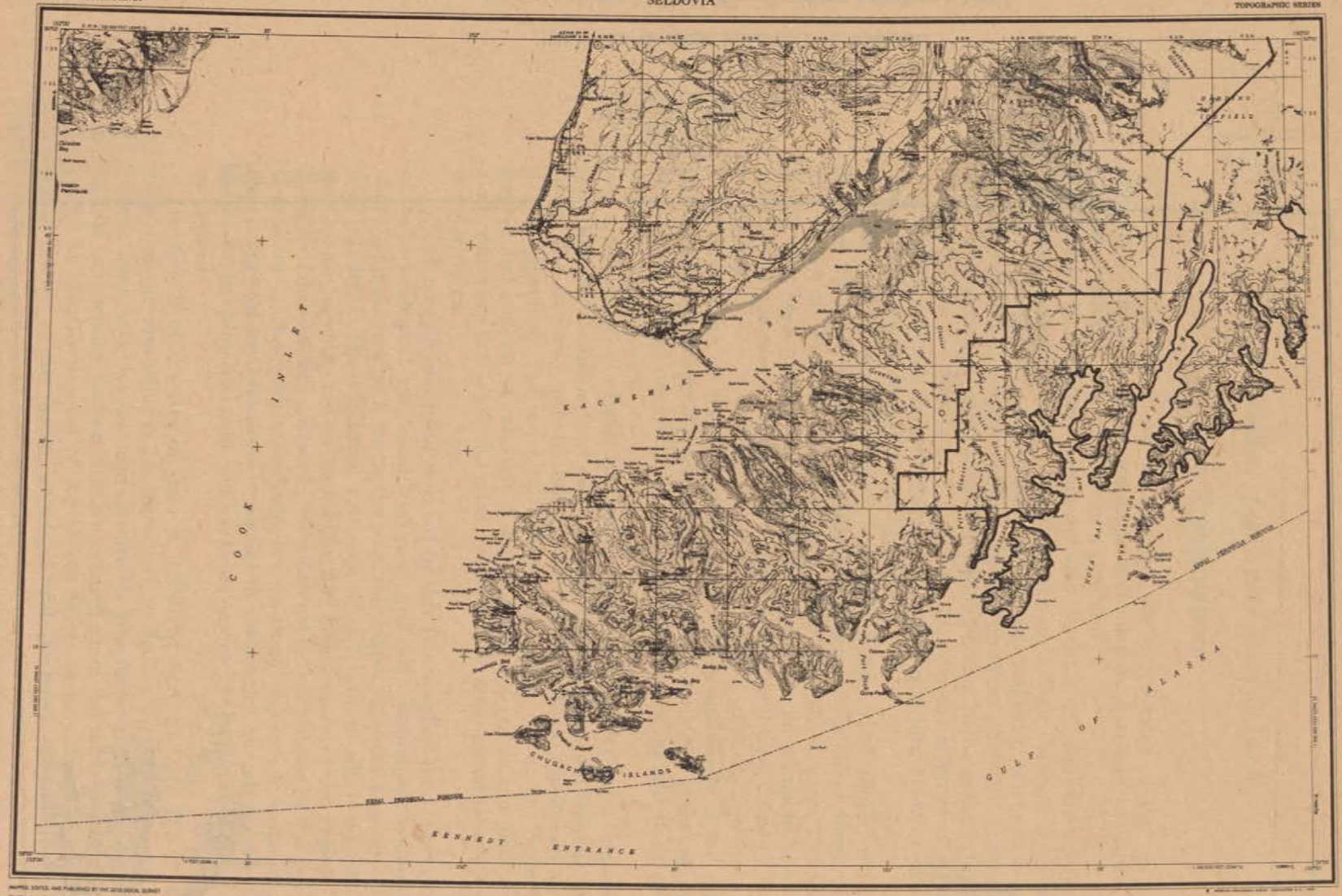
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

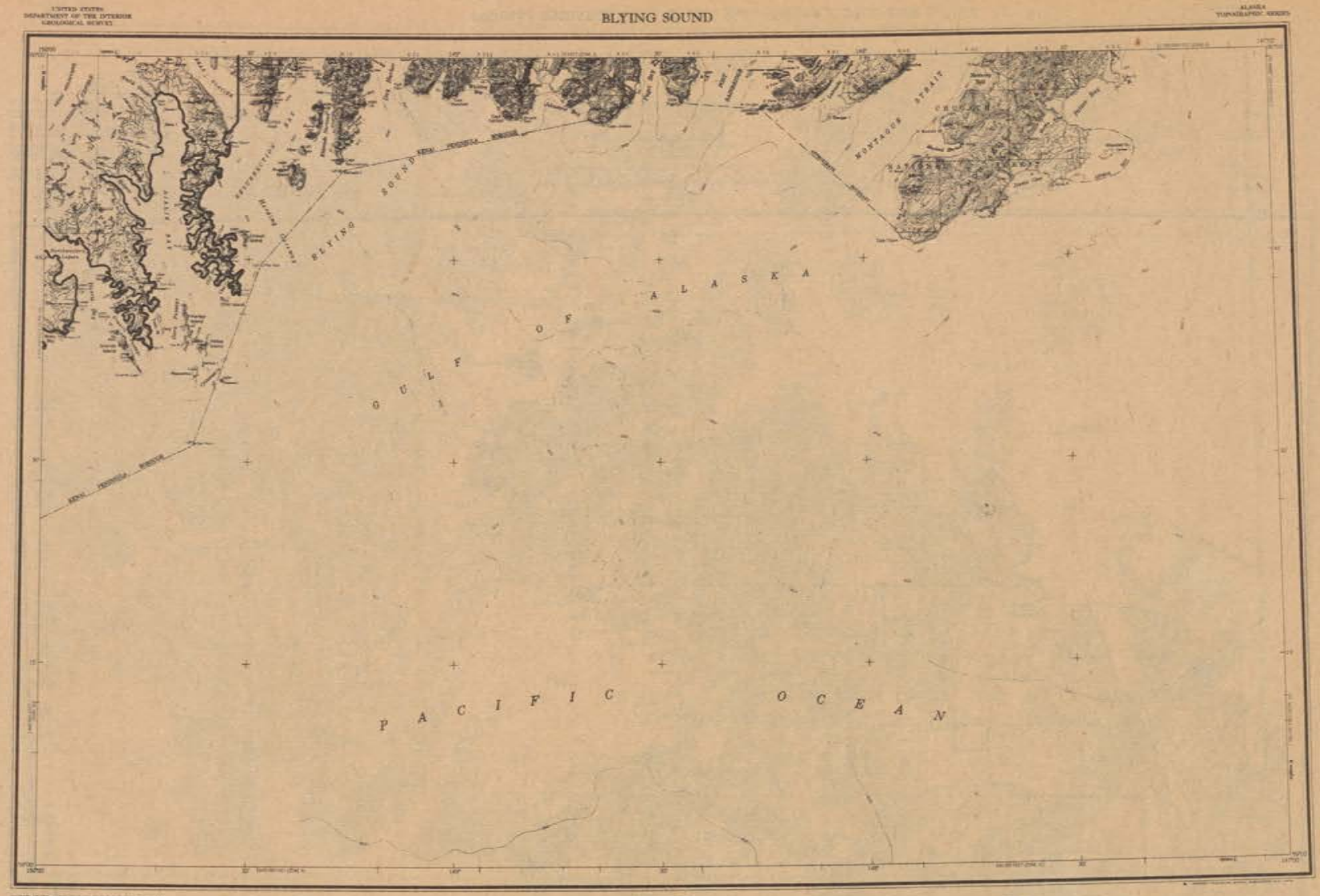
IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
KENAI
ALASKA
KENAI PENINSULA BOROUGH
TOPOGRAPHIC SERIES
TRADING BAY
CHANNEL
KACHEMAK BAY
COOK INLET
TUXEDNI BAY
KENAI ALASKA


SEWARD
PRINCE WILLIAM SOUND
SEWARD, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
SELDOVIA
ALASKA
TOPOGRAPHIC SERIES
COOK INLET
KACHEMAK BAY
KENNEDY ENTRANCE
GULF OF ALASKA
CHUGACH ISLANDS
SELDOVIA, ALASKA



[FR Doc. 78-33995 Filed 12-1-78; 3:02 pm]

[3195-01-M]

Proclamation 4621 • **December 1, 1978**

Kobuk Valley National Monument

By the President of the United States of America

A Proclamation

The Kobuk Valley and its environs, an area located in the northwest interior of Alaska, contains important archeological data and biological and geological features of great scientific significance.

Archeological features within the area illustrate an unbroken continuum of human adaptation to the natural environment from the early pre-Eskimo people of 10,500 years ago to present-day local residents. Scientists recently discovered more than 100 dwellings occupied in about 1250 A.D., comprising the largest settlement of its kind. The Onion Portage Archeological District is located within the area, and is listed on the National Register of Historic Places. Archeological research at Onion Portage has yielded evidence of more than 10,000 years of human occupation.

The area contains the Great and Little Kobuk Sand Dunes, which lie north of the Arctic Circle and include both active and stabilized dunes. Scientific studies of the dunes show them to be older than 33,000 years, and several plants have been found in association with the dunes environment which are scientifically unusual in the area. The Great Kobuk Sand Dunes attain a height of 100 feet.

The inclusion of the watersheds on the north and south of the Kobuk River protects a uniquely representative series of interrelated plant communities. There is here an essentially unspoiled laboratory for the study of the northern boreal forest.

A rich variety of wildlife also occurs within the area. Major portions of the northwest arctic caribou herd move through the area in spring and fall migrations. The area also includes one of only two significant populations of the Alaskan sheefish. The water environment is habitat for nesting waterfowl, moose, and muskrat. A relatively dense population of grizzly and black bears, wolf, wolverine, fox, otter, and other northern furbearing mammals range over the entire area.

The land withdrawn and reserved by this Proclamation for the protection of the archeological, geological, biological, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with these objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is one of the values to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases

shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Kobuk Valley National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Kobuk Valley National Monument on the map numbered KOVA-90,010 attached to and forming a part of this Proclamation. The area reserved consists of approximately 1,710,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

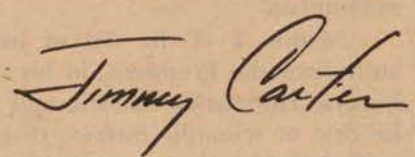
The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

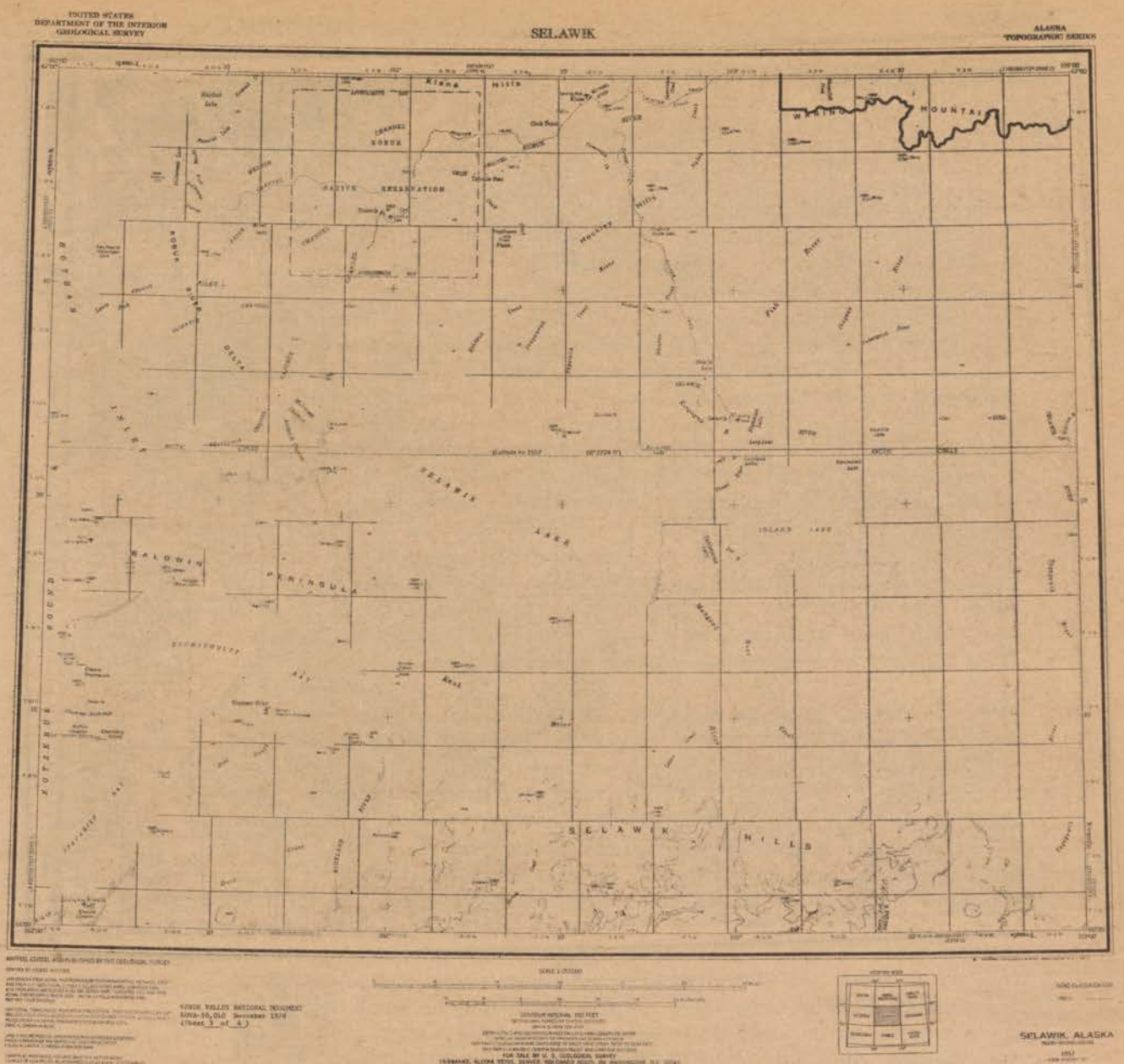
IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

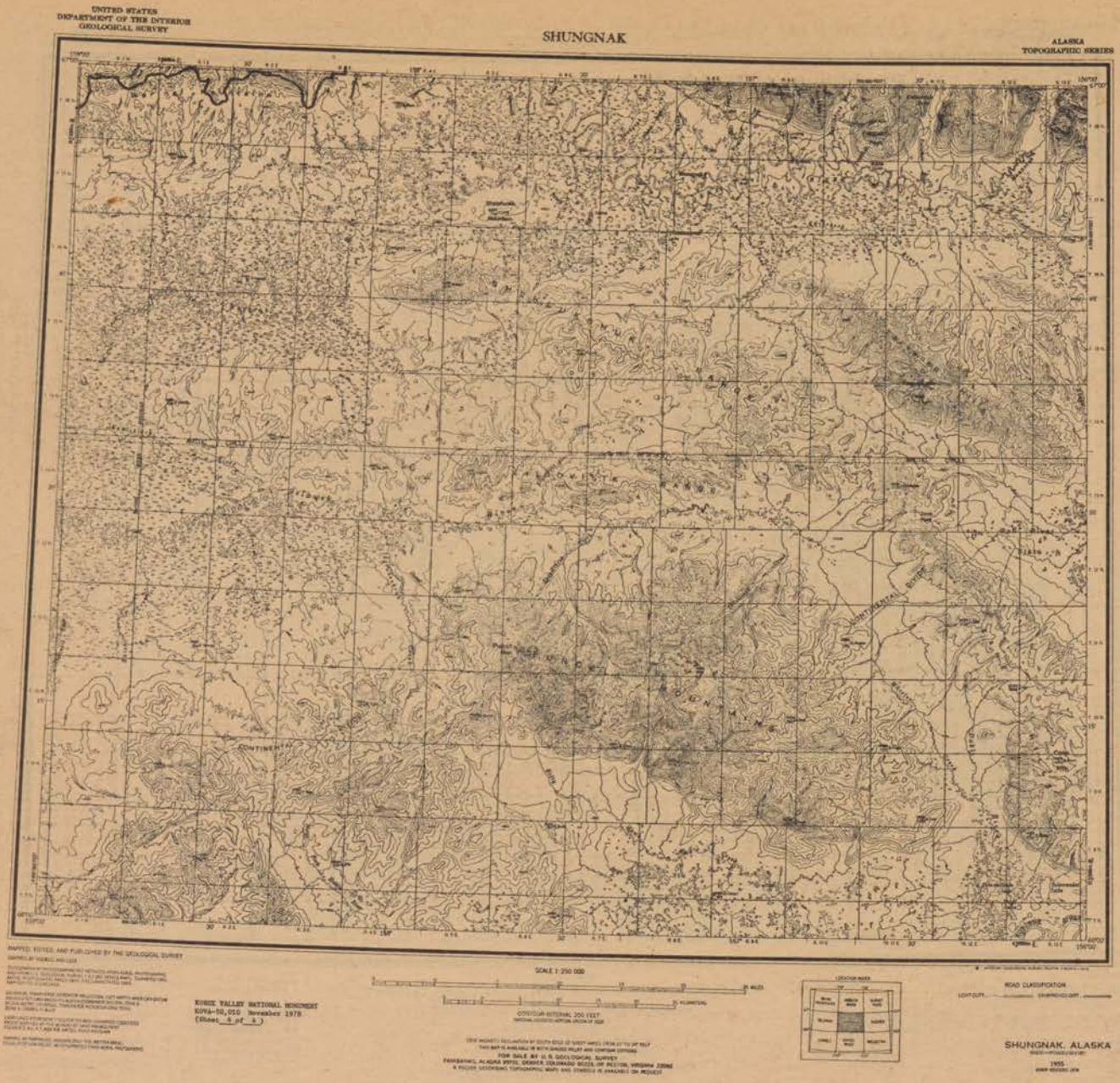



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BAIRD MOUNTAINS
ALASKA
TOPOGRAPHIC SERIES
MOUNTAINS
BAIRD MOUNTAINS, ALASKA



KOBUK VALLEY NATIONAL MONUMENT
KOVA-99,010 November 1978
(Sheet 3 of 4)


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
SELAWIK
ALASKA
TOPOGRAPHIC SERIES
Kiana Hills
WAINWRIGHT MOUNTAIN
NATIVE RESERVATION
KOBUK
NOATAK
KOBUK DELTA
SELAWIK LAKE
BALDWIN PENINSULA
KOTZEBUE SOUND
SELAWIK HILLS
ISLAND LAKE
SELAWIK, ALASKA



[FR Doc. 78-33996 Filed 12-1-78; 3:03 pm]

[3195-01-M]

Proclamation 4622 • **December 1, 1978**

Lake Clark National Monument

By the President of the United States of America

A Proclamation

An area in south-central Alaska contains examples of geological phenomena associated with two major mountains chains, the Alaska Range and the Chigmit Mountains, in an array that includes jagged peaks and two symmetrical, steaming volcanoes. These volcanoes, Redoubt and Iliamna, have been listed on the National Registry of Natural Landmarks.

The area's land forms also contribute to an outstanding example of ecological diversity in zones which remain relatively unspoiled for continued scientific research. Large mammals such as moose, caribou, Dall sheep, grizzly bear, black bear, and wolverine occur in natural populations. Whistling swans nest and rare trumpeter swans assemble in the area. Other birds, including bald eagle, gyrfalcon, osprey, and endangered peregrine falcon, breed within the area. Seabird colonies occur along the coast. One of the most stable natural populations of caribou in Alaska, the Mulchatna herd, calves and migrates within the area, offering significant opportunities for scientific study of this mammal.

Sockeye salmon runs within the area are exceptional. The area includes the upper drainage of the Kvichak River System, which is the single most productive spawning and rearing habitat for red salmon in the world, and the subject of scientific research for many years.

Historical resources of the area are significant. Kijik Village, on the shore of Lake Clark, is the site marking the first known Russian exploration of the region in the late eighteenth century. The area holds great promise for the discovery of further evidence defining the impact of the Native-European contacts.

The land withdrawn and reserved by this proclamation for the protection of the geological, archeological, historical, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with these objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of

June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Lake Clark National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Lake Clark National Monument on the map numbered LACL-90,009 attached to and forming a part of this Proclamation. The area reserved consists of approximately 2,500,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

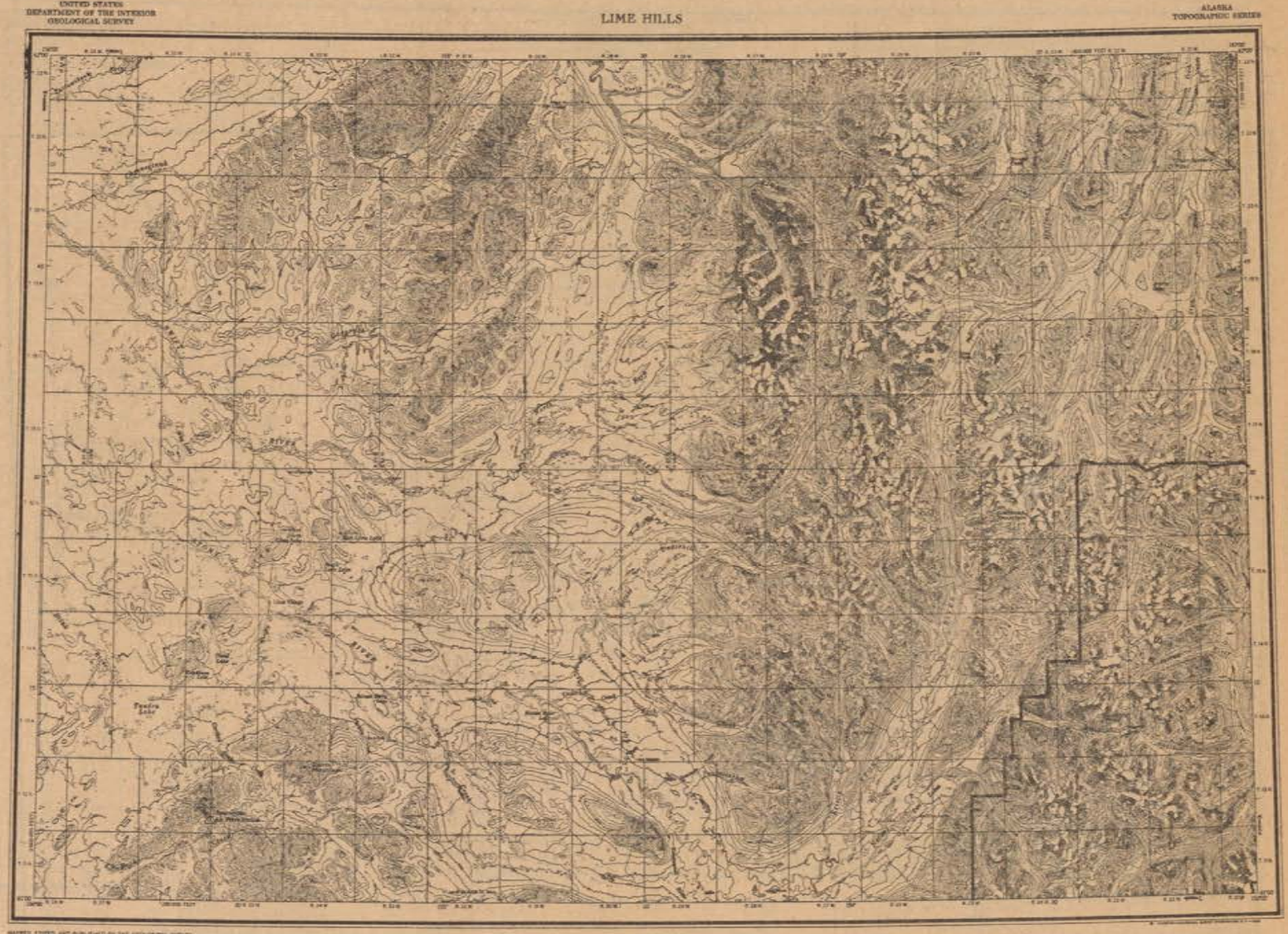
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

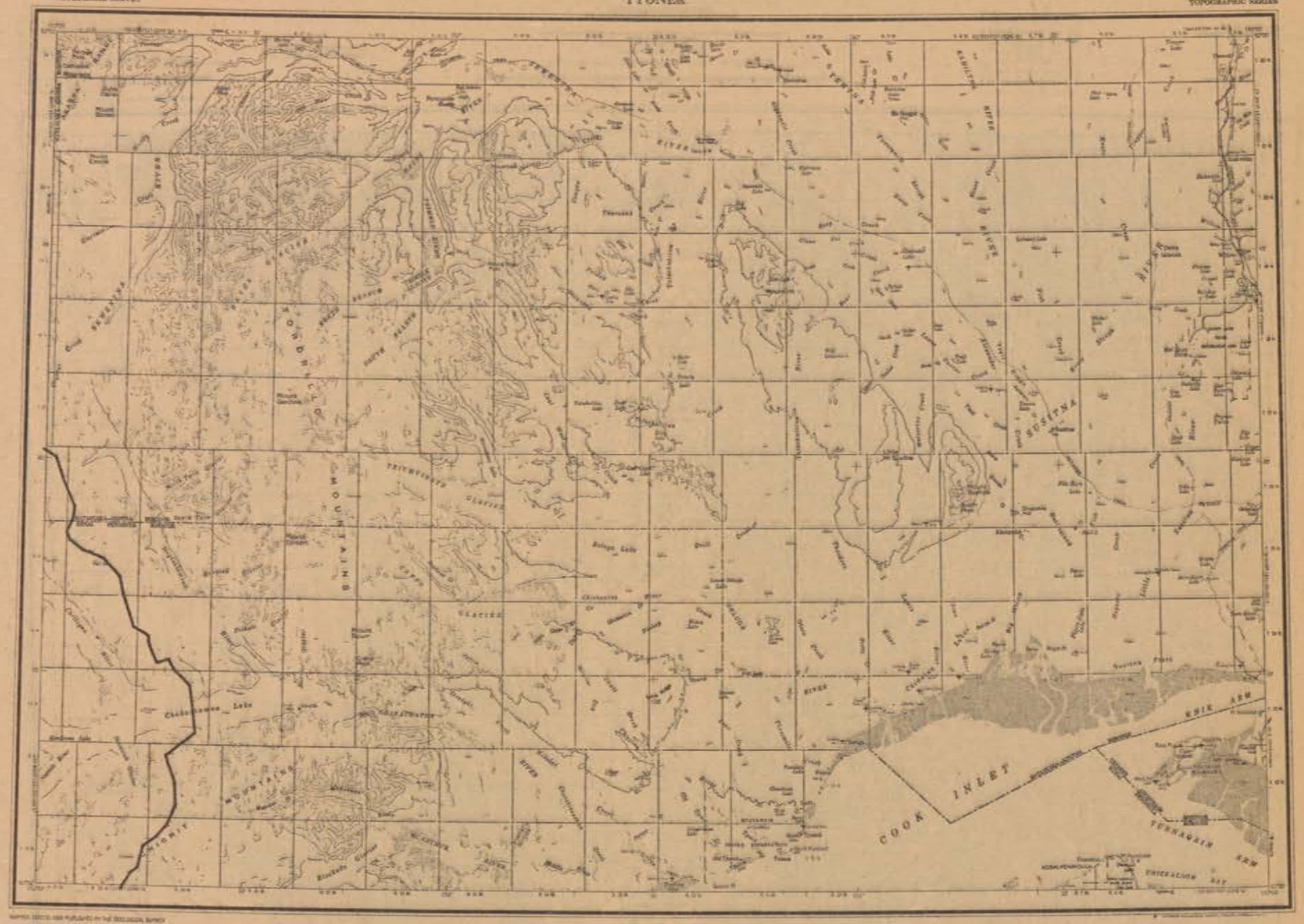
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

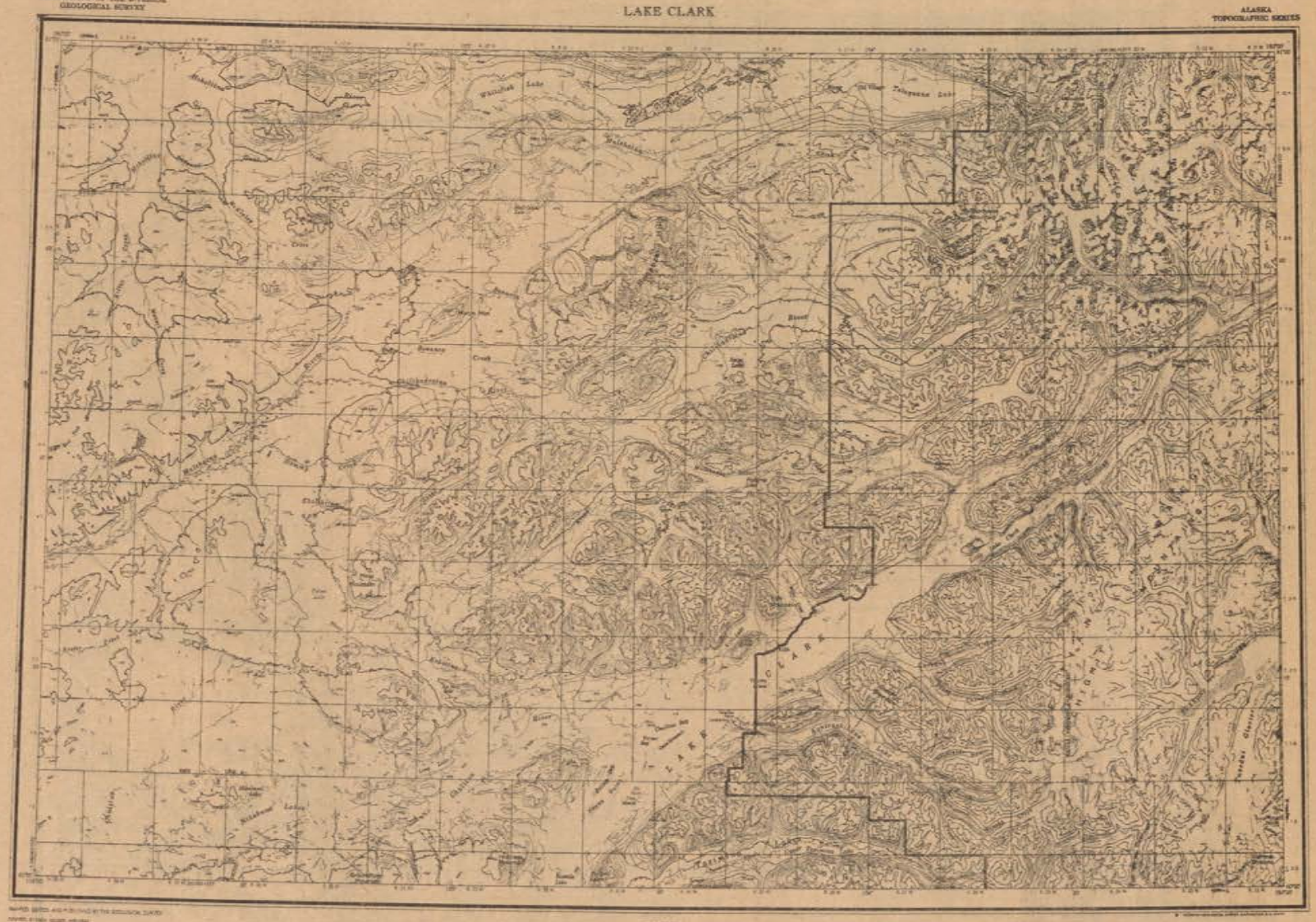
IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

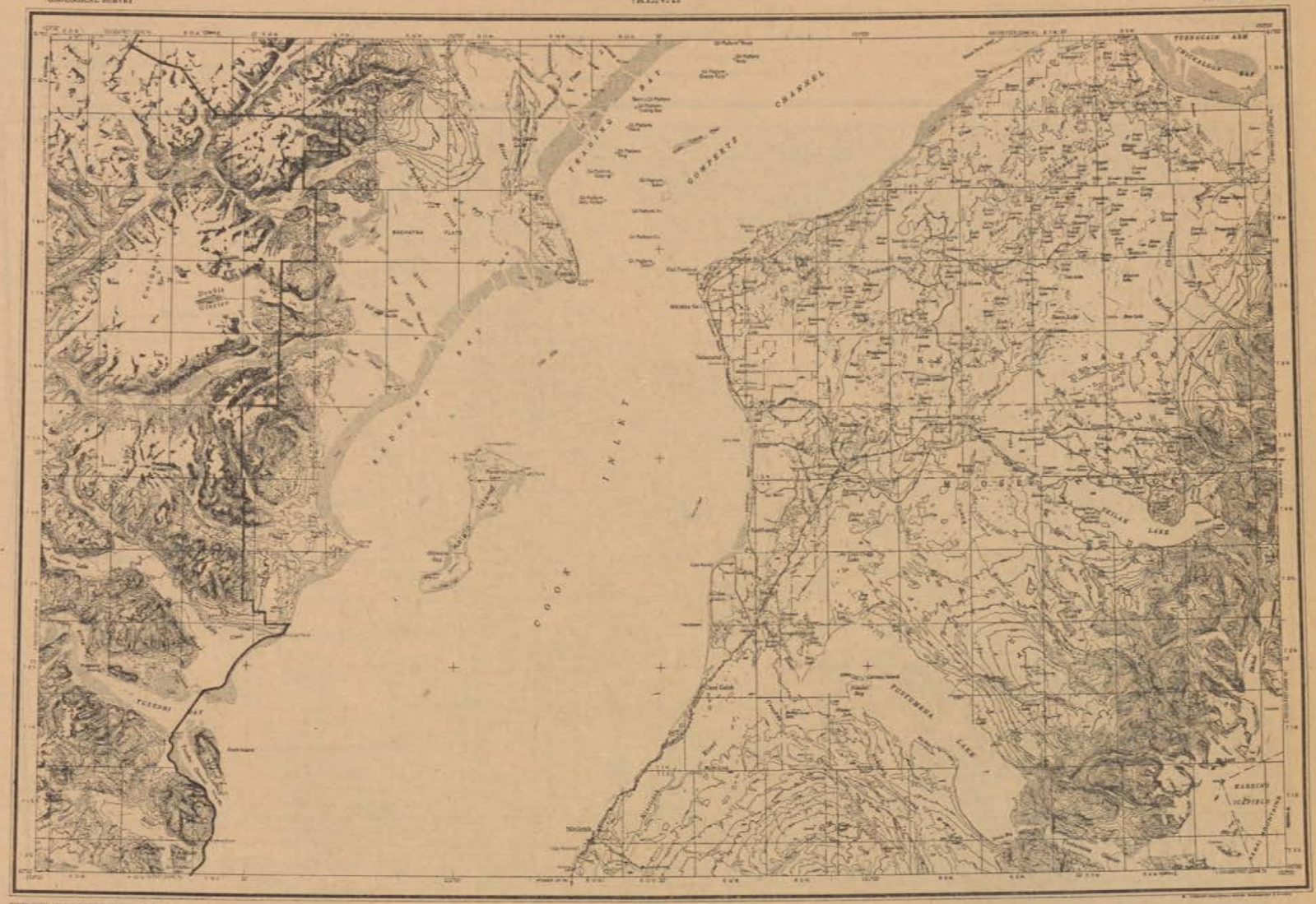
Jimmy Carter

[3195-01-C]


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
LIME HILLS
ALASKA
TOPOGRAPHIC SERIES
LIME HILLS, ALASKA

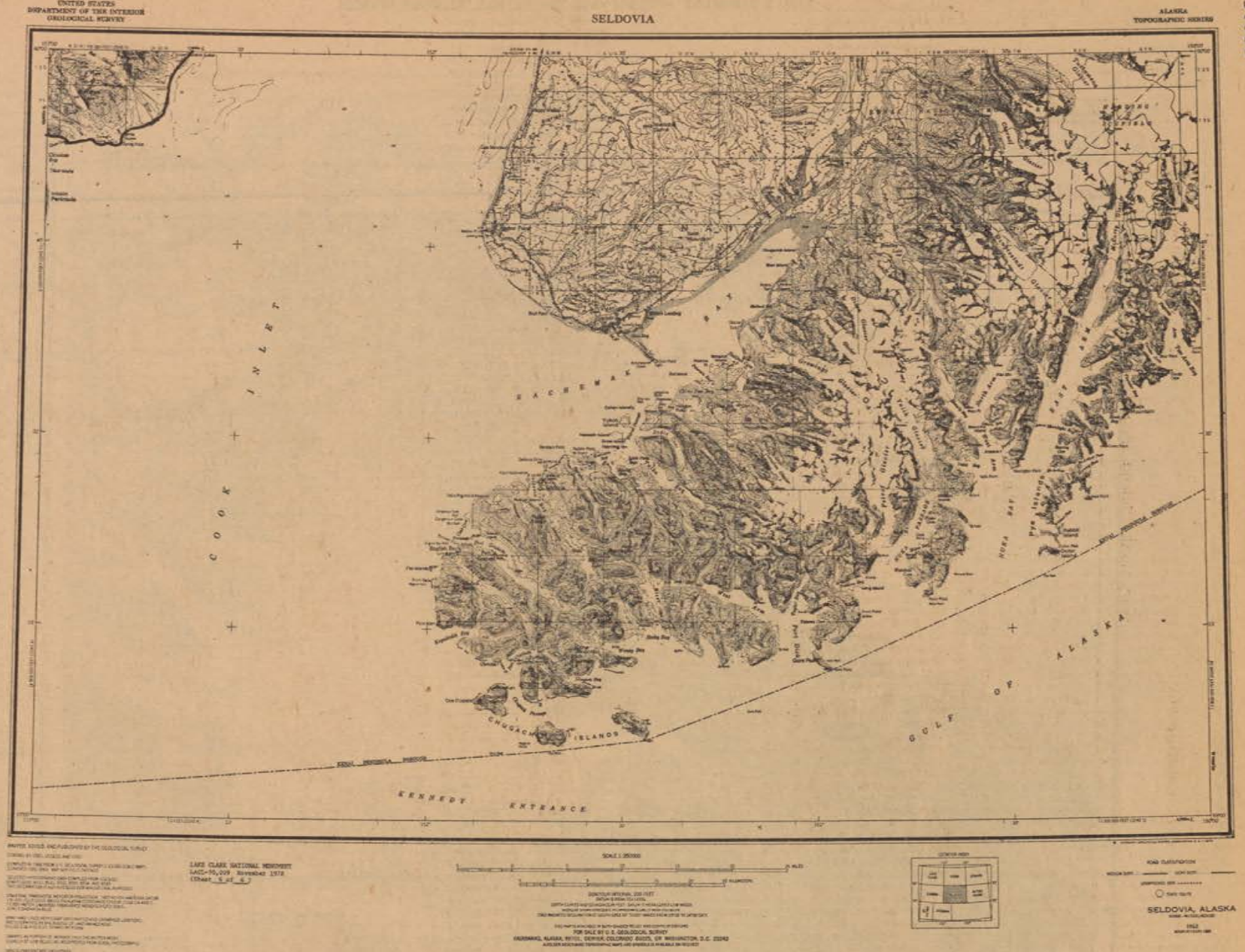

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
TYONEK
ALASKA
TOPOGRAPHIC SERIES
TYONEK, ALASKA
LAKE CLARK NATIONAL MONUMENT
COOK INLET
KNIK ARM
TURNAGAIN ARM


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
LAKE CLARK
ALASKA
TOPOGRAPHIC SERIES
LAKE CLARK NATIONAL MONUMENT
LAKE CLARK, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
KENAI
ALASKA
KENAI PENINSULA BOROUGH
TOPOGRAPHIC SERIES
TURNAGAIN ARM
CHUGACH BAY
TURNAGAIN BAY
CHANNEL
COMPROMISE
KNIK ARM
KNIK BAY
COOK INLET
TUXEDNI BAY
TUXEDNI
FITZSIMMONS LAKE
KENAI, ALASKA


ILIAMNA
ILIAMNA, ALASKA
INLET
COOK
KAMISHAK
BAY
ALASKA
TOPOGRAPHIC SERIES
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

40-000 50a



[FR Doc. 78-33997 Filed 12-1-78; 3:04 pm]

[3195-01-M]

Proclamation 4623 • **December 1, 1978**

Misty Fiords National Monument

By the President of the United States of America

A Proclamation

Misty Fiords is an unspoiled coastal ecosystem containing significant scientific and historical features unique in North America. It is an essentially untouched two million-acre area in the Coast Mountains of Southeast Alaska within which are found nearly all of the important geological and ecological characteristics of the region, including the complete range of coastal to interior climates and ecosystems in a remarkably compact area.

Among the objects of geologic importance are extraordinarily deep and long fiords with sea cliffs rising thousands of feet. Active glaciers along the Canadian border are remnants of the massive ice bodies that covered the region as recently as about 10,000 years ago, at the end of the Pleistocene epoch. However, there have been periodic glacial advances and retreats in more recent historic periods. Some of the area has been free from glaciation for only a short period of time, creating the unusual scientific phenomenon of recent plant succession on newly-exposed land with the accompanying animal species. The Behm Canal, the major inlet at the heart of the area, is more than fifty miles long and extraordinary among natural canals for its length and depth.

The watershed of the Unuk River, which comprises the northern portion of the Misty Fiords area, has its headwaters in Canada. It is steeply mountainous and glaciated and contains the full range of ecosystems and climates from interior to coastal. Mineral springs and lava flows add to the uniqueness of the area and its value for scientific investigation. South of the Unuk, the Chickamin River System and the Le Duc River originate in active glaciers and terminate in Behm Canal. Further south, Rudyerd Bay Fiords and Walker Cove are surrounded by high, cold lakes and mountains extending eastward to Canada.

First inhabitants of Misty Fiords may have settled in the area as long ago as 10,000 years. The area contains cultural sites and objects of historical significance, including traditional native hunting and fishing grounds. Later historical evidence includes a mid-1800's military post-port entry on Tongass Island and a salmon cannery in Behm Canal established in the late 1800's.

Misty Fiords is unique in that the area includes wildlife representative of nearly every ecosystem in southeast Alaska, most notably bald eagles, brown and black bears, moose, wolves, mountain goats and Sitka black-tailed deer. Numerous other bird species nest and feed in the area, notably falcons and waterfowl. Misty Fiords is a major producer of all five species of Pacific salmon and is especially important for king salmon. Numerous other saltwater, freshwater and anadromous fish species and shellfish are plentiful in this area, which is an extraordinarily fertile interface of marine and freshwater environments. Unusual plantlife includes Pacific silver and subalpine fir trees near the northern limit of their range. The area includes an unusual variety of virgin forests, ranging from coastal spruce-hemlock to alpine forests.

As an intact coastal ecosystem, Misty Fiords possesses a collective array of objects of outstanding value for continuing scientific study. The boundaries of

the area follow watershed perimeters and include the smallest area compatible with protection of this unique ecosystem and the remarkable geologic and biological objects and features it contains.

Hunting and fishing shall continue to be regulated, permitted and controlled in accord with the statutory authorities applicable to the monument area.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, at his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the government of the United States to be National Monuments, and to reserve as part thereof parcels of lands, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906, (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Misty Fiords National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area described on the document entitled "Misty Fiords National Monument (Copper River Meridian)", attached to and forming a part of this Proclamation. The area reserved consists of approximately 2,285,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the Monument upon acquisition of title thereto by the United States.

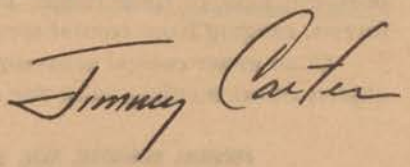
All lands, including submerged lands, and all waters within the boundaries of this Monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this Monument and for the proper administration of the Monument in accordance with applicable laws.

The establishment of this Monument is subject to valid existing rights, including, but not limited to, valid selection under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under section 17 (d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616 (d)(1)); however, the National Monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A–48–72 (D. Alaska, Complaint filed April 10, 1972).

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this Monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

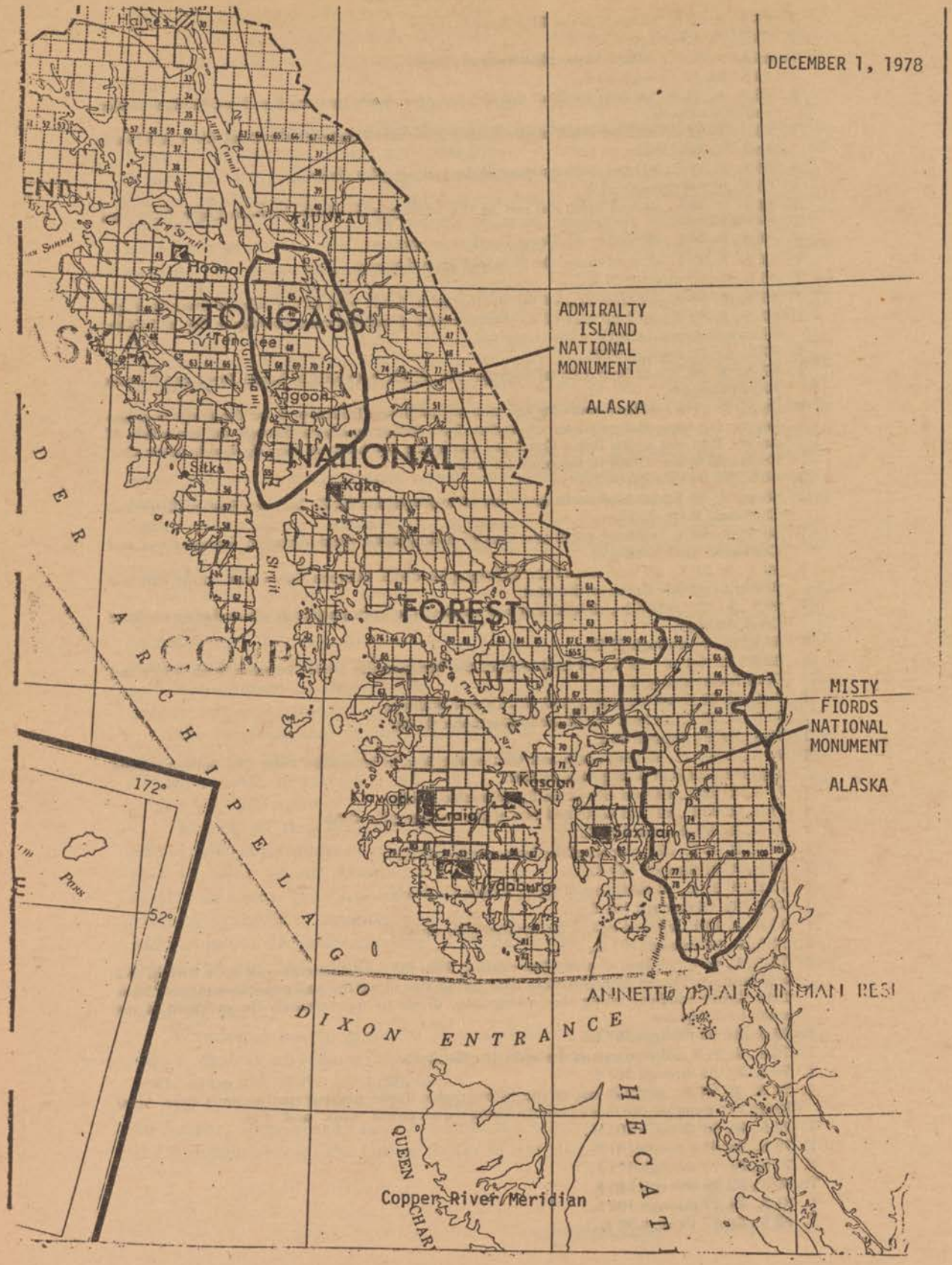


MISTY FIORDS NATIONAL MONUMENT

COPPER RIVER MERIDIAN

T. 63 S., R. 92 E., all lands in the Blue River drainage
T. 63 S., Rs. 93 and 94 E.,
T. 64 S., R. 92 E., all land in the Blue River drainage
T. 64 S., Rs. 93 through 95 E.,
T. 65 S., R. 91 E., all land south of the hydrographic divide between East Fork Bradfield River and Grant Creek
T. 65 S., R. 92 E., all land south of the hydrographic divide between the Unuk River and North Fork Bradfield River
T. 65 S., R. 93 E., all land south and east of the hydrographic divide
T. 65 S., Rs. 94 through 97 E.,
T. 66 S., R. 90 E., all land south and east of the hydrographic divide between Eagle River and Grant Creek
T. 66 S., R. 91 E., all land in the Grant Creek drainage
T. 66 S., R. 92 E., all land except the Bradfield River drainage
T. 66 S., Rs. 93 through 97 E.,
T. 66 S., R. 98 E., all land west of the hydrographic divide west of the Salmon River drainage
T. 67 S., R. 91 E., all land east of the hydrographic divide between Burroughs Bay and Eagle River-Bell Arm drainages
T. 67 S., Rs. 92 through 97 E.,
T. 67 S., R. 98 E., all land west of hydrographic divide between Chickamin River and Salmon River Drainages
T. 68 S., R. 91 E., all land east of a line running southwest from a peak on the north township line to the approximate center of Anchor Pass thence southerly through the centerline of Anchor Pass and across Behm Canal and continuing southerly up the ridgeline between Cow Creek and Beaver Creek to the south township
T. 68 S., Rs. 92 through 96 E.,
T. 68 S., R. 97 E., all land north and west of hydrographic divide between Salmon River and Chickamin River drainages
T. 68 S., R. 98 E., all land north and west of hydrographic divide between Salmon River and Chickamin River drainages
T. 69 S., R. 91 E., all land east of the hydrographic divide between Cow Creek on the east and Beaver Creek-Klu Creek on the west
T. 69 S., Rs. 92 and 93 E., all land east and north of the hydrographic divide excluding Orchard Creek drainage
T. 69 S., Rs. 94 through 97 E.,
T. 69 S., Rs. 98 and 99 E., all land west of the hydrographic divide between Soule River and Davis River drainages
T. 70 S., R. 92 E., all lands except Orchard Creek drainage
T. 70 S., R. 93 E., all land east of the hydrographic divide
T. 70 S., Rs. 94 through 98 E.,
T. 70 S., R. 99 E., all land south and west of the Seward Mountains ridge and Portland Canal opposite Round Pt. triangulation point
T. 71 S., R. 92 E., all land east of the hydrographic divide
T. 71 S., R. 93 E., all land north and east of the hydrographic divide
T. 71 S., Rs. 94 through 100 E.,
T. 72 S., R. 93 E., all land east of the hydrographic divide
T. 72 S., R. 94 through 100 E.,
T. 73 S., R. 93 E., all lands east of the hydrographic divide
T. 73 S., Rs. 94 through 101 E.,
T. 74 S., R. 93 E., all land east of the hydrographic divide
T. 74 S., R. 94 through 101 E.,
T. 75 S., R. 94 E., all land east of a line running from the northwest corner of the township to a trail between Thorne Arm and Mesa Lake thence east along the trail to southwest tip of Mesa Lake thence southerly along the hydrographic divide to approximately the midpoint of the south township line
T. 75 S., Rs. 95 through 101 E.,
T. 76 S., R. 94 E., all land east of the hydrographic divide
T. 76 S., Rs. 95 through 102 E.,
T. 77 S., R. 94 E., all land east of the hydrographic divide running southwesterly from Alava Ridge to a point on the shore between triangulation points "Luck" and "Cat"
T. 77 S., Rs. 95 through 102 E.,
T. 78 S., Rs. 95 through 101 E.,
T. 79 S., Rs. 95 through 101 E.,
T. 80 S., Rs. 96 through 100 E.,
T. 81 S., Rs. 97 through 100 E.,
T. 82 S., Rs. 97 through 99 E.

[3195-01-C]



[FR Doc. 78-33998 Filed 12-1-78; 3:05 pm]

[3195-01-M]

Proclamation 4624 • December 1, 1978

Noatak National Monument

By the President of the United States of America

A Proclamation

The Noatak River basin is the largest mountain-ringed river basin in the Nation still virtually unaffected by technological human activity. This basin has been designated as a Biosphere Reserve under the United Nations' auspices, in recognition of its international importance for scientific study and research.

The area includes landforms and ecological variations of scientific interest. The Grand Canyon of the Noatak River is a dissected valley 65 miles long. The area contains the northwesternmost fringe of boreal forest in North America, and is a transition zone and migration route for plants and animals between subarctic and arctic environments. The diversity of the flora is among the greatest anywhere in the earth's northern latitudes.

The Noatak Valley area contains a rich variety of birdlife including several Asian species. The area is crossed twice a year by two-thirds of the Western Arctic caribou herd, and is prime habitat for the barren ground grizzly bear, moose, and several predator species.

Nearly 200 archeological sites, dating as far back in time as 5,000 years, are within the area. They give promise of future discoveries leading to a deeper understanding of the area's prehistory.

The Noatak basin is an area where indigenous plants and animals perpetuate themselves naturally, in a freely functioning ecosystem. Protection of this area will assure the preservation of an essential base against which scientists may judge environmental dynamics of the future.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological, and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends upon subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Noatak National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Noatak National Monument on the

map numbered NOAT-90,004 attached to and forming a part of this Proclamation. The area reserved consists of approximately 5,800,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

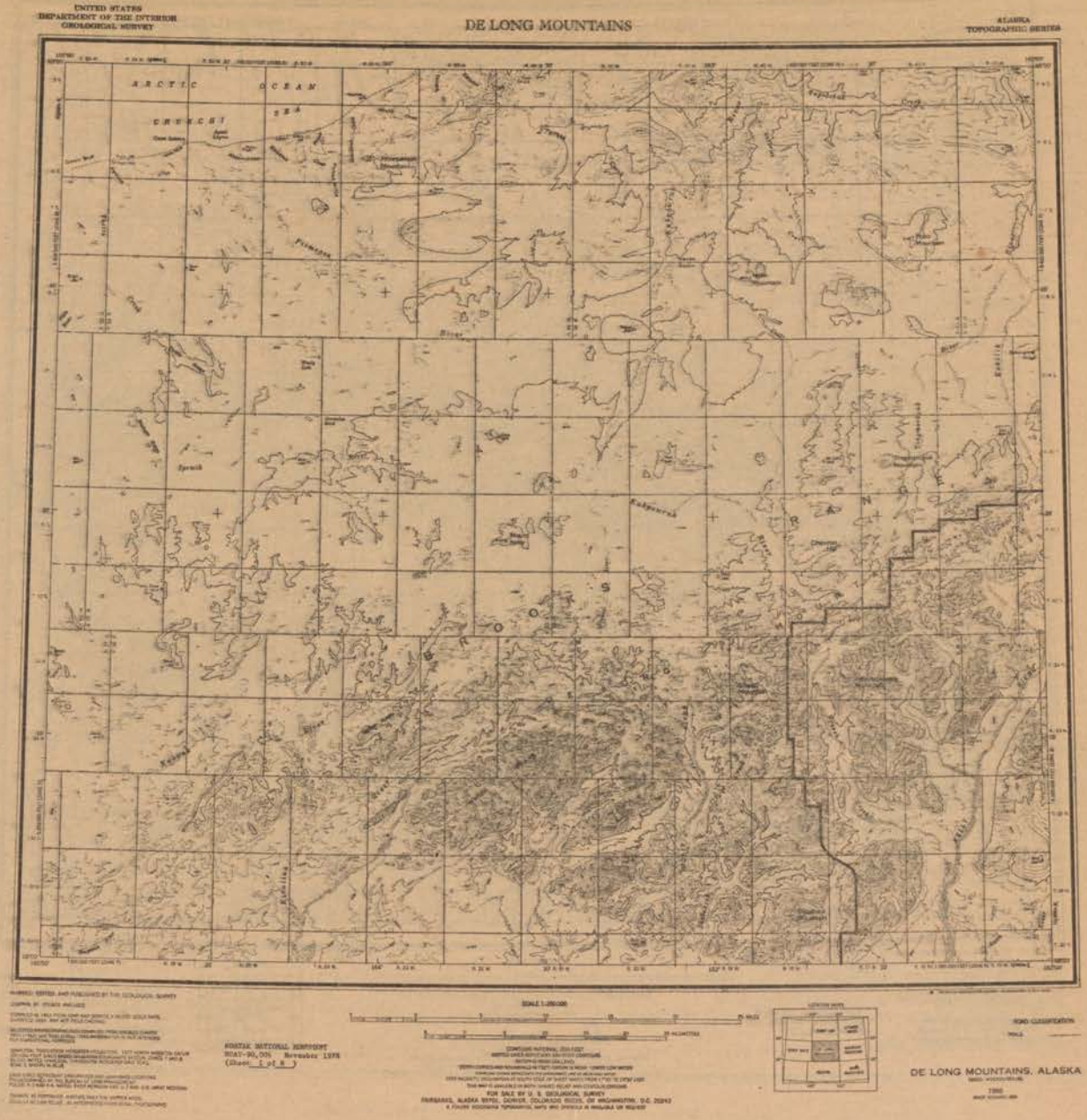
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

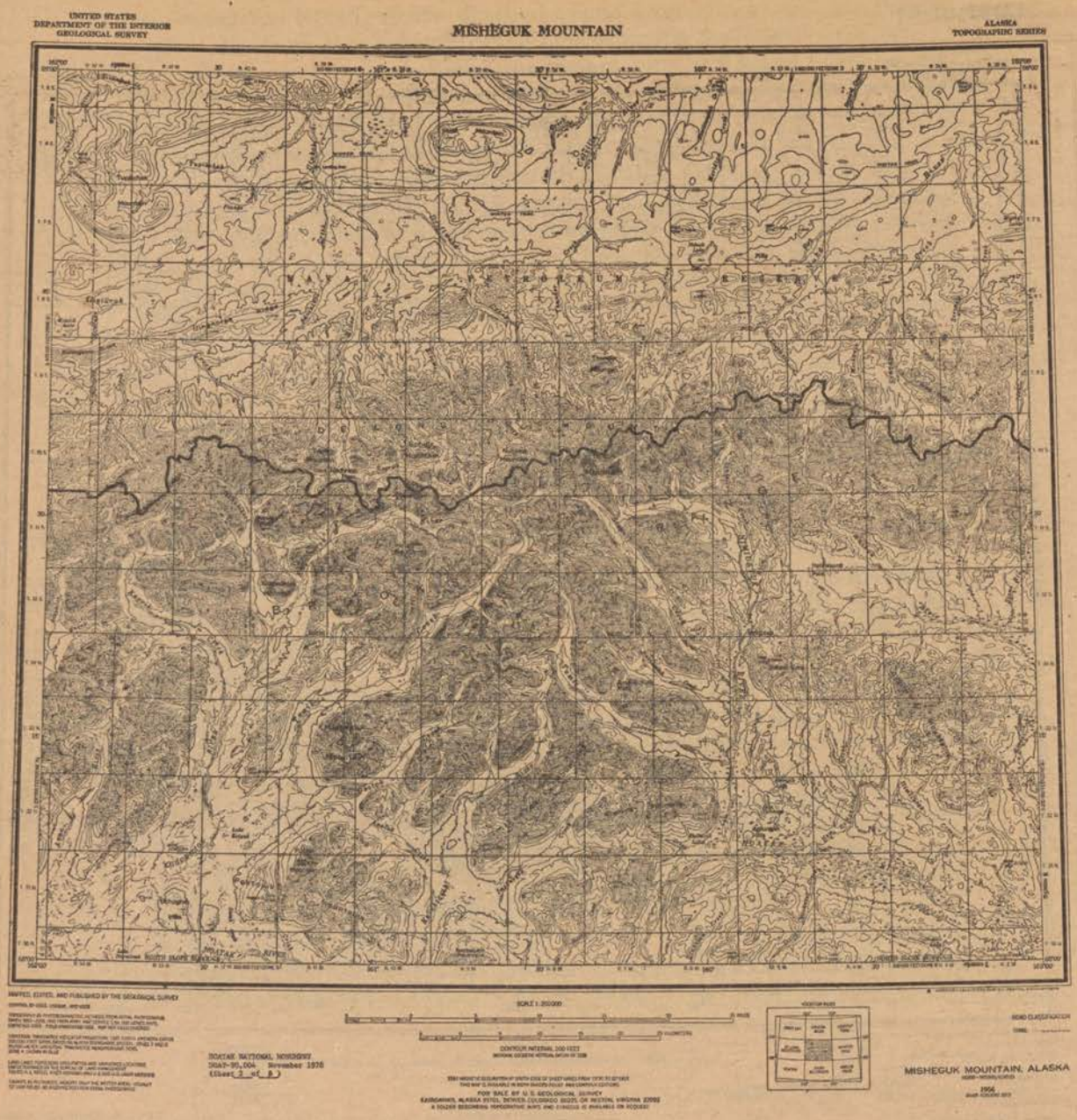
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

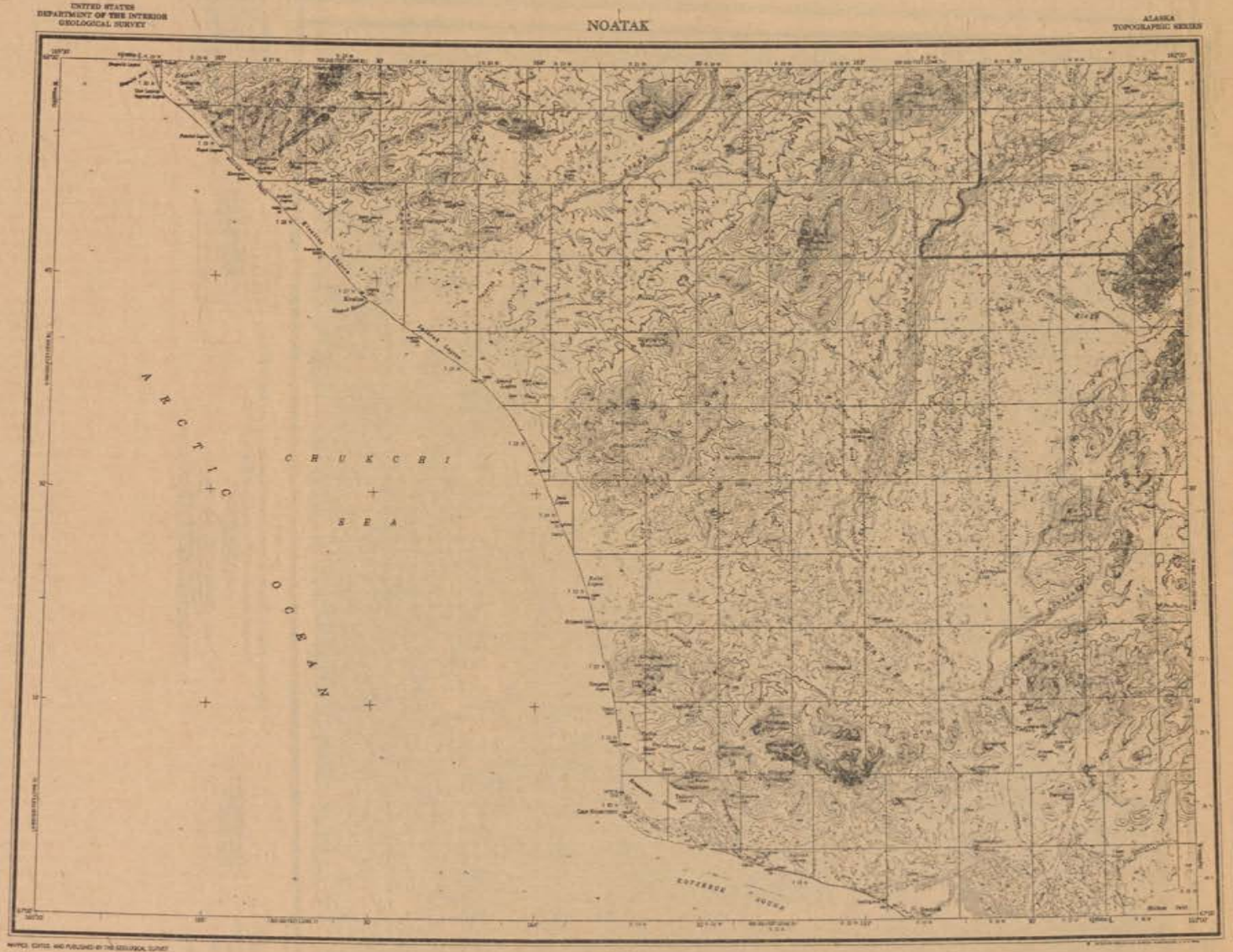
[3195-01-C]

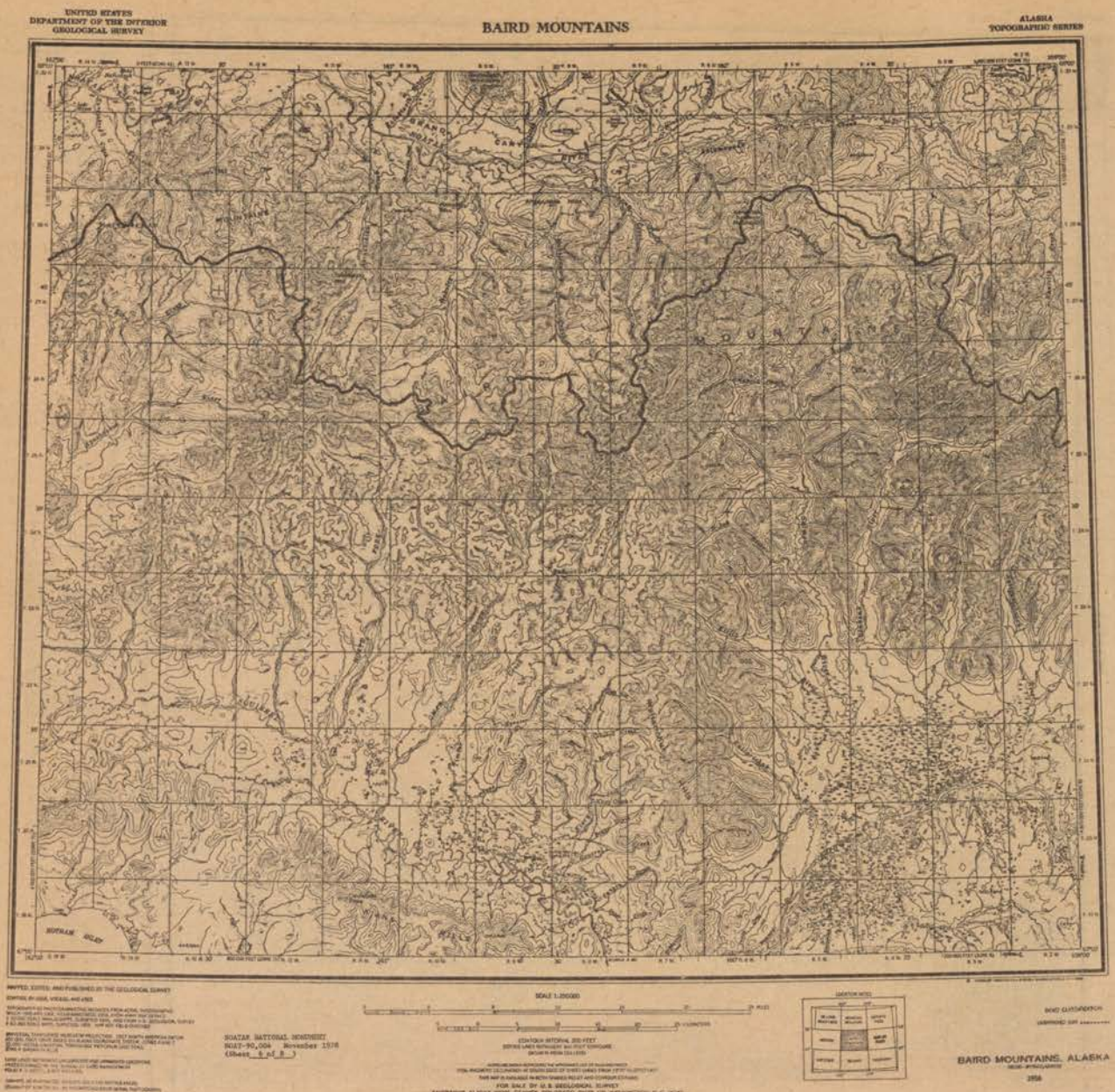

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
DE LONG MOUNTAINS
ALASKA
TOPOGRAPHIC SERIES
ARCTIC OCEAN
CHUKCHI SEA
DE LONG MOUNTAINS, ALASKA

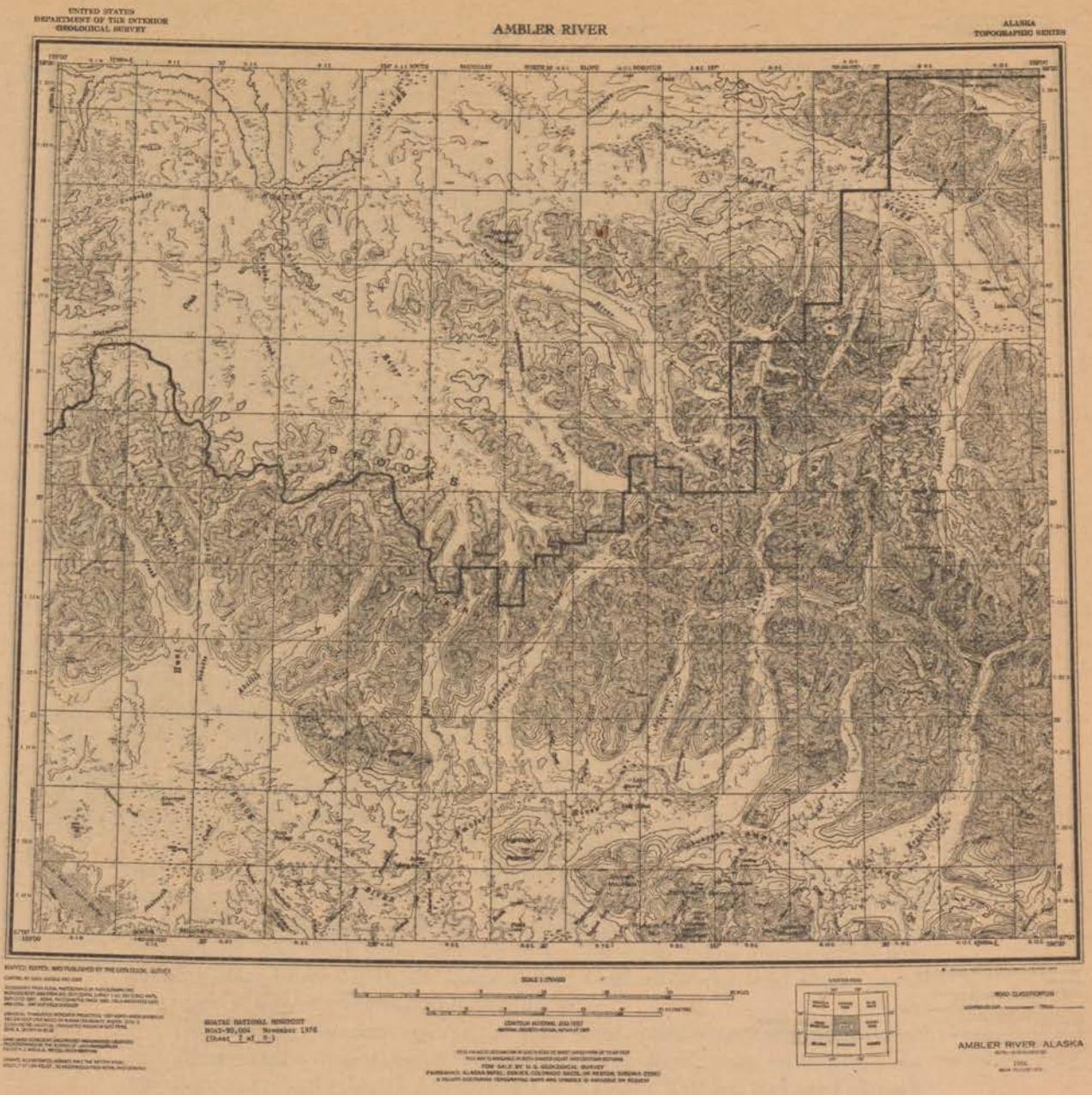

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
MISHEGUK MOUNTAIN
ALASKA
TOPOGRAPHIC SERIES
MISHEGUK MOUNTAIN, ALASKA
1956

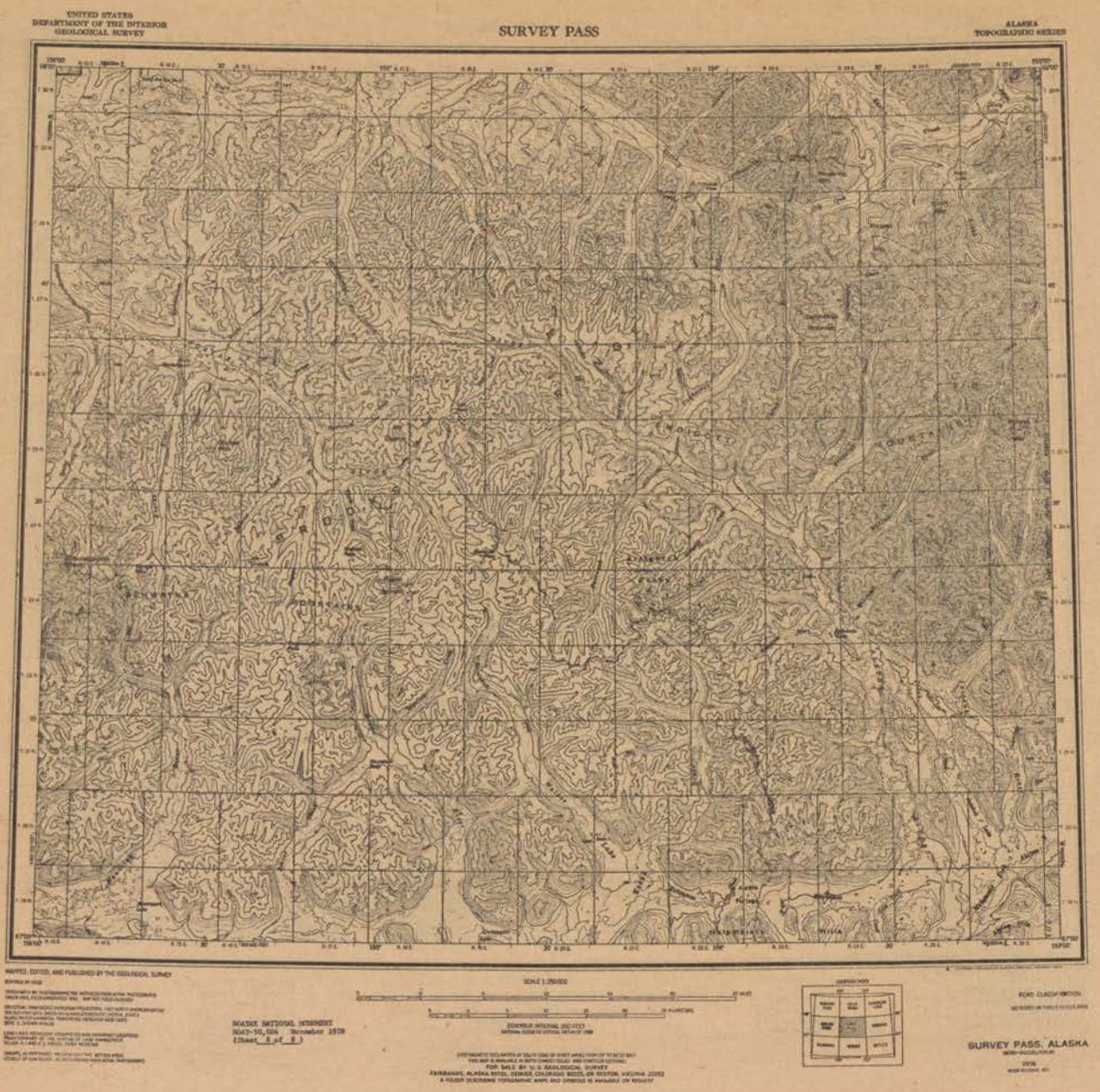

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
HOWARD PASS
ALASKA
TOPOGRAPHIC SERIES
BROOKS RANGE
HOWARD PASS
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
SCALE 1:250 000
CONTOUR INTERVAL 200 FEET
NOATAK NATIONAL MONUMENT
NOAT-90,004 November 1978
(Sheet 3 of 8)
FOR SALE BY U.S. GEOLOGICAL SURVEY
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
HOWARD PASS, ALASKA
1956


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
KILLIK RIVER
ALASKA
TOPOGRAPHIC SERIES
BROOKS RANGE
SCALE 1:250 000
CONTOUR INTERVAL 200 FEET
NOATAK NATIONAL MONUMENT
NOAT-90,005 November 1978
(Sheet 4 of 9)
FOR SALE BY U.S. GEOLOGICAL SURVEY
KILLIK RIVER, ALASKA
1954


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
NOATAK
ALASKA
TOPOGRAPHIC SERIES
ARCTIC
OCEAN
CHUKCHI
SEA
NOATAK, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BAIRD MOUNTAINS
ALASKA
TOPOGRAPHIC SERIES
BAIRD MOUNTAINS, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
AMBLER RIVER
ALASKA
TOPOGRAPHIC SERIES
KOBUK
KOYUKUK
ALATNA
KANUTI
ANIAK
ANAKTUVUK
ARCTIC
WILDERNESS
GATES OF THE
ARCTIC
NATIONAL
PARK
NOATAK
NATIONAL
PRESERVE
NOATAK NATIONAL MONUMENT
AMBLER RIVER, ALASKA



[FR Doc. 78-33999 Filed 12-1-78; 3:06 pm]

[3195-01-M]

Proclamation 4625 • **December 1, 1978**

Wrangell-St. Elias National Monument

By the President of the United States of America

A Proclamation

An area of southeastern Alaska adjacent to the International Boundary with Canada contains a variety of landforms, including high mountain peaks and steep canyons, with associated geological, ecological, biological, and historical phenomena of great importance.

The area includes the greatest assemblage of mountain peaks over 14,500 feet in elevation found in the Nation, the nation's second highest mountain (Mount St. Elias, at 18,008 feet), several inactive and one active volcano (Mount Wrangell), and an active glacial complex, including some of the largest and longest glaciers in the Nation. The high mountain peaks and glaciers offer an excellent opportunity for glaciological studies. The Malaspina Glacier is listed on the National Registry of Natural Landmarks.

Thermal features in the area include the mud cones and hot springs on the western base of Mount Drum. More complete undeveloped river systems exist here than in any other land area in the Nation, with more than 1,000 miles of powerfully running, silt-laden rivers.

Biologically unique subspecies of flora and fauna have developed in the Bremner and Chitina River Valleys. As a result of their isolation by virtue of ice fields and the Copper River, these areas are virtually ecological islands in whch development of subspecies is largely unaffected by interchange with outside plant and animal species.

Wildlife populations include the largest population of wild mountain sheep in North America, moose, mountain goat, and a non-migratory population of caribou. The area is the only part of Alaska where four of the five identifiable forms of bear occur, including the interior grizzly, the coastal brown bear, the black bear, and the rare, blue-color phase of the black bear called glacier bear. Along the coast of the Gulf of Alaska bald eagles and a large and varied shorebird population occur.

Cultural development within the area is of interest to archeologists and historians. Three major culture areas converge here, each with distinctive cultural patterns: the North Athapascans, the Pacific Eskimo, and the Chugach. Mining history is evidenced by the Kennecott Copper Works, a National Historic Landmark.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archeological, biological, and other phenomena enumerated above supports now, as it has in the past, a unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhances the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of

historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Wrangell-St. Elias National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Wrangell-St. Elias National Monument on the map numbered WRST-90,007 attached to and forming a part of this Proclamation. The area reserved consists of approximately 10,950,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the pubic land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

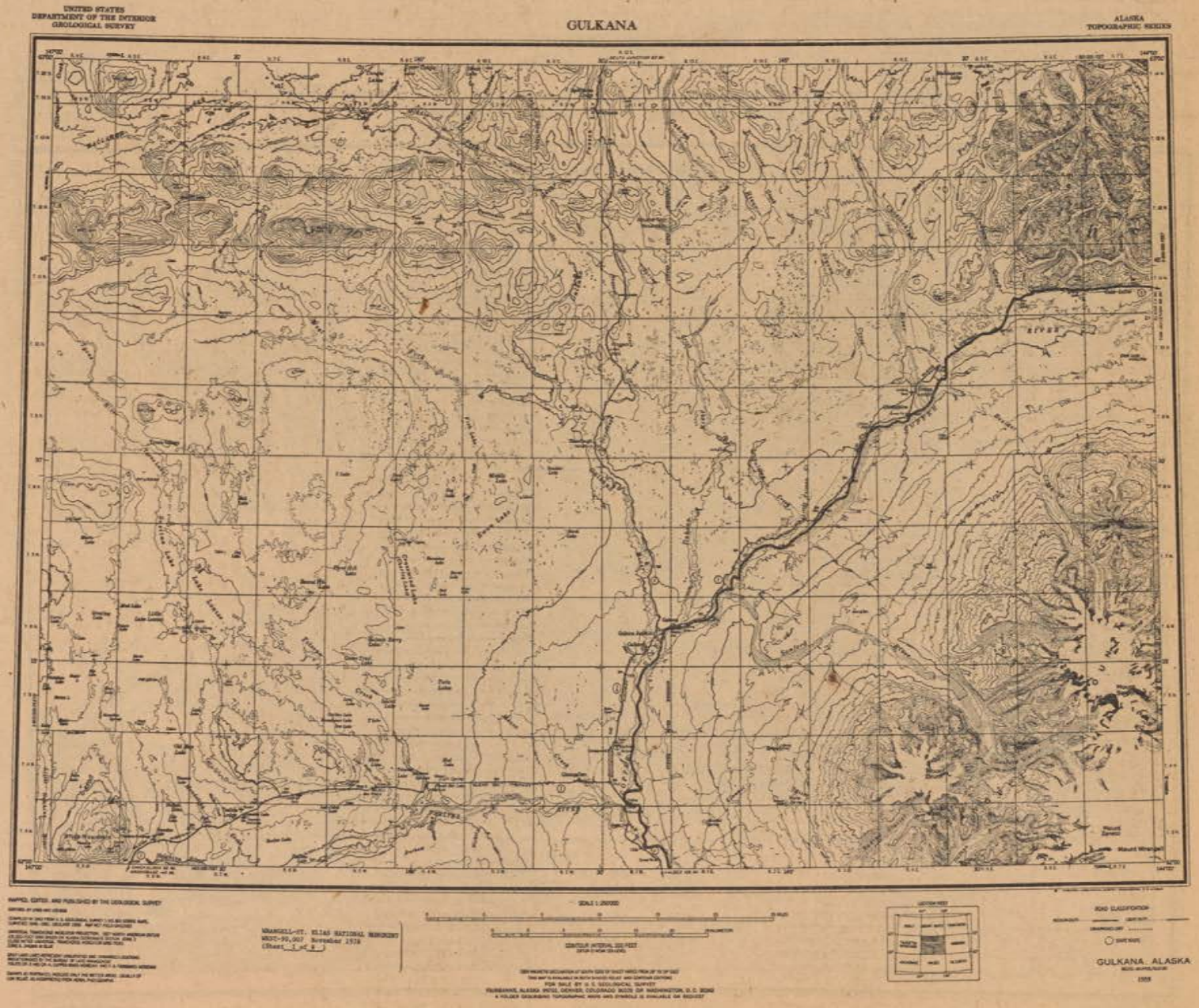
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

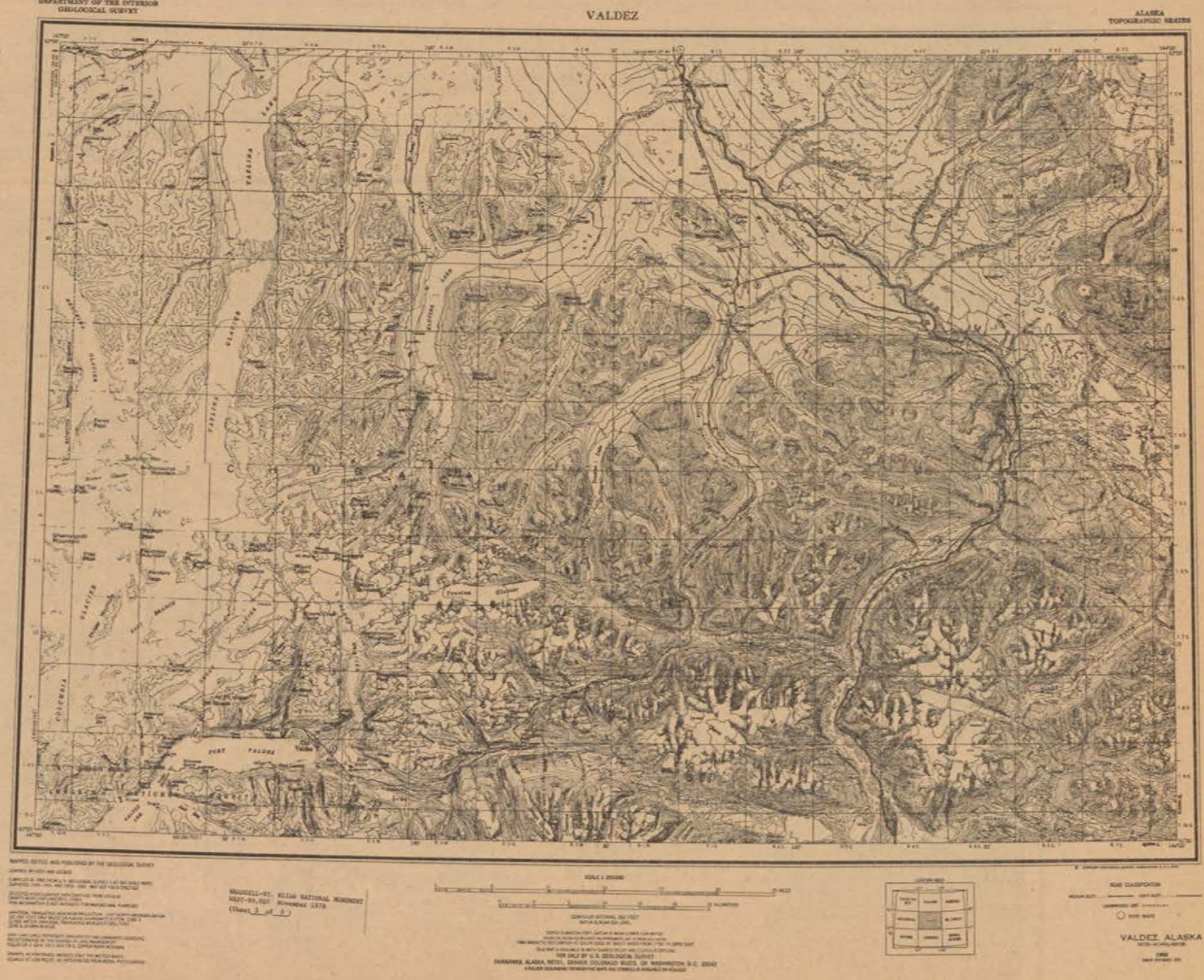
IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[3195-01-C]


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
GULKANA
ALASKA
TOPOGRAPHIC SERIES
GULKANA, ALASKA

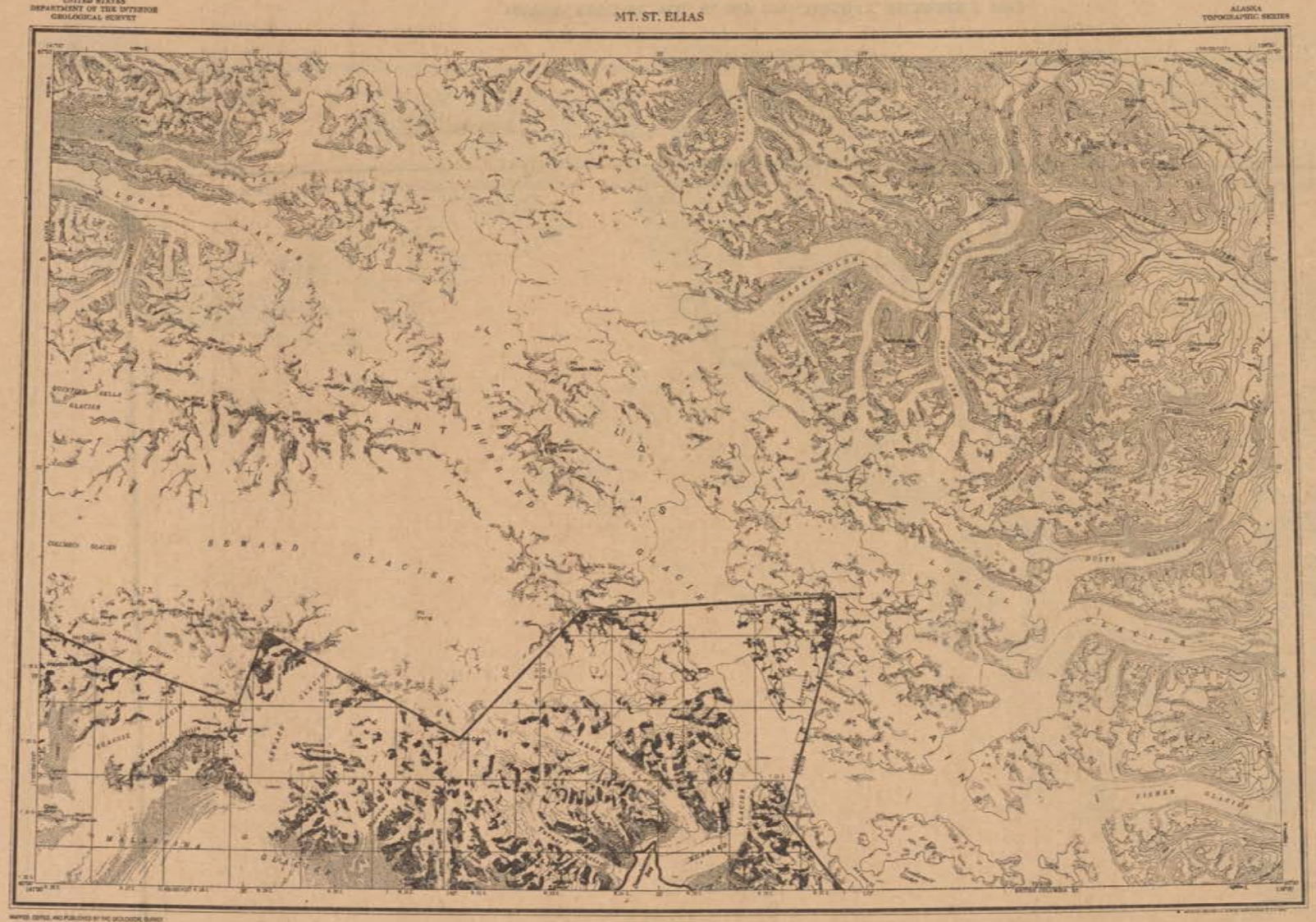

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
NABESNA
ALASKA
TOPOGRAPHIC SERIES
WRANGELL
MOUNTAINS
NABESNA, ALASKA

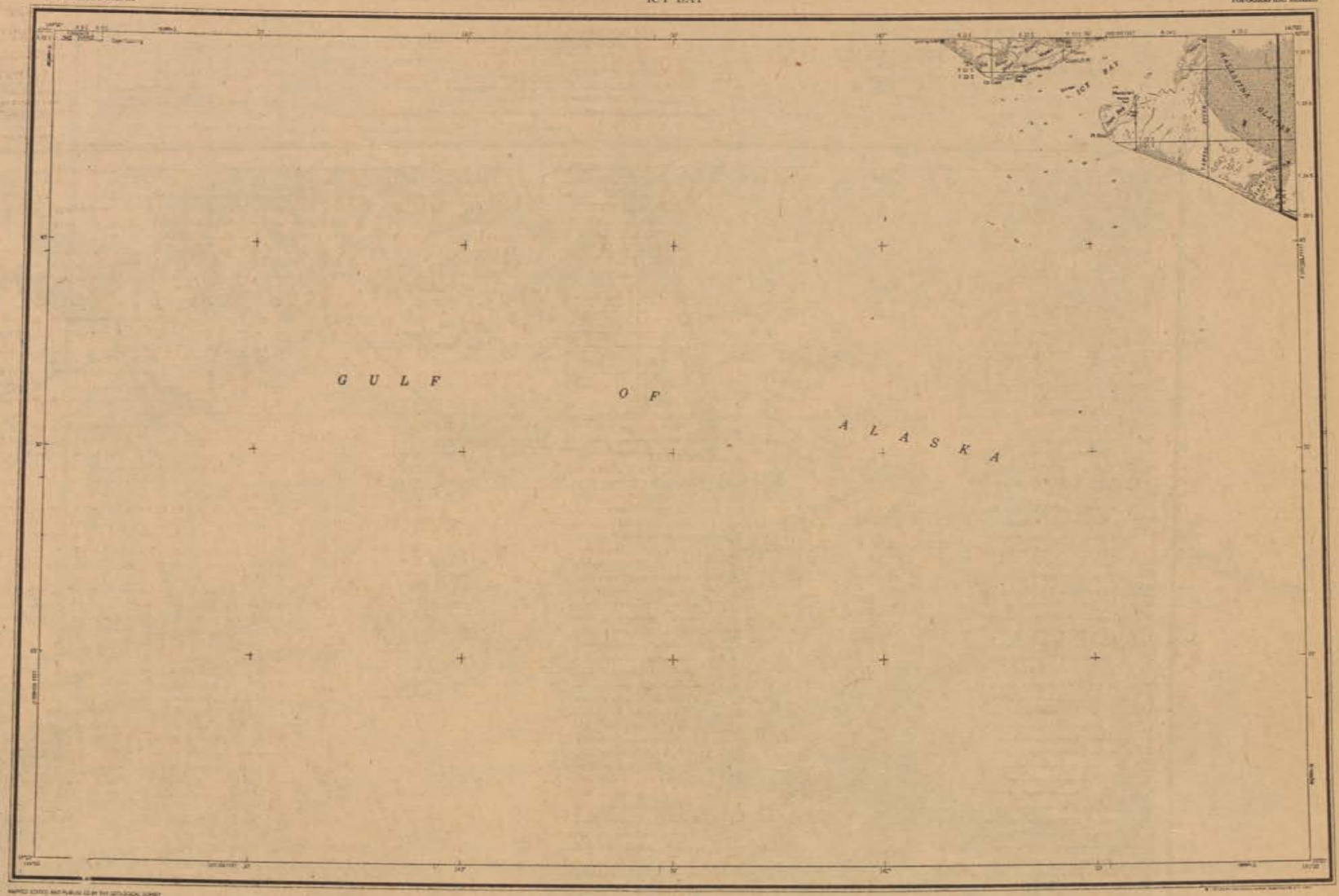

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
VALDEZ
ALASKA
TOPOGRAPHIC SERIES
WRANGELL-ST. ELIAS NATIONAL MONUMENT
VALDEZ ALASKA

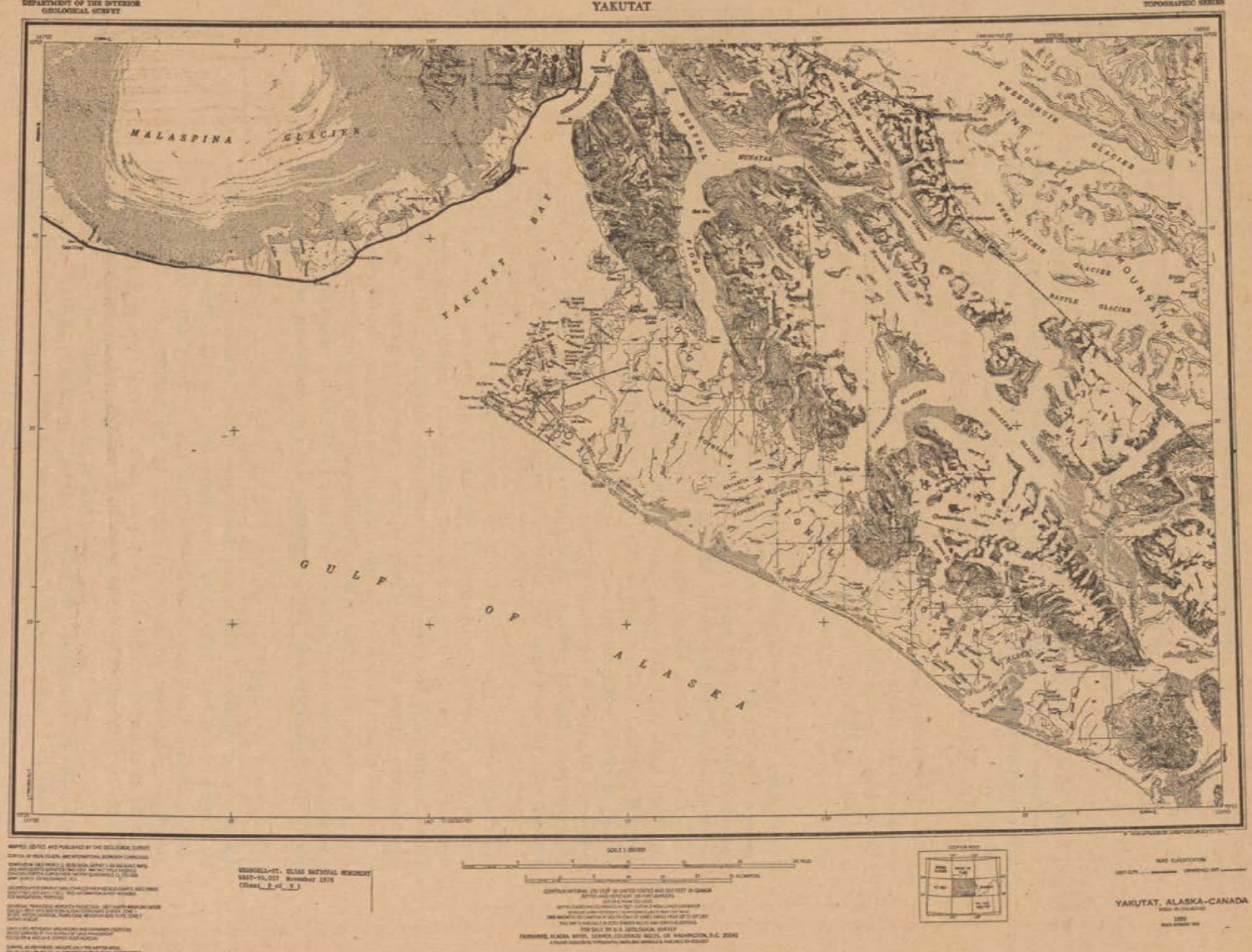

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
MC CARTHY
ALASKA
TOPOGRAPHIC SERIES
MC CARTHY, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CORDOVA
ALASKA
TOPOGRAPHIC SERIES
PRINCE WILLIAM
SOUND
ORCA BAY
GULF OF ALASKA
CORDOVA, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BERING GLACIER
ALASKA
TOPOGRAPHIC SERIES
BAGLEY ICE FIELD
GULF OF ALASKA
BERING GLACIER, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
MT. ST. ELIAS
ALASKA
TOPOGRAPHIC SERIES
SEWARD GLACIER
MT. ST. ELIAS, ALASKA-CANADA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
ICY BAY
ALASKA
TOPOGRAPHIC SERIES
GULF
OF
ALASKA
ICY BAY
ICY BAY, ALASKA



[FR Doc. 78-34000 Filed 12-1-78; 3:07 pm]



[3195-01-M]

Proclamation 4626 • **December 1, 1978**

Yukon-Charley National Monument

By the President of the United States of America

A Proclamation

The Yukon-Charley National Monument, an area in east-central Alaska, includes a combination of historic and scientific features of great significance. The Upper Yukon River basin contains historic remains of early mining activity, and includes outstanding paleontological resources and ecologically diverse natural resources, offering many opportunities for scientific and historic study and research.

The area provides breeding habitat for the endangered peregrine falcon, and may produce about one-fourth of the know individuals of the *anatum peregrine* subspecies in its northern habitat. Wildlife also include isolated wild populations of Dall sheep, moose, bear, wolf, and other large mammals. Nearly 200 species of birds, including 20 different raptors, are present in the area.

Geological and paleontological features within the area are exceptional, including a nearly unbroken visible series of rock strata representing a range in geologic time from pre-Cambrian to Recent. The oldest exposures contain fossils estimated to be 700 million years old, including the earliest forms of animal life. A large array of Ice Age fossils occurs in the area.

Within the area is the Charley River basin, parts of which were unglaciated, preserving relict Pleistocene plant communities. The Charley River is considered to be one of the cleanest and clearest of the major rivers in Alaska, and thereby offers excellent opportunities for scientific studies. In the upper Charley River basin, artifacts occur dating back possibly 11,000 years, attesting to the presence of ancient hunters who were the ancestors of the modern Athapascan people.

The land withdrawn and reserved by this Proclamation for the protection of the historical, archeological, biological, geological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of

June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Yukon-Charley National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Yukon-Charley National Monument on the map numbered YUCH-90,009 attached to and forming a part of this Proclamation. The area reserved consists of approximately 1,720,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisistion of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

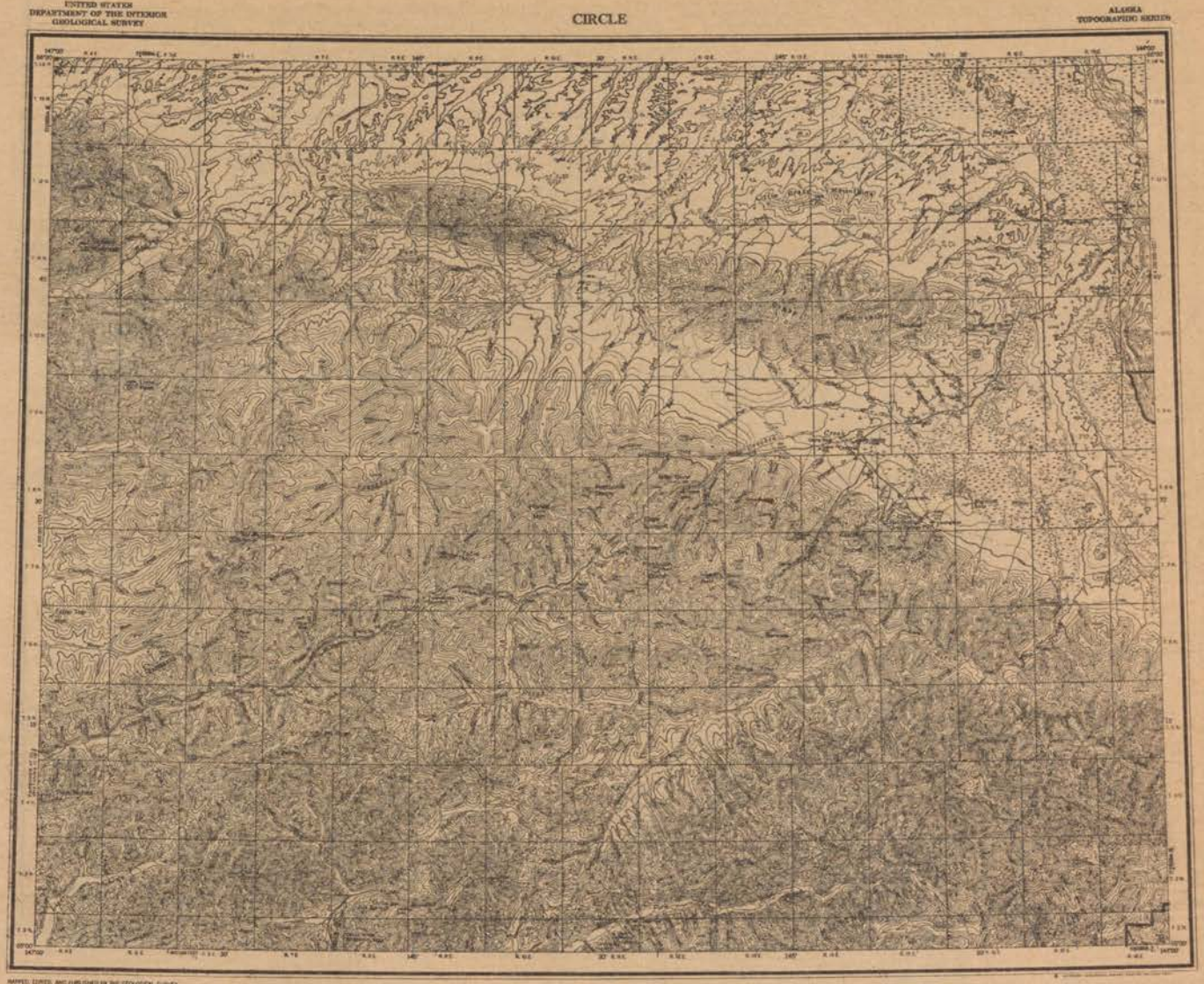
The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

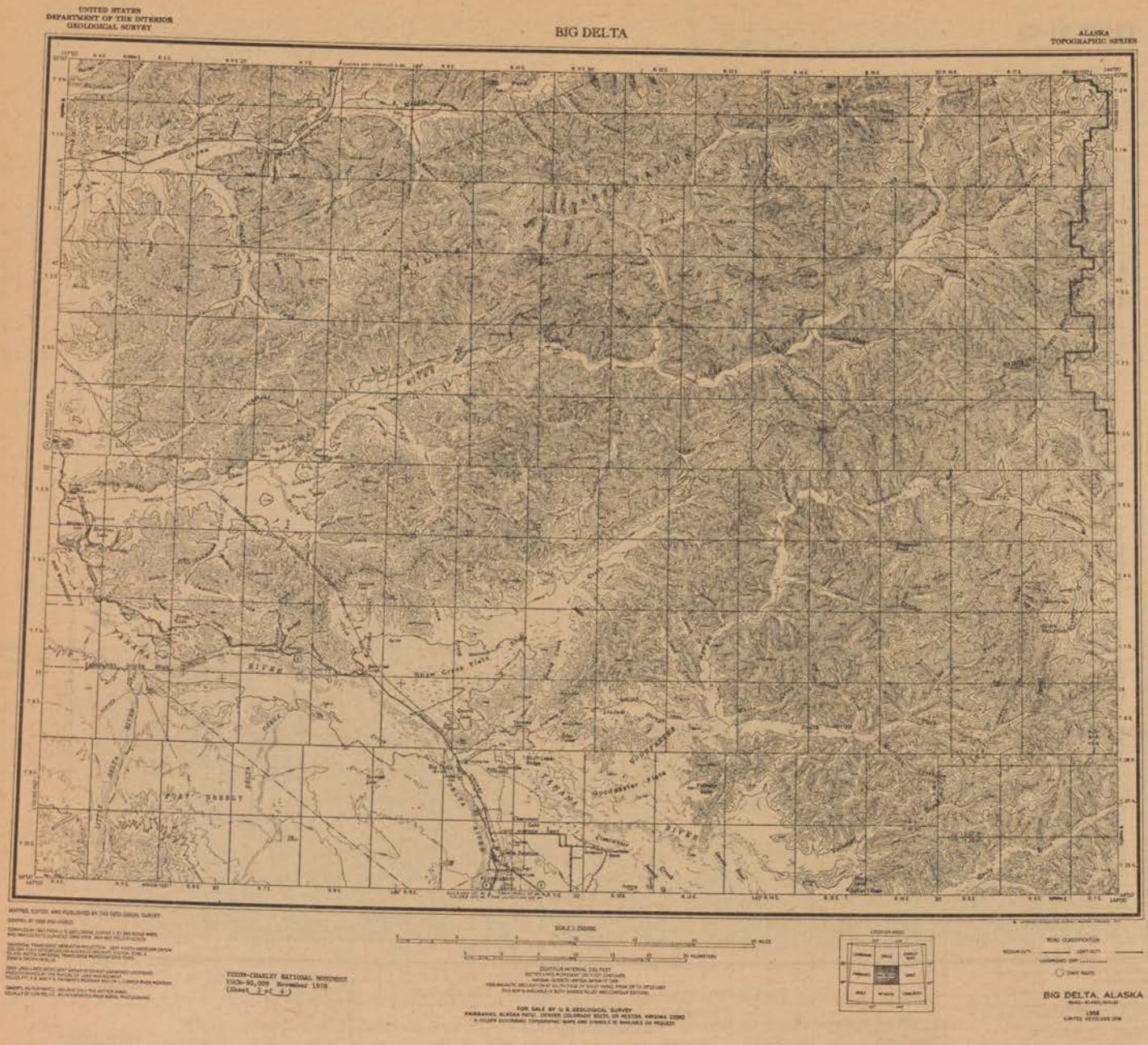
Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

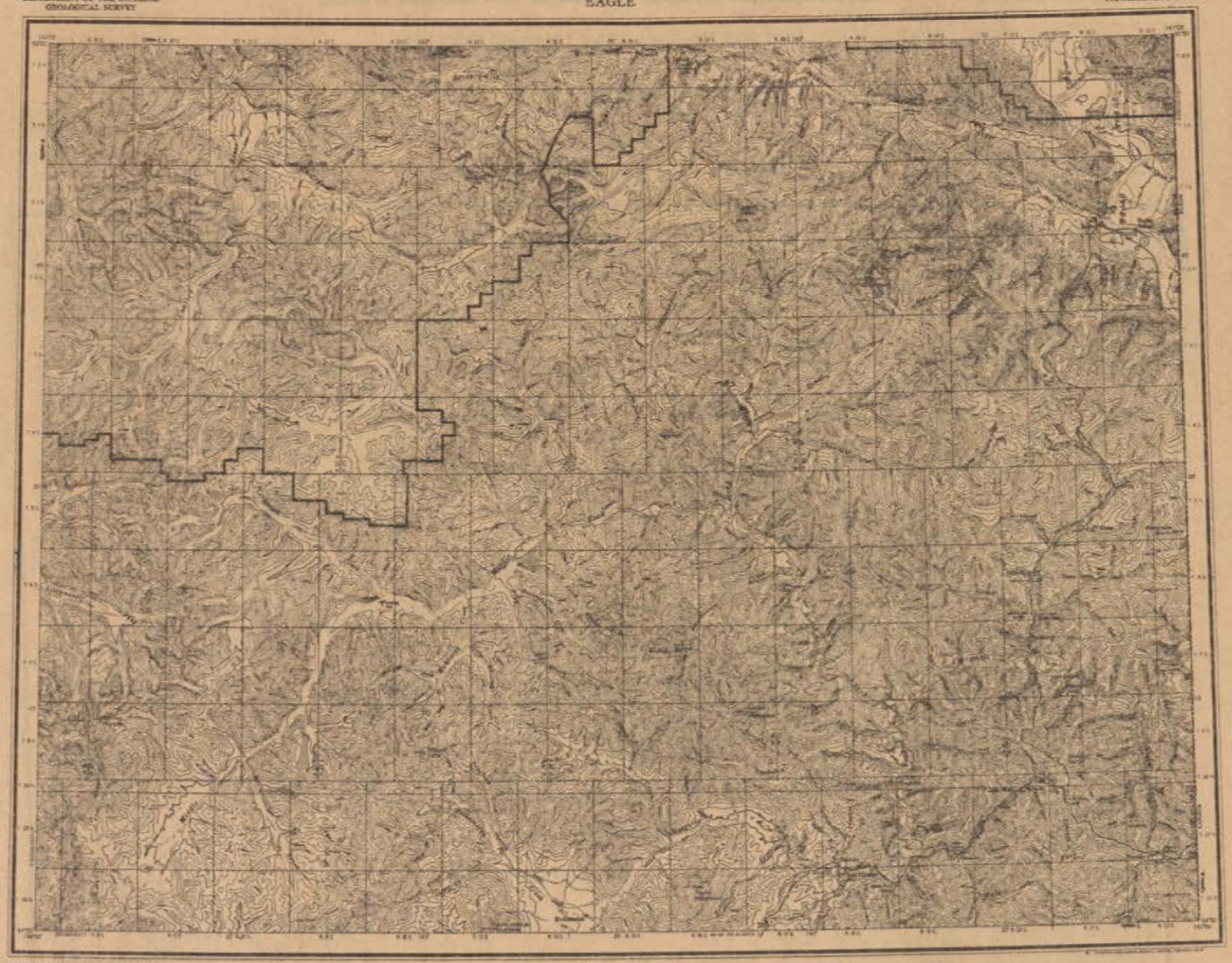
IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[3195-01-C]


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CIRCLE
ALASKA
TOPOGRAPHIC SERIES
YUKON-CHARLEY NATIONAL MONUMENT
YUCH-90,009 November 1978
(Sheet 1 of 4)
CONTOUR INTERVAL 200 FEET
FOR SALE BY U.S. GEOLOGICAL SURVEY
CIRCLE, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BIG DELTA
ALASKA
TOPOGRAPHIC SERIES
YUKON
TANANA
RIVER
BRAW Creek
Goodpaster River
FORT GREELY
YUKON-CHARLEY NATIONAL MONUMENT
YUCH-90,009 November 1978
(Sheet 2 of 4)
SCALE 1:250000
FOR SALE BY U.S. GEOLOGICAL SURVEY
BIG DELTA, ALASKA
1958


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
EAGLE
ALASKA
TOPOGRAPHIC SERIES
EAGLE, ALASKA



[FR Doc. 78-34001 Filed 12-1-78; 3:08 pm]

[3195-01-M]

Proclamation 4627 • December 1, 1978

Yukon Flats National Monument

By the President of the United States of America

A Proclamation

The Yukon Flats National Monument exemplifies the largest and most complete example of an interior Alaskan solar basin with its associated ecosystem. The mountain-ringed Yukon Flats basin straddles the Arctic Circle and is bisected by the Yukon River.

The physiography of this basin, coupled with the continuous sunlight of the summer months, results in a climatological phenomenon in the basin of warmer summer temperatures and less cloudiness, precipitation and wind than in surrounding areas. These factors produce a lush wetland area which makes the Yukon Flats basin one of North America's most productive wildlife habitats. The pristine ecological nature of the Yukon Flats offers an excellent opportunity for study of the factors contributing to the immense productivity of the solar basin areas.

The Yukon Flats contributes significant populations of several species of waterfowl to all four of the continent's flyways, including 10–25 percent of the North American breeding population of canvasback ducks. This area is also significant for its capacity to provide nesting for ducks displaced from Canadian pothole provinces in drought years. The productivity, migration flows and key habitat for particular species offer abundant scientific research possibilities.

Additionally, the area produces a unique race of salmon which migrate over 2,000 miles from the sea to spawn. This genetic capability is unknown elsewhere.

From prehistoric times, the area's rich populations of furbearers have attracted humans to the area. The establishment of Fort Yukon, the first English speaking settlement in Alaska, was directly related to the Hudson Bay Company's fur trade. The area's preservation offers to the scientist the opportunity to investigate the life and society of the peoples which utilized these resources.

The land withdrawn and reserved by this Proclamation for the protection of the geological, historical, biological and other phenomena enumerated above supports now, as it has in the past, the unique subsistence culture of the local residents. The continued existence of this culture, which depends on subsistence hunting, and its availability for study, enhance the historic and scientific values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for the local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases

shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Yukon Flats National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as Yukon Flats National Monument on the map numbered FWS-81-00-1514 attached to and forming a part of this Proclamation. The area reserved consists of approximately 10,600,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any public land order effecting a withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton,* Civil No. A-48-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of sport hunting, and of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close this national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population or to sport hunting of a particular fish or wildlife population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

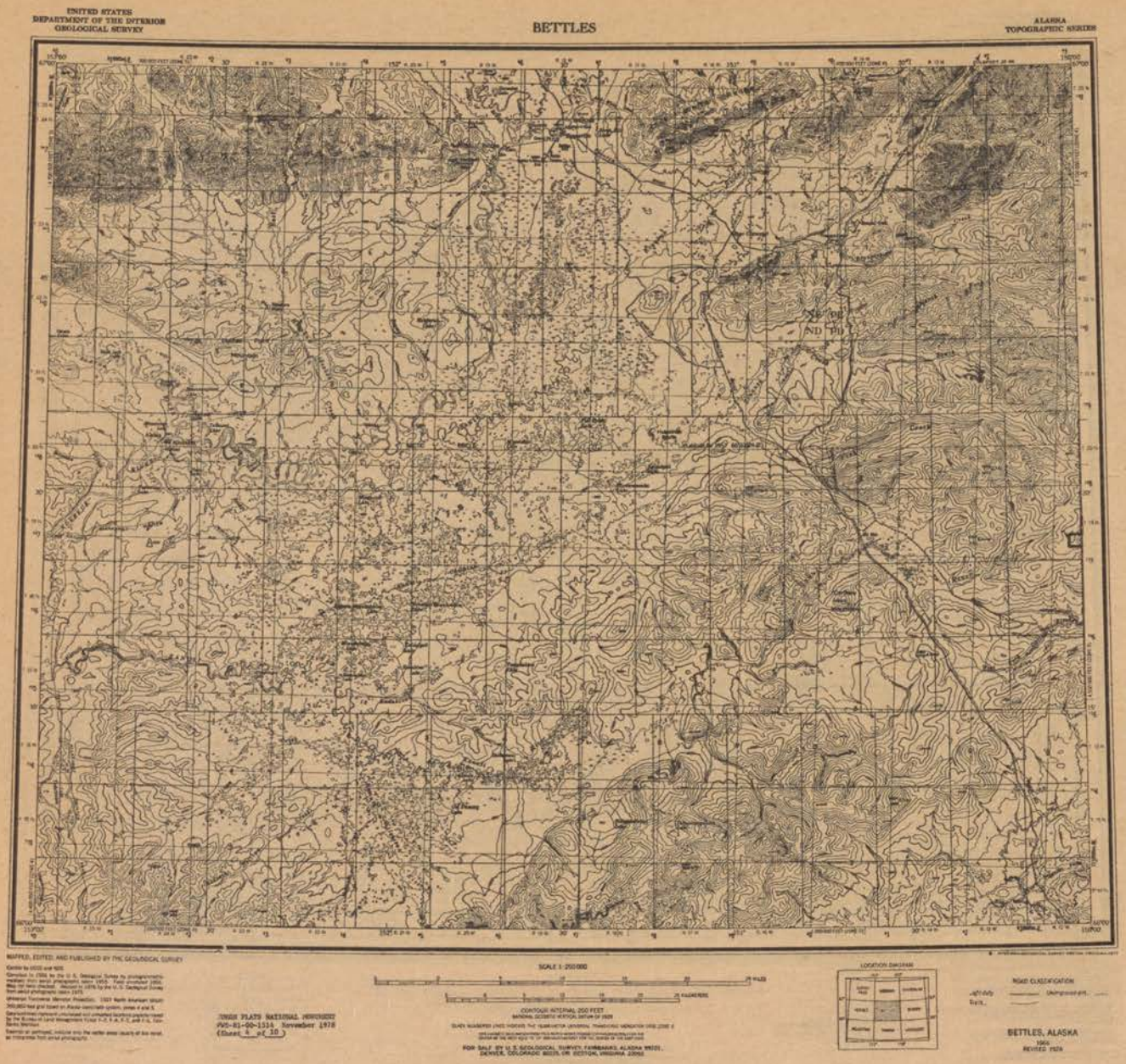
IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

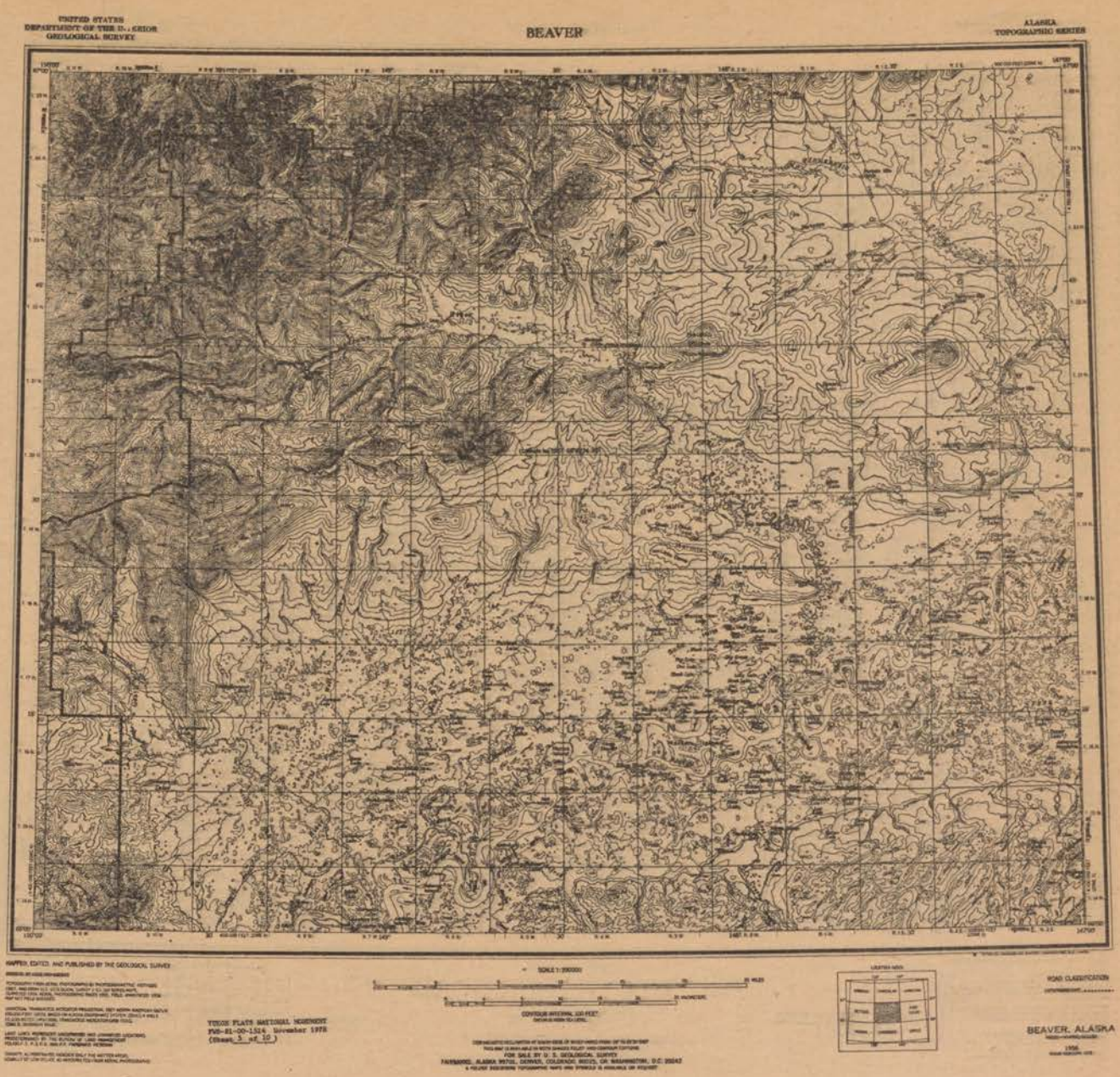
Jimmy Carter


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CHANDALAR
ALASKA
TOPOGRAPHIC SERIES
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
YUKON FLATS NATIONAL MONUMENT
PWS-81-00-151A November 1978
(Sheet 1 of 10)
SCALE 1:250 000
CONTOUR INTERVAL 200 FEET
FOR SALE BY U.S. GEOLOGICAL SURVEY, FAIRBANKS, ALASKA 99701
DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
LOCATION DIAGRAM
ROAD CLASSIFICATION
CHANDALAR, ALASKA
1956
REVISED 1978

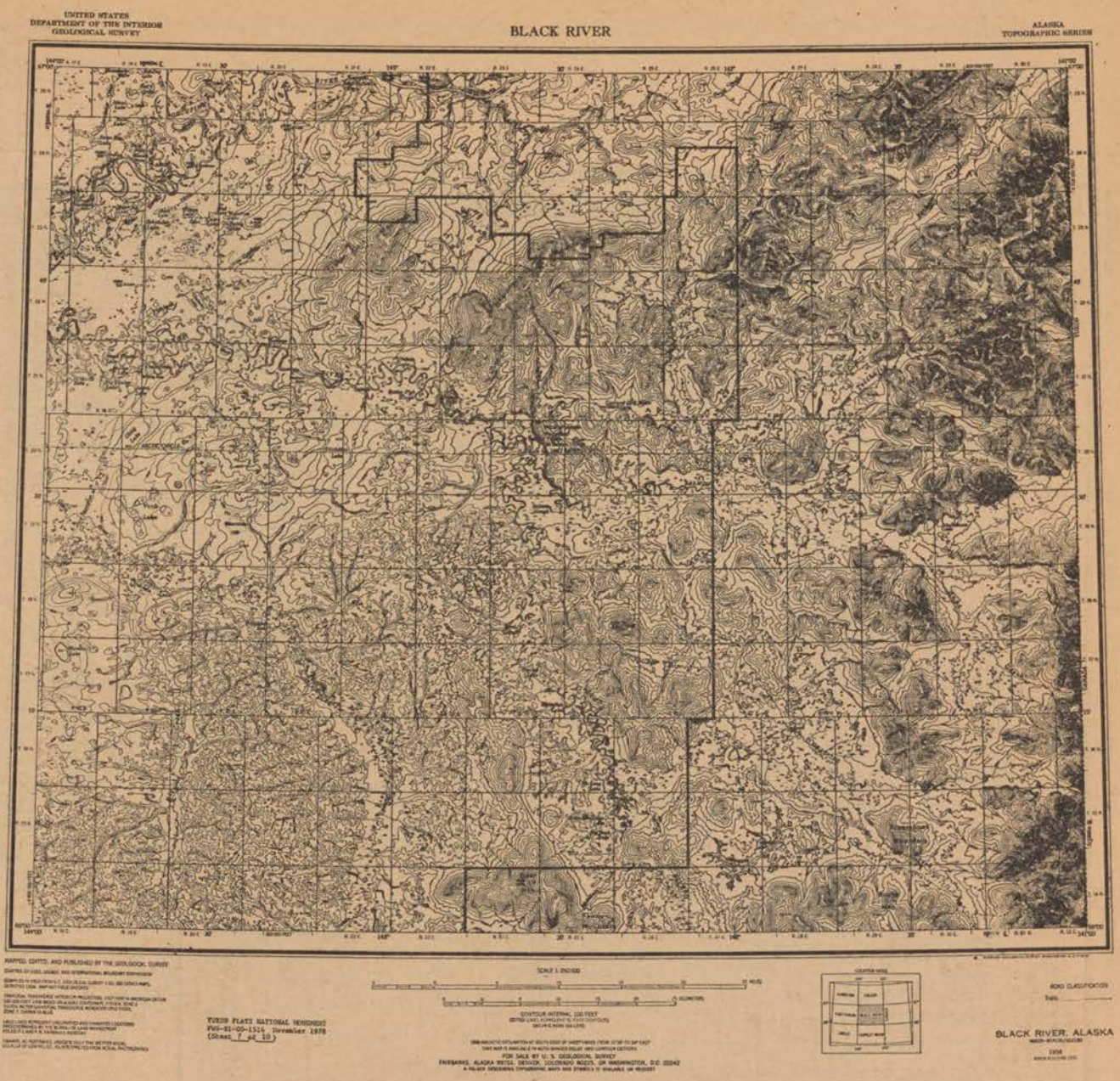

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CHRISTIAN
ALASKA
TOPOGRAPHIC SERIES
YUKON
CHRISTIAN, ALASKA

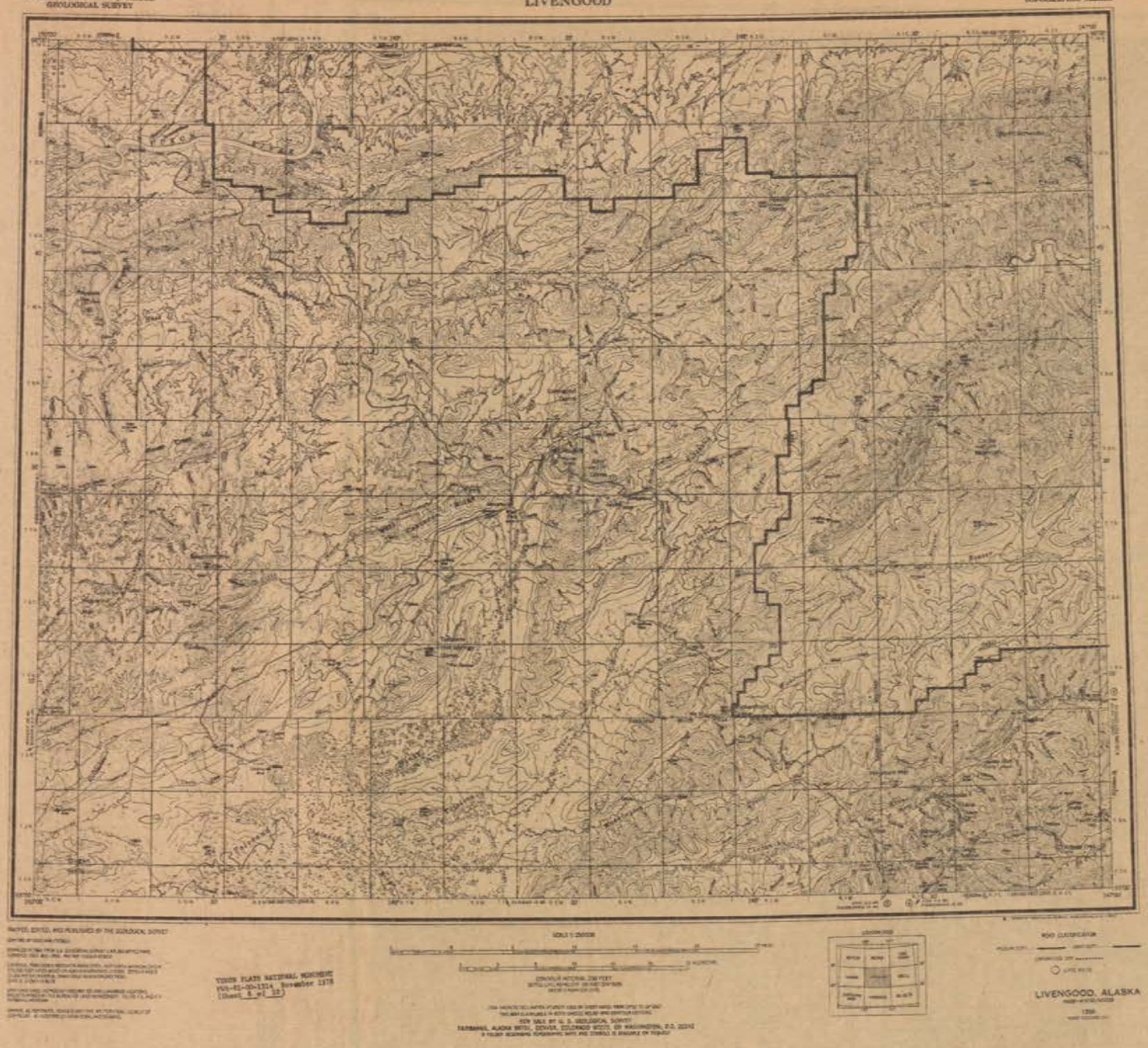

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
COLEEN
ALASKA
TOPOGRAPHIC SERIES
TITLE PLATE NATIONAL MONUMENT
Pub-85-99-1316 November 1978
(Sheet 1 of 10)
COLEEN, ALASKA

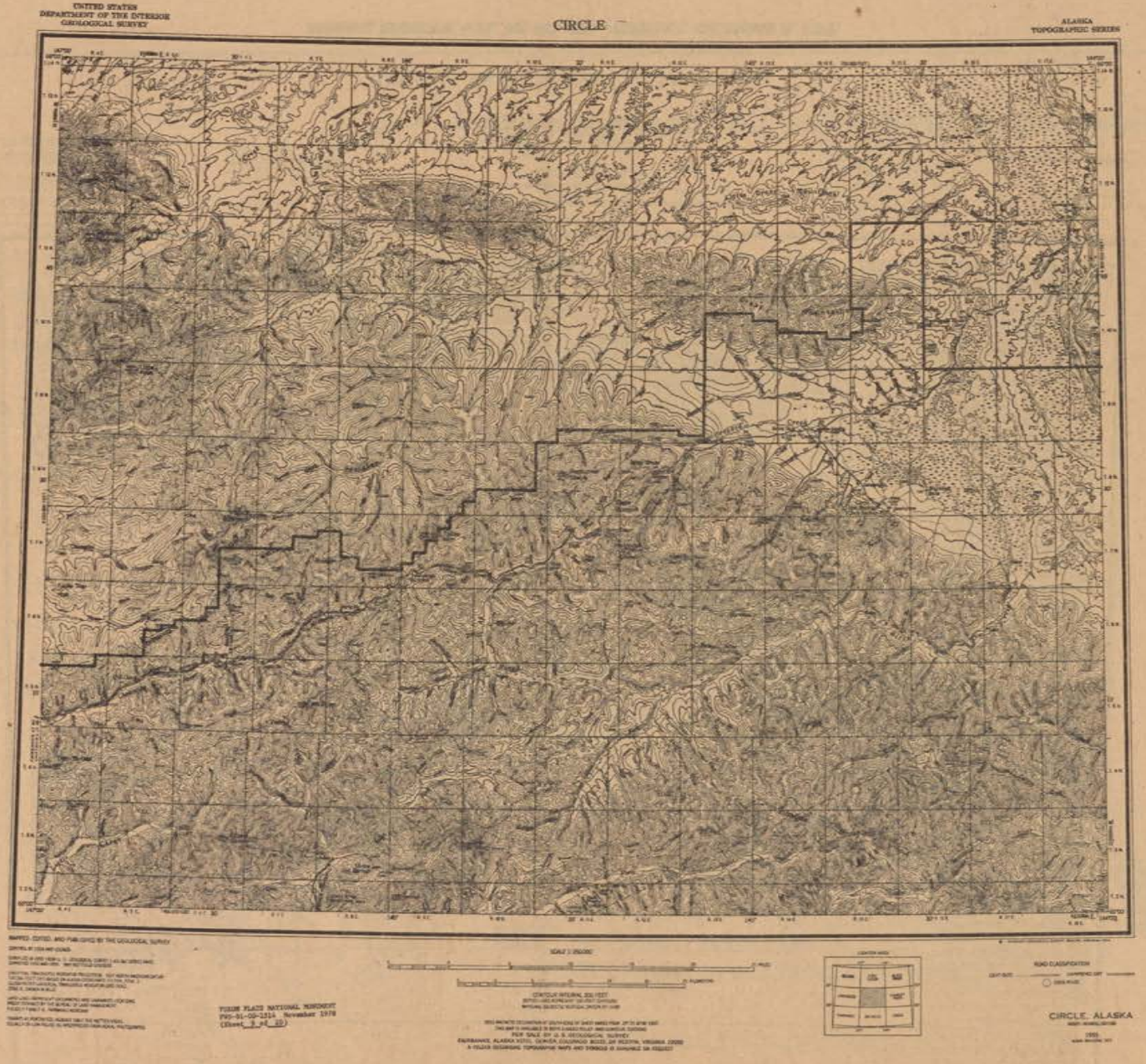

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BETTLES
ALASKA
TOPOGRAPHIC SERIES
SCALE 1:250 000
CONTOUR INTERVAL 250 FEET
BETTLES, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BEAVER
ALASKA
TOPOGRAPHIC SERIES
MAPPED, EDITED, AND PUBLISHED BY THE GEOLOGICAL SURVEY
TOKOSE FLATS NATIONAL MONUMENT
FWS-81-00-1524 November 1978
(Sheet 5 of 10)
SCALE 1:250000
CONTOUR INTERVAL 100 FEET
FOR SALE BY U. S. GEOLOGICAL SURVEY
ROAD CLASSIFICATION
BEAVER, ALASKA
1956


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
FORT YUKON
ALASKA
TOPOGRAPHIC SERIES
YUKON FLATS
INDIAN RESERVATION
ARCTIC CIRCLE
FORT YUKON, ALASKA
FORT YUKON FLATS NATIONAL MONUMENT
PM5-81-50-1314 November 1978
(Sheet 6 of 10)

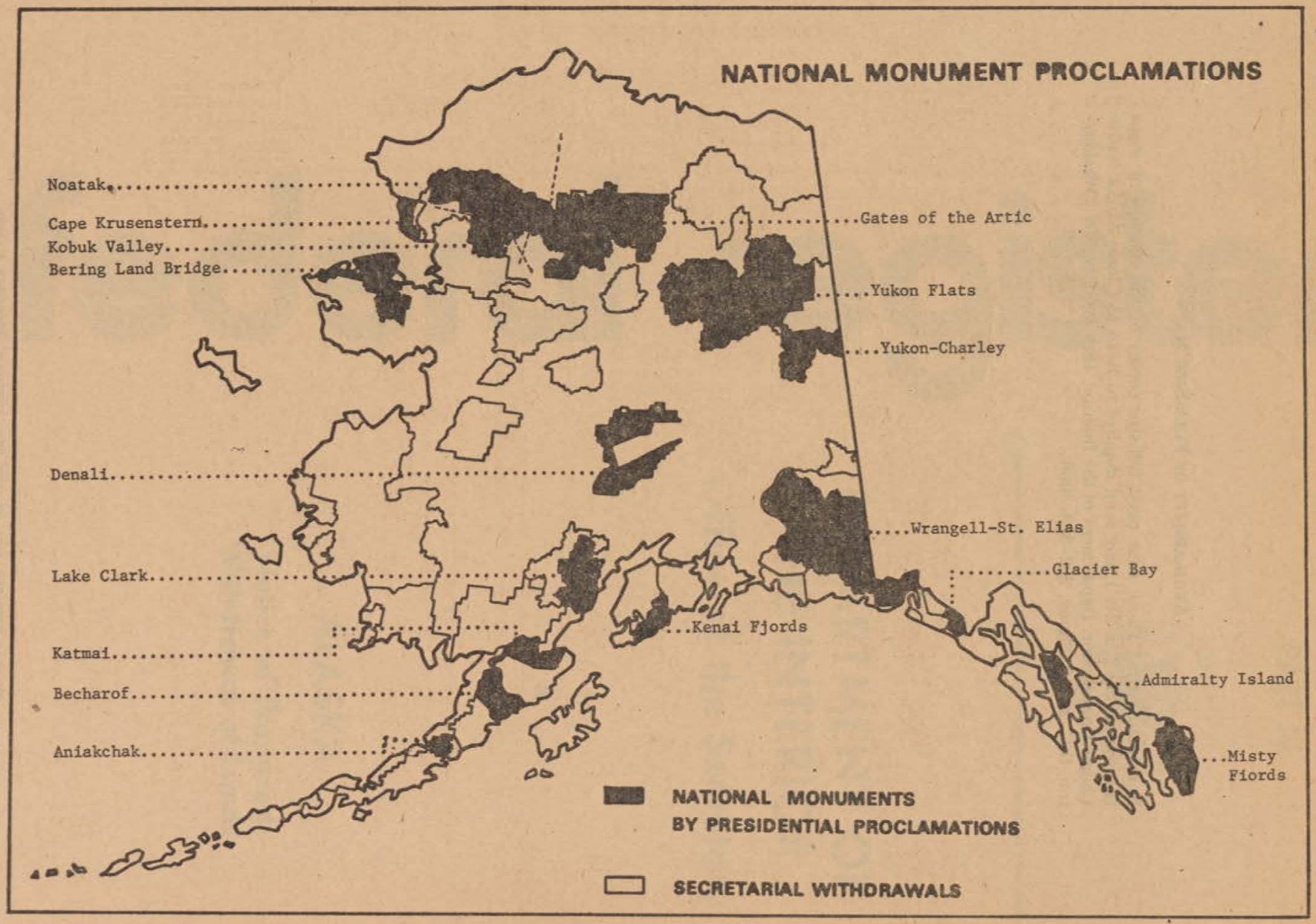

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
BLACK RIVER
ALASKA
TOPOGRAPHIC SERIES
YUKON FLATS NATIONAL MONUMENT
FWS-81-00-1514, November 1978
(Sheet 7 of 10)
SCALE 1:250,000
CONTOUR INTERVAL 100 FEET
FOR SALE BY U. S. GEOLOGICAL SURVEY
BLACK RIVER, ALASKA
1956


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
LIVENGOOD
ALASKA
TOPOGRAPHIC SERIES
LIVENGOOD, ALASKA


UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CIRCLE
ALASKA
TOPOGRAPHIC SERIES
YUKON FLATS NATIONAL MONUMENT
FWS-91-GP-1514 November 1978
(Sheet 3 of 10)
CIRCLE, ALASKA



[FR Doc. 78-34002 Filed 12-1-78; 3:09 pm]


NATIONAL MONUMENT PROCLAMATIONS
Noatak
Cape Krusenstern
Kobuk Valley
Bering Land Bridge
Gates of the Artic
Yukon Flats
Yukon-Charley
Denali
Wrangell-St. Elias
Glacier Bay
Lake Clark
Kenai Fjords
Katmai
Becharof
Admiralty Island
Aniakchak
Misty Fiords
NATIONAL MONUMENTS BY PRESIDENTIAL PROCLAMATIONS
SECRETARIAL WITHDRAWALS

AVAILABILITY OF FULL-SIZE MAPS

EDITORIAL NOTE: Those who need full-size copies of the monument maps (approximately 2′ x 2½′) may send inquires to Beau McClure, Alaska Native Claims Coordinator, Department of the Interior, 18th & C Sts. NW., Washington, D.C. 20240. Phone, 202-343-3066.

federal register

TUESDAY, DECEMBER 5, 1978
PART IV



DEPARTMENT OF THE INTERIOR

Office of the Secretary

■

ALASKA

Notice of Proposed Withdrawal of Lands

[4310-10-M]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[AA-23139]

ALASKA

Notice of Proposed Withdrawal of Lands

On November 28, 1978, the U.S. Department of Agriculture filed an application, Serial No. AA-23139, which was corrected by letter of December 1, 1978, for the withdrawal of the lands described below from location and entry under the general mining laws, 30 U.S.C., Ch. 2., and from selection, location, and entry under section 6 of the Alaska Statehood Act, 72 Stat. 339, subject to valid existing rights:

ALASKA

CHUGACH NATIONAL FOREST AND ADJACENT PUBLIC LANDS

COLLEGE FIORD-PRINCE WILLIAM SOUND-NELLIE JUAN AREA

Seward Meridian, Alaska

T. 1 N., Rs. 1 through 7 E.,
T. 1 N., Rs. 8 and 9 E., all land except Evans Island,
T. 1 N., R. 10 E.,
T. 2 N., Rs. 1 through 10 E.,
T. 3 N., Rs. 1 through 11 E.,
T. 4 N., Rs. 1 through 12 E.,
T. 5 N., Rs. 1 through 12 E.,
T. 6 N., Rs. 1 through 12 E.,
T. 7 N., Rs. 1 through 12 E.,
T. 8 N., Rs. 1 through 12 E.,
T. 9 N., Rs. 1 through 12 E.,
T. 10 N., R. 2 E., all lands within National Forest Boundary
T. 10 N., Rs. 3 through 12 E.,
T. 11 N., Rs. 2 through 4 E., all lands within National Forest Boundary.
T. 11 N., Rs. 5 through 12 E.,
T. 12 N., Rs. 5 through 7 E., all land south and east of the hydrographic divide,
T. 12 N., Rs. 8 through 12 E.,
T. 13 N., Rs. 7 and 8 E., all land south and east of the hydrographic divide,
T. 13 N., Rs. 9 through 12 E.,
T. 14 N., Rs. 8 and 9 E., all land south and east of the hydrographic divide,
T. 14 N., Rs. 10 through 12 E.,
T. 15 N., R. 9 E., all land south and east of the hydrographic divide,
T. 15 N., Rs. 10 through 12 E.,
T. 16 N., Rs. 9 and 12 E., all land south and east of the hydrographic divide,
T. 17 N., R. 12 E., all land south and east of the hydrographic divide,
T. 1 N., Rs. 1 and 2 W., all land within National Forest boundary
T. 2 N., R. 1 W.,
T. 2 N., R. 2 W., all land within National Forest Boundary
T. 3 N., Rs. 1 and 2 W.,
T. 3 N., Rs. 3 and 4 W., all land within National Forest boundary,
T. 4 N., Rs. 1 through 3 W.,
T. 4 N., R. 4 W., all land within National Forest boundary,
T. 5 N., Rs. 1 through 3 W.,
T. 5 N., R. 4 W., all land within National Forest boundary,
T. 6 N., Rs. 1 through 3 W.,
T. 6 N., R. 4 W., all land within National Forest boundary,
T. 7 N., Rs. 1 through 3 W.,
T. 7 N., R. 4 W., all land within National Forest boundary,
T. 8 N., Rs. 1 through 3 W.,
T. 8 N., R. 4 W., all land within National Forest boundary,
T. 9 N., R. 1 W., all land within National Forest boundary,
T. 9 N., Rs. 2 and 3 W.,
T. 9 N., R. 4 W., all land within National Forest boundary,
T. 10 N., Rs. 1 through 4 W. all land within National Forest boundary,
T. 1 S., Rs. 1 and 2 E., all land east of the Resurrection Peninsula hydgrographic divide, and all lands within National Forest Boundary,
T. 1 S., Rs. 3 through 7 E.,
T. 1 S., R. 8 E., all land on Bainbridge Island,
T. 2 S., R. 1 E., all lands east of the Resurrection Peninsula hydrographic divide,
T. 2 S., Rs. 2 through 6 E.,
T. 2 S., Rs. 7 and 8 E., all lands except Evans and Latouche Islands,
T. 3 S., R. 1 E., all lands east of the Resurrection Peninsula hydrographic divide,
T. S. 3., Rs. 2 through 7 E.,
T. S. 3., R. 8 E., all lands on Elrinston Island,
T. 4 S., R. 1 E.,

Copper River Meridian

T. 4 S., Rs. 10 and 11 W., all lands south and west of the hydrographic divide,
T. 5 S., Rs. 8 through 11 W., all lands south of the hydrographic divide,
T. 6 S., Rs. 7 and 8 W., all lands south and west of the hydrographic divide,
T. 6 S., R. 9 through 11 W.,
T. 7 S., Rs. 7 and 8 W., all land north and west of the hydrographic divide,
T. 7 S., Rs. 9 through 11 W.,
T. 8 S., R. 8 W., all land north and west of the hydrographic divide,
T. 8 S., Rs. 9 through 11 W.,
T. 9 S., R. 8 W., all land north and west of the hydrographic divide between Anderson and West Brook Glaciers,
T. 9 S., R. 9 W., all land north and west of the hydrographic divide,
T. 9 S., Rs. 10 and 11 W.,
T. 10 S., R. 9 W., all land west of the hydrographic divide,
T. 10 W., Rs., 10 and 11 W.,
T. 11 S., R. 10W., all land north and west of the hydrographic divide running through Mt. Freemantle,
T. 11 S., Rs. 10 and 11 W.,
T. 12 S., R. 11 W.

TONGASS NATIONAL FOREST AND ADJACENT PUBLIC LANDS

ETOLIN ISLAND AREA

Copper River Meridian

T. 66 S., R. 84 E., all land in the McHenry Inlet drainage,
T. 66 S., R. 85 E., all land south of the hydrographic divide south of Olive Cove and the head of Menefee Inlet and West of Menefee Inlet,
T. 67 S., R. 84 through 85 E., all lands south and east of the hydrographic divide between Burnett Inlet and McHenry Inlet,
T. 67 S., R. 85 E., all lands south and west of menefee Inlet and Canoe Passage,
T. 67 S., R. 86 E., all lands west of Ernest Sound and south of Menefee Inlet except the Niblack Islands,
T. 68 S., Rs. 84 and 85 E.,
T. 68 S., R. 86 E., all land west of Ernest Sound, excluding Deer Island and its associated islands,
T. 69 S., Rs. 85 and 86 E.,

STIKINE-LECONTE

Copper River Meridian

T. 55 S., R. 82 E., all land east of a protracted line drawn between Devils Thumb on the international divide and the point of intersection of the National forest boundary and the south boundary of T. 56 S., R. 82 E.,
T. 55 S., Rs. 83 and 84 E.,
T. 56 S., R. 82 E., all land east of a protracted line drawn between Devils Thumb on the international boundary and the point of the intersection of the National Forest boundary and the south boundary of this township,
T. 56 S., Rs. 83 and 84 E.,
T. 57 S., R. 82 E., E½
T. 57 S., R. 83 through 85 E.,
T. 58 S., R. 80 E., all land south of the hydrographic divide excluding McDonald Island and Mitkof Island as shown
T. 58 S., R. 81 E., all land south of the hydrographic divide
T. 58 S., R. 82 E., all land south and east of the hydrographic divide
T. 58 S., Rs. 83 through 86 E.,
T. 59 S., R. 81 E., all land excluding Mitkof Island
T. 59 S., Rs. 82 through 86 E.,
T. 60 S., R. 81 E., all land on Pocket Island
T. 60 S., Rs. 82 through 86 E.,
T. 60 S., R. 83 E., all land Kadin Island and Rynda Island
T. 61 S., Rs. 84 and 85 E., all land north of the hydrographic divide
T. 61 S., R. 86 E.,
T. 61 S., R. 87 E., all land west of the hydrographic divide
T. 62 S., R. 86 E., N¼
T. 62 S., R. 87 E., NW¼NE¼, N½NW¼

KEKU STRAIT (ROCKY PASS) AREA

Copper River Meridian

T. 57 S., R. 73 E., all land on Hamilton Pt., including unnamed island northwest of Hamilton Island.
T. 58 S., R. 73 E., all land in the NE¼, and in the SE¼ that land east of the ridgeline shown on U.S.G.S. map Petersburg, Alaska-Canada, 1960.
T. 58 S., R. 74 E., all land above mean high tide, south of the hydrographic boundary shown on U.S.G.S. map Petersburg, Alaska-Canada, 1960.
T. 58 S., R. 75 E., all land above mean high tide in the W½NW¼. NW¼SW¼, S½, SW¼.
T. 59 S., R. 73 E., 1 east of the hydrographic boundary shown on U.S.G.S. map Petersburg, Alaska-Canada, 1960.
T. 59 S., R. 74 E., all land above mean high tide.
T. 59 S., R. 75 E., all land west of the hydrographic boundary shown on U.S.G.S. map Petersburg, Alaska-Canada, 1960.
T. 60 S., R. 73 E., all land east of the hydrographic boundary, shown on U.S.G.S. map Petersburg, Alaska-Canada, 1960.
T. 60 S., R. 74 E., all land above mean high tide, north and east of the hydrographic

boundary shown on U.S.G.S. map Petersburg, Alaska-Canada, 1960.
T. 60 S., R. 75 E., W½NW¼, SW¼.
T. 61 S., R. 75 E., all land above mean high tide east and north of the hydrographic boundary, excluding Monte Carlo Island shown on U.S.G.S. map Petersburg, Alaska-Canada, 1960.
T. 61 S., R. 76 E., W½, NW¼.

TEBENKOF BAY AREA

Copper River Meridian

T. 61 S., R. 71 E., all land south of a line beginning at Pt. Ellis; thence northeasterly to a point on the east line of T. 61 S., R. 71 E., approximately half way between Bay of Pillars and Tebenkof Bay,
T. 61 S., R. 72 E., all land south of a line beginning at a point on the west line of T. 61 S., R. 72 E., approximately half way between Bay of Pillars and Tebenkof Bay; thence southeasterly; thence easterly along the hydrographic boundary to a point half way along the west line of T. 61 S., R. 72 E.,
T. 61 S., R. 73 E., all land south of the hydrographic divide beginning approximately half way along the west line of T. 61 S., R. 73 E.; thence northeasterly; thence southeasterly; thence southerly to a point on the south line of T. 61 S., R. 73 E., approximately one mile east of Alecks Lake,
T. 63 S., Rs. 71 and 72 E.,
T. 63 S., R. 73 E., all land west of a line beginning at a point on the north line of T. 63 S., R. 73 E., approximately two and one half miles west of the east line of T. 63 S., R. 73 E.; thence southeasterly to the head of a drainage draining into Reid Bay; thence southwesterly to a point on the south line of T. 63 S., R. 73 E.,
T. 64 S., R. 71 E., all land north of a line beginning at the intersection of saltwater and the north line of T. 64 S., R. 71 E., thence southeasterly along the hydrographic divide to Green Mountain; thence easterly along said boundary to the west line of T. 64 S., R. 72 E.,
T. 64 S., Rs. 72 and 73 E., all land north of a line beginning at Green Mtn.; thence easterly along the hydrographic divide to a point on the east line of T. 64 S., R. 72 E., approximately one and one quarter miles south of the north line of T. 64 S., R. 72 E.

ADMIRALTY ISLAND AREA

Copper River Meridian

T. 40 S., R. 63 E., all land east of Lynn Canal
T. 40 S., R. 63 E., all land southwest of Saginaw Channel
T. 41 S., R. 64 E.,
T. 41 S., R. 65 E., all land southwest of Stevens Passage including Colt Island
T. 42 S., Rs. 64 and 65 E.,
T. 42 S., R. 66 E., all land on the south side of Stevens Passage including small island adjacent to Admiralty Cove.
T. 42 S., R. 67 E., all land on the south side of Stevens Passage
T. 43 S., Rs. 65 through 68 E.,
T. 43 S., R. 69 E., all land on the west side of Stevens Passage including Grand Island
T. 44 S., Rs. 65 through 68 E.,
T. 44 S., R. 69 E., all land on the west side of Stevens Passage including Grand Island
T. 45 S., Rs. 66 through 70 E.,
T. 46 S., Rs. 66 through 71 E.,
T. 47 S., Rs. 66 through 71 E.,
T. 48 S., Rs. 66 through 71 E.,
T. 49 S., Rs. 71 and 72 E.,
T. 50 S., Rs. 67 through 72 E.,
T. 51 S., Rs. 67 through 72 E.,
T. 52 S., Rs. 68 through 72 E.,
T. 53 S., Rs. 68 through 72 E.,
T. 54 S., Rs. 68 through 71 E.,
T. 55 S., Rs. 68 through 70 E.,
T. 56 S., Rs. 68 and 69 E.,

KARTA AREA

Copper River Meridian

T. 72 S., R. 82 E., all land south of the hydrographic divide beginning at a point on the south line of T. 72 S., R. 82 E., approximately two and one half miles east of the west line of T. 72 S., R. 82 E., thence northeasterly along the hydrographic divide to a point on the east line of T. 72 E., R. 82 E., approximately three miles south of the north line of T. 72 E., R. 82 E.,
T. 72 S., Rs. 83 and 84 E., all land south of the hydrographic divide south of Paul Young Creek,
T. 73 S., R. 82 E., all land east of the hydrographic divide dividing the Black Bear Lake watershed,
T. 73 S., R. 83 E., all land north of the hydrographic divide excluding the Aaris River and Maybeso Creek drainages,
T. 73 S., R. 84 E., all land north of the hydrographic divide including the McGilvery Creek, Salmon Lake, Flagstaff Creek and Sandy Point drainages,
T. 73 S., R. 85 E., all land west of Kasaan Bay.

WEST CHICHAGOF-YAKOBI

Copper River Meridian

T. 43 S., R. 54 S.,
T. 43 S., R. 55 E., All land of Yakobi Island.
T. 44 S., R. 54 E.,
T. 44 S., R. 55 E., All land south and west of the center line of Lisianski Inlet.
T. 45 S., R. 56 E., All land south and west of the center line of Lisianski Inlet.
T. 46 S., R. 55 and 56 E.,
T. 46 S., R. 57 E., All land south and west of the center line of Lisianski Inlet.
T. 46 S., R. 58 E., All lands south of the hydrographic divide north of Lisianski River,
T. 46 S., R. 59 E., All land south and west of hydrographic divide running across the SW¼,
T. 47 S., Rs. 55 through 58 E.,
T. 47 S., R. 59 E., All land south and west of the hydrographic divide running diagonally across the NE¼,
T. 47 S., R. 60 E., All land south and west of the hydrographic divide that runs diagonally across the SW¼ down the ridgeline terminating in the north Arm of Peril Strait 48.
T. 48 S., Rs. 56 through 59 E.,
T. 48 S., R. 60 E., All land south and west of the line through the center of the North Arm of Peril Strait.
T. 48 S., R. 61 E., All land south and west of a line through the center of the Arm of Peril Strait.
T. 49 S., Rs. 57 through 61 E.,
T. 49 S., R. 62 E., all land south of a line through the center of Peril Strait.
T. 50 S., Rs. 58 through 60 E.,
T. 50 S., R. 61 E., All land on Chichagof.
T. 50 S., R. 62 E., land known as Hoggatt reefs, Hoggatt Island, and Ford Rock.
T. 51 S., R. 59 and 60 E.,
T. 51 S., R. 61 E., All land north and west through center line of Peril Strait.
T. 52 S., R. 60 E., All land of the line through the center of Salisbury Sound and Kakul Narrows.
T. 52 S., R. 61 E., All land north and west of the line through the center of Kahul Narrows and Peril Strait

ENDICOTT

Copper River Meridian

T. 34 S., Rs. 59 and 60 E., all land east of Glacier Bay National Monument in the Endicott River drainage,
T. 35 S., Rs. 58 through 61 E., all land east of Glacier Bay National Monument in the Endicott River drainage,
T. 36 S., Rs. 58 through 61 E., all land east of Glacier Bay National Monument in the Endicott River drainage,
T. 37 S., R. 60 E., all land east of Glacier Bay National Monument in the Endicott River drainage.

IDAHO INLET—MUD BAY

Copper River Meridian

T. 42 S., R. 56 E., All land in the S½ that lies east of the hydrographic divide that runs immediately west of For Creek
T. 42 S., R. 57 and 58 E., All land S½.
T. 42 S., R. 59 E., All land south and east of hydrographic divide that runs along the ridge just west of the headwaters of Chicken Creek,
T. 43 S., R. 56 E., All land east of the hydrographic divide on the ridgeline of Indian Peninsula
T. 43 S., R. 57 E., All.
T. 43 S., R. 58 E., All land in N½, SW¼, N½SE¼, SW¼SE¼.
T. 43 S., R. 59 E., All land west of hydrographic divide that runs along the ridge west of Chicken Creek
T. 44 S., R. 56 E., All land east of hydrographic divide
T. 44 S., R. 57 E.,
T. 44 S., R. 58 All land west of hydrographic divide
T. 45 S., R. 58 E., All land north of hydrographic divide through Pegmatite Mt.
T. 45 S., R. 57 E., All land north and east of hydrographic divide that cuts diagonally across the NE¼

TRACY ARM-FIORDS TERROR

Copper River Meridian

T. 44 S., Rs. 73 through 75 E., all lands in the Tracy Arm drainage,
T. 45 S., R. 73 and 74 E., all lands south and east of the hydrographic divide north of Tracy Arm,
T. 45 S., Rs. 75 through 77 E.,
T. 46 S., R. 72 E., all land east of the hydrographic divide between Williams Cove and Gilbert Bay drainages and between Williams Cove and Stevens Passage drainages,
T. 46 S., R. 73 E., all land south and east of the hydrographic divide between Tracy Arm and Gilbert Bay drainages,
T. 46 S., Rs. 74 through 77 E.,
T. 47 S., R. 72 E., all lands in the Tracy Arm drainage,
T. 47 S., R. 73 E., all lands except those west of the hydrographic divide on the Snettisham Peninsula,
T. 47 S., Rs. 74 through 78 E.,
T. 48 S., R. 73 E., all land north and east of the hydrographic divide draining into Holkham Bay and Endicott Arm,
T. 48 S., Rs. 74 through 78 E.,

T. 49 S., Rs. 74 through 76 E., all land north and east of the hydrographic divide
T. 49 S., R. 77 through 80 E.,
T. 50 S., Rs. 76 and 77 E., all land north and east of the hydrographic divide
T. 50 S., Rs. 78 through 80 E.,
T. 51 S., Rs. 77 and 78 E., all land north of the hydrographic divide south of Endicott Arm,
T. 51 S., R. 79 E., all land north and east of the hydrographic divide
T. 51 S., Rs. 80 and 81 E.,
T. 52 S., R. 78 E., all land north and east of the hydrographic divide
T. 52 S., R. 79 through 81 E., all land north and east of the hydrographic divide

CORONATION ISLAND-WARREN ISLAND-MAURILLE ISLAND

Copper River Meridian

T. 68 S., Rs. 72 through 75 E.,
T. 70 S., Rs. 72 through 75 E.,
T. 71 S., R. 76 E., all land except Gull Island and Emerald Island.
T. 71 S., R. 77 E., all land except Heceta Island.
T. 72 S., R. 76 E., all land above mean high tide except St. Joseph Island.
T. 72 S., R. 77 E.,

RUSSELL FIORD-YAKUTAT FORELANDS AREA

Copper River Meridian

T. 22 S., R. 34 E., E½ SE¼
T. 22 S., R. 35 E., S½
T. 22 S., R. 36 E., S½
T. 22 S., R. 37 E., SW¼, all land in SE¼ southwest of the hydrographic divide
T. 23 S., R. 34 E., all land south and east of Disenchantment Bay
T. 23 S., Rs. 35 and 36 E.,
T. 23 S., R. 37 E., all land south and west of the hydrographic divide
T. 23 S., R. 38 E., All land south and west of the hydrographic divide
T. 24 S., Rs. 34 through 37 E.,
T. 24 S., R. 38 E., all land N½NE¼, SE¼ NE¼, NW¼, S½
T. 24 S., R. 39 E., W½ SW¼
T. 25 S., Rs. 34 through 36 E.,
T. 25 S., R. 37 E., W½
T. 25 S., R. 38 E., N½.
T. 25 S., R. 39 E., N½ NW¼
T. 26 S., Rs. 34 through 37 E.,
T. 26 S., R. 38 E., SW¼NW¼, W½ SW¼.
T. 27 S., R. 35 E., all land north and east of a line that commences at the northwest corner of the Township running East along the North township line for approximately 1½ miles thence running southeasterly intersecting the Yakutat Highway approximately 1 mile west of the highway curve thence along the highway in the direction away from Yakutat to the intersection of the east township line
T. 27 S., R. 36 E., all land north and east of Yakutat Highway
T. 27 S., R. 37 E.,
T. 27 S., R. 38 E., all land west and south of a line running southerly from the north township line along the forest divide through Crescent Mt. thence southeasterly along the hydrographic divide to the south township line
T. 28 S., Rs. 36 and 37 E., all land north and east of Yakutat Highway.
T. 28 S., R. 38 E.,
T. 28 S., R. 39 E., W½
T. 29 S., R. 36 E., all land east of the west bank of Dangerous River
T. 29 S., R. 37 E., all land east and south of a line running from the intersection of the west township line and the west bank of Dangerous River northeasterly along the river bank to an unnamed intersecting river thence northeasterly along the centerline of the unnamed river to its intersection near the northeast township corner
T. 29 S., Rs. 38 and 39 E.,
T. 29 S., R. 40 E., S½
T. 29 S., R. 41 E., SW¼SW¼
T. 30 S., R. 36 E., all land east of the most northwesterly outlet of Dangerous River
T. 30 S., Rs. 37 through 41 E.,
T. 30 S., R. 42 E., all land south and west of the hydrographic divide
T. 31 S., Rs. 38 through 42 E.,
T. 31 S., R. 43 E., SW¼NW¼, SW¼.
T. 32 S., R. 40 E., all land on the north side of Dry Bay
T. 32 S., R. 41 E., all land on the north side of Dry Bay, and NE¼NE¼
T. 32 S., R. 42 E., a one-mile-wide strip along the north boundary of the township.
T. 32 S., R. 43 E., NW¼NW¼.

SOUTH PRINCE OF WALES AREA

Copper River Meridian

T. 78 S., R. 85 E., all land east of the hydrographic divide between Nutkwa and Keete Inlets and Klakas Inlet.
T. 78 S., R. 86 R., all land west of the hydrographic divide between Klakas Inlet and Clarence Strait.
T. 79 S., R. 85 E., all land above mean high tide east of the hydrographic divide between Keete and Kassa Inlets and Klakas Inlet.
T. 79 S., R. 86 E., all land above mean high tide west of the hydrographic divide Klakas Inlet and Clarence Strait.
T. 80 S., R. 85 E., all land above mean high tide east of the hydrographic boundary between Cordova Bay and Klakas Inlet.
T. 80 S., R. 86 E., all land above mean high tide west of the hydrographic boundary between Moira Sound and Klakas Inlet.
T. 80 S., R. 87 E., section 31.
T. 81 S., R. 84 E., all land above mean high tide on the east side of Cordova Bay.
T. 81 S., R. 85 E., all land above mean high tide east of Cordova Bay.
T. 81 S., R. 86 E., all land above mean high tide west of the hydrographic divide between Cordova Bay and Clarence Strait.
T. 81 S., R. 87 E., all land west of the hydrographic divide between Clarence Strait and Hessa Inlet.
T. 82 S., R. 84 E., all land above mean high tide on the east side of Cordova Bay.
T. 82 S., R. 85 E., all land above mean high tide.
T. 82 S., R. 86 E., all land above mean high tide west of the hydrographic divide between Hessa Inlet and Brownson Bay on the west and Nichols Bay on the east.
T. 82 S., R. 87 E., all land above mean high tide west of the hydrographic divide west of Nichols Bay.
T. 83 S., R. 86 E., all land above mean high tide.
T. 83 S., R. 87 E., all land above mean high tide west of the major hydrographic divide west of Nichols Bay.

MISTY FIORDS NATIONAL MONUMENT

Copper River Meridian

T. 63 S., R. 92 E., all lands in the Blue River drainage
T. 63 S., Rs. 93 and 94 E.,
T. 64 S., R. 92 E., all land in the Blue River drainage
T. 64 S., Rs. 93 through 95 E.,
T. 65 S., R. 91 E., all land south of the hydrographic divide between East Fork Bradfield River and Grant Creek
T. 65 S., R. 92 E., all land south of the hydrographic divide between the Unuk River and North Fork Bradfield River
T. 65 S., R. 93 E., all land south and east of the hydrographic divide
T. 65 S., Rs. 94 through 97 E.,
T. 66 S., R. 90 E., all land south and east of the hydrographic divide between Eagle River and Grant Creek
T. 66 S., R. 91 E., all land in the Grant Creek drainage
T. 66 S., R. 92 E., all land except the Bradfield River drainage
T. 66 S., Rs. 93 through 97 E.,
T. 66 S., R. 98 E., all land west of the hydrographic divide west of the Salmon River drainage
T. 67 S., R. 91 E., all land east of the hydrographic divide between Burroughs Bay and Eagle River-Bell Arm drainages
T. 67 S., Rs. 92 through 97 E.,
T. 67 S., R. 98 E., all land west of hydrographic divide between Chickamin River and Salmon River Drainages
T. 68 S., R. 91 E., all land east of a line running southwest from a peak on the north township line to the approximate center of Anchor Pass thence southerly through the centerline of Anchor Pass and across Behm Canal and continuing southerly up the ridgeline between Cow Creek and Beaver Creek to the south township
T. 68 S., Rs. 92 through 96 E.,
T. 68 S., R. 97 E., all land north and west of hydrographic divide between Salmon River and Chickamin River drainages
T. 68 S., R. 98 E., all land north and west of hydrographic divide between Salmon River and Chickamin River drainages
T. 69 S., R. 91 E., all land east of the hydrographic divide between Cow Creek on the east and Beaver Creek-Klu on the west
T. 69 S., Rs. 92 and 93 E., all land east and north of the hydrographic divide excluding Orchard Creek drainage
T. 69 S., Rs. 94 through 97 E.,
T. 69 S., Rs. 98 and 99 E., all land west of the hydrographic divide between Soule River and Davis River drainages
T. 70 S., R. 92 E., all lands except Orchard Creek drainage
T. 70 S., R. 93 E., all land east of the hydrographic divide
T. 70 S., Rs. 94 through 98 E.,
T. 70 S., R. 99 E., all land south and west of the Seward Mountains ridge and Portland Canal opposite Round Pt. triangulation point
T. 71 S., R. 92 E., all land east of the hydrographic divide
T. 71 S., R. 93 E., all land north and east of the hydrographic divide
T. 71 S., Rs. 94 through 100 E.,
T. 72 S., R. 93 E., all land east of the hydrographic divide
T. 72 S., R. 94 through 100 E.,
T. 73 S., R. 93 E., all lands east of the hydrographic divide
T. 73 S., Rs. 94 through 101 E.,
T. 74 S., R. 93 E., all land east of the hydrographic divide
T. 74 S., R. 94 through 101 E.,
T. 75 S., R. 94 E., all land east of a line running from the northwest corner of the township to a trail between Thorne Arm

and Mesa Lake thence east along the trail to southwest tip of Mesa Lake thence southerly along the hydrographic divide to approximately the midpoint of the south township line
T. 75 S., Rs. 95 through 101 E.,
T. 76 S., R. 94 E., all land east of the hydrographic divide
T. 76 S., Rs. 95 through 102 E.,
T. 77 S., R. 94 E., all land east of the hydrographic divide running southwesterly from Alava Ridge to a point on the shore between triangulation points "Luck" and "Cat"
T. 77 S., Rs. 95 through 102 E.,
T. 78 S., Rs. 95 through 101 E.,
T. 79 S., Rs. 95 through 101 E.,
T. 80 S., Rs. 96 through 100 E.,
T. 81 S., Rs. 97 through 100 E.,
T. 82 S., Rs. 97 through 99 E.,

All the foregoing described lands are above the line of mean high tide and aggregate 11,200,000 acres more or less.

The applicant desires that the lands be withdrawn for a two-year period to protect the scenic, historic, scientific, and/or primitive attributes of the area and in aid of possible legislation. The withdrawal applied for would be in additional to existing withdrawals and reservations.

On or before January 15, 1979, all persons who wish to submit comments, suggestions, or objections in conncetion with the proposed withdrawal may present their views in writing to Curt McVee, State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that a public hearing will be afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request to be heard to the Alaska State Director at the address shown above. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing.

The Department's regulations at 43 C.F.R. Sec. 2351.4(c) provide, in part, that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER.

For a period of 2 years from the date of publication of this notice in the FEDERAL REGISTER, the above described lands will be segregated from location, selection, and entry to the extent that the withdrawal applied for, if effected, would prevent such forms of disposal, unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved, it will be for a period of 2 years, unless duly extended.

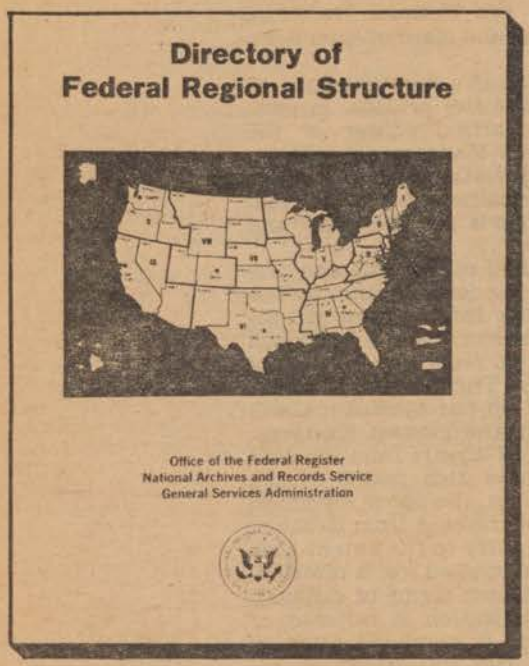
All communications in connection with this proposed withdrawal should be addressed to the Alaska State Director at the above address.

JAMES A. JOSEPH,
Under Secretary of the Interior.

DECEMBER 1, 1978.

[FR Doc. 34051 Filed 12-1-78; 5:05 pm]

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